

## **BATH AND NORTH EAST SOMERSET**

### **STANDARDS COMMITTEE**

#### **MINUTES OF THE MEETING OF THURSDAY, 20TH SEPTEMBER, 2012**

PRESENT:-

**Independent Members:** Susan Toland (Chair), Deborah Russell (Independent Member)

**Parish Representatives:** Axel Palmer

**Bath and North East Somerset Councillors:** Sally Davis, Sarah Bevan, Nigel Roberts and Malcolm Lees

**Officers:** Vernon Hitchman (Monitoring Officer), Ann Swabey (Democratic Services Officer)

#### **39 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **40 EMERGENCY EVACUATION PROCEDURE**

The Clerk drew attention to the Emergency Evacuation Procedure.

#### **41 APOLOGIES FOR ABSENCE AND SUBSTITUTION**

Apologies were received from Cllr Eleanor Jackson (B&NES), Cllr Veronica Packham (Parish Representative), Cllr Tony Marwood (Parish Representative), Cllr Nick Stevens (Parish Representative).

#### **42 DECLARATIONS OF INTEREST**

There were none.

#### **43 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **44 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

There were none.

#### **45 ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE**

There were none.

#### **46 MINUTES OF THE MEETING OF 21ST JUNE 2012**

The minutes of the meeting of 21<sup>st</sup> June 2012 were confirmed as a correct record and signed by the Chair.

#### **47 THE NEW STANDARDS REGIME**

The Monitoring Officer, Vernon Hitchman, introduced the report.

### Member training

He referred the Members to the issue of training in the new regime and proposed that 2-3 training sessions are held shortly for B&NES Members. The parish and town councils would need separate training. Cllr Nigel Roberts commented that it would be difficult to arrange training events for all 65 Members and suggested that a distance training model is rolled out using a 'Frequently Asked Question' model together with examples of unacceptable behaviour. The Members supported this proposal. The Chair asked whether there were any sanctions available to be used with Members who did not attend training and was informed that it was not a requirement, but that political group leaders would be asked to encourage Members to attend.

### Chairing the Standards Committee

As a result of the changes in the statutory regime, it is no longer possible for co-opted independent members to have voting rights. However, the Committee had indicated that it valued their participation and wished their membership to continue. The Monitoring Officer proposed that the Committee appoint one of the Councillor Members with voting rights as a Chair, but designate one of the independent members as 'lead independent co-opted member' who would have a role when it came to filtering and assessment of complaints. As the Committee has hitherto worked in a consensual manner, it is not envisaged that this would cause any problems. There followed some discussion about the necessity of avoiding political bias when nominating a chair e.g. the situation that might arise if the Chair was from the same party as the councillor who was the subject of the complaint. It was suggested that the chair could be elected on a rotating basis between the parties. It was felt however, that it was preferable in terms of the public perception of the Committee, that the Chair was independent.

### Complaints against Councillors

The Monitoring Officer referred the Members to the proposals as detailed in Appendix 1 to the report and drew their attention to the two suggested procedures (Procedure A and B) which could be adopted. After some discussion, the Members agreed that while serious cases would need to go for investigation, the less serious ones could be dealt with a lighter touch and more swiftly than under the previous regime. The Monitoring Officer advised the Members that a judgement would have to be made as to the seriousness of the allegation and from that, whether it was necessary to hold a local hearing.

It was suggested that the Monitoring Officer's personal email address was not used, but that an individual mailbox was set up for complaints. It was also suggested and agreed by Members that the proposal to allow the Subject Member of a complaint 5 days to respond should be extended to 10 days. It was further agreed that the Monitoring Officer could use his discretion regarding the timing where a Subject Member was on holiday or unwell.

There was further discussion about the progressing of a complaint after a Subject Member had resigned. It was agreed that in those cases the matter would be dropped, but that where it was a particularly serious complaint, the Committee would give the Monitoring Officer discretion as to how it was handled.

With regard the requirement for additional information before coming to a decision about a complaint, it was agreed that the clerk to the Parish Council would only be asked to provide information if they had material that was relevant to the case. It was also agreed that the Chair should be consulted by the Monitoring Officer about whether to grant confidentiality to a complainant.

### Register of Interests

The Monitoring Officer informed the Committee that as yet he had had a limited response from Members regarding the completion of the new Register of Interest forms. It was agreed that he would write a letter on behalf of the Chair of the Standards Committee to those Members who had not yet returned their forms.

### Parish and Town Councils

Cllr Axel Palmer informed the meeting that most Parish Councils were adopting the B&NES Code of Conduct and were looking to the Monitoring Officer for guidance.

### The role of the Independent Person

It was agreed that, in the event of more than one person responding to the advertisement for this position, the Committee would delegate the final decision to the Chair and Monitoring Officer. The successful candidate would be approved by full Council at their November 2012 meeting.

### Transitional issues

It was agreed that the main meetings of the Committee would meet quarterly (instead of bi-monthly as now) to deal with general business. The Monitoring Officer would update Members about current issues in between meetings by email. The April meeting of the Committee would suggest items for the Annual Council agenda. Cllr Sarah Bevan asked whether the Committee needed to be aware of the likelihood of more complaints arising in the period leading up to elections. The Chair replied that, if there was the need, the Committee could meet more frequently to deal with increased business. She added that there had not been a problem in the past, but that complaints made just before elections could be pursued afterwards if the Subject Member was re-elected.

## **48 ANY OTHER BUSINESS**

The Monitoring Officer updated the Members on the progress of outstanding complaints.

The meeting ended at 6.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**