

Standards Committee

Annual Report 2017-2018

Chair's Foreword

It's my pleasure to write the foreword for this year's Standards Committee annual report.

The Standards Committee has dealt with an average of 17 complaints a year over the last 5 years, and has found, on average, 5 breaches of the code each year. (This doesn't necessarily mean that 5 councillors breached the code as occasionally more than one complaint is received about the same incident – all complaints are counted separately even if they concern one incident complained about by more than one person.)

It is a credit to the around 500 councillors (BANES and parish combined) within the ambit of the Standards Committee, and to BANES and the parish associations who provide advice and guidance, that there are few complaints, and that less than a third of the complaints made to the Committee are upheld. In most of the upheld complaints, councillors themselves realise that they have breached the code and are ready to make amends. The Committee was criticised for the remedy it imposed in one serious breach this year. (Serious breaches are rare.) The Committee's powers are very limited: the Localism Act 2011 removed the power to suspend or disqualify councillors found to be in serious breach of the code.

I have long held the view that public appointments should be time-limited (a view reinforced by some of the complaints upheld by the Committee over the years....). For me personally it has been a privilege to serve on the Standards Committee but this is my last foreword to the Annual Report. This is also my last opportunity to thank the past and present councillors and independents who have served the standards process and to thank the BANES staff who have always been helpful, approachable, efficient and effective.

Sue Toland
Chair of the Standards Committee

The Standards Committee

Introduction

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report comprises the Annual Review covering the period April 2017 to March 2018, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2017-18 in the report refer to this time period.

1. Background information

The Code of Conduct for Elected and Co-opted Members

In 2012 BANES adopted a code required by The Localism Act 2011 setting out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity. The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected councillor or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority. The Code is consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Councillors will act with selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

The Monitoring Officer

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer and their team administer the local arrangements for addressing complaints made under the Code of Conduct. This includes the assessment of every complaint received under the Code of Conduct. Following consideration and consultation with the Authority's Independent Person and Chair of the Standards Committee, the Monitoring Officer decides whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Council's adopted assessment criteria. The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

Independent Persons

The Council has appointed an Independent Person and a Reserve Independent Person who are invited to attend all meetings of the Standards Committee. The Independent Person must be consulted by the Council before it makes a decision on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and can also be consulted by a member or co-opted member of the Council against whom a complaint has been made. A recent court case has emphasised that the involvement and consultation of the Independent Person is important at all stages.

The Standards Committee

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code;

conducting hearings following investigation and determining complaints made under the Code. The Standards Committee's terms of reference are set out in the Council's Constitution in Part 5, Terms of Reference. The Committee conducts proceedings using Article 9 of the Constitution and the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members. The Committee is also responsible for granting dispensations to Members.

Where a Final Report from an Investigating Officer recommends a finding that there is no breach of the Code, the Committee determines whether to accept the report; refer the report back to the Investigating Officer if it is considered incomplete; or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code, the Committee undertakes a hearing in accordance with the Council's Local Arrangements for dealing with complaints under the Code. The Committee will determine the facts; if there has been a breach and any sanctions. It can also make recommendations to Council.

2. Training for Standards Committee Members and Independent Persons

Initial and refresher training on the duties and responsibilities of members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed annually, before they can serve on the Standards Committee. Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

3. Standards Committee Membership 2017-18

In 2017/18 the Standards Committee comprised the following Members:

Councillors Sarah Bevan, Sally Davis, Nigel Roberts, Brian Simmons, Geoff Ward. Parish Councillors Tony Crouch, Veronica Packham and Dr Axel Palmer (until September 2017) / Keith Betton (from September 2018). Independent Members: Sue Toland (Chair), Dr Cyril Davies and Deborah Russell.

4. The Authority's Independent Persons

The Authority's Independent Person is Tony Drew and the Reserve Independent Person is Paul Ryan.

5. Committee Meetings

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. The Work Programme/Action Plan for 2017-18 is attached at Annex A to this report. Standard Committee sessions are scheduled every 2 months in advance. If not required, these are cancelled.

The Standards Committee met on:

- 11th May 2017
- 21st September 2017
- 18th January 2018
- 8th March 2018

6. Complaints under the Code of Conduct for Members and Co-opted Members

i. Complaints by complainant

Type of complainant	2013/14	2014/15	2015/16	2016/17	2017/18	Total
BaNES Councillor	0	0	0	1	1	2
Parish / Town Councillor	8	0	8	0	0	16
Member of the public	14	16	16	9	13	68
Council Officer	n/a	n/a	n/a	n/a	1	1
Total	22	16	24	10	15	87

ii. Complaints by subject member

Subject of the complaint	2013/14	2014/15	2015/16	2016/17	2017/18	Total
BANES Councillor	8	13	11	7	11	50
Parish / Town Councillor	14	3	13	3	4	37
Total	22	16	24	10	15	87

iii. Complaints by type

Type of complaint	2013/14	2014/15	2015/16	2016/17	2017/18	Total
Failure to declare an interest	11	1	5	6	6	29
Bullying/failure to treat with respect	0	1	7	1	4	13
Bringing Council into disrepute	9	14	11	3	5	42
Improperly conferring advantage/disadvantage	2	1	0	0	0	3
Disclosure of confidential information	0	0	1	0	0	1
Total	22	17	24	10	15	88

Note: A complainant may make several types of complaint about a councillor.

iv. Initial Assessments

Local Assessment Decisions	2013/14	2014/15	2015/16	2016/17	2017/18	Total
No Further Action	19	15	21	10	4	69
Informal Resolution	1	0	0	0	10	11
Referred for Investigation	2	1	3	0	1	7
Total	22	16	24	10	15	87

v. Outcome of complaints

Outcomes	2013/14	2014/15	2015/16	2016/17	2017/18	Total
Other Action	2	1	0	0	0	3
Ongoing	0	0	1	0	2	3
Apology	0	0	1	0	0	1
No Action Required	0	0	9	0	1	10
Withdrawn	2	1	0	0	1	4
Breach	0	0	1	4	2	7
No Breach	18	14	12	6	9	59
Total	22	16	24	10	15	87

7. Review of Standards Committee Work Programme and Action Plan for 2015/18

The Standards Committee's Work Programme/Action Plan for 2015/18 is attached at Annex A. The Standards Committee met on 4 occasions during the year. At each meeting the Committee monitored its Action Plan and Complaints Tracker. One complaint hearing was held.

The Committee considered the Annual Report on Local Government Ombudsman Complaints; The Chairman's Civil Handbook and the Protocol for working with the Avon and Somerset Police, as well as recommending changes to the Arrangements to ensure these work effectively. Two training sessions on the Code of Conduct were held – one specifically on hearings and one on general standards matters.

8. Conclusion

The Committee has dealt with a wide variety of matters in the past year. The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.

STANDARDS COMMITTEE WORKPLAN 2017 – 2018

Date of meeting	Title	Report author / responsible officer
30 th March 2017 (substantive)	Training session – declaration of pecuniary interests and the ability to speak on an item	ML
11 th May 2017 (substantive)	Annual report Report on Disclosable Pecuniary Interests	ML
20 th July 2017 (provisional)	Cancelled	
21 st September 2017 (substantive)	Training session – hearings workshop	ML
23 rd November 2017 (provisional)	Cancelled	
18 th January 2018 (substantive)	Annual Report on LGO Complaints Training Session - Hearings	ML
8 th March 2018 (provisional)	Training Session – General Issues	ML

17th May 2018 (substantive)	Cancelled	
19th July 2018 (provisional)	Training session	ML
20th September 2018 (substantive)		
22nd November 2018 (provisional)	Annual Report on LGO Complaints	ML
24th January 2019 (substantive)	Training Session	ML