

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 9TH JULY, 2020

PRESENT:-

Independent Members: , Dr Axel Palmer, Dr Cyril Davies and Deborah Russell

Parish Representatives: Clive Fricker and Kathy Thomas

Bath and North East Somerset Councillors: Jess David, Sally Davis, Duncan Hounsell, Michelle O'Doherty and June Player

Officers: Maria Lucas

Independent Person: Tony Drew

1 WELCOME AND INTRODUCTIONS

The Chair (Dr Axel Palmer) welcomed everyone to the meeting by explaining that this meeting is being held under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The Council has agreed a protocol to cover virtual meetings and this meeting will operate in line with that protocol. The meeting has the same status and validity as a meeting held in the Guildhall.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were none.

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair informed the meeting that he has agreed to bring 'Local Government Ethical Standards best practice' paper (attached as Appendix 1) for consideration at this point, as urgent business.

The Monitoring Officer confirmed that Standards Committee Members have received Local Government Ethical Standards Best Practice paper. The reason why this item had to be considered by the Committee was that the Cabinet Office had contacted the Monitoring Officer to feed back on the progress from the Council against the recommendations made in the paper. The Monitoring Officer reminded the Committee that this has been considered previously at the Standards Committee meetings on 21st March and 4th July 2019.

The Monitoring Officer took the meeting through the paper by highlighting the current Council's position in terms of all 15 best practice recommendations. These were:

- Best practice 1 – these were agreed on the 4th July 2019 and recommended to the Council;
- Best practice 2 – provisions were in the Code of Conduct requiring Councillors to comply with any formal Standards investigation.
- Best practice 3 – this was in the workplan for Standards Committee, and it was reviewed on 4th July 2019.
- Best practice 4 - the Code of Conduct is now on Council's website and in Council's premises. The Monitoring Officer confirmed that she was yet to re-do the Parish Council Audit (as some of Parish Councils did not have their Code of Conduct on their websites).
- Best practice 5 – gifts and hospitality would be published in accessible format. The register is on the Council website and updated annually.
- Best practice 6 – these arrangements were already in the Code of Conduct.
- Best practice 7 – the Council has already had one independent person, and access to another independent person from neighbouring authorities.
- Best practice 8 – these practices were already in arrangement.
- Best practice 9 – these were already published and available on Council's website.
- Best practice 10 – these were already in place, and recently improved by adding an online form for the submission of complaint.
- Best practice 11 – all Parish Councils have been reminded on this practice.
- Best practice 12 – all Parish Clerks were aware that they could get in touch with the Monitoring Officer for help, as well as with ALCA.
- Best practice 13 – the Council has agreed with neighbouring authorities to undertake investigations in case of conflict of interest by the Monitoring Officer.
- Best practice 14 – the Council has two separate Council owned companies which were governed by the separate Code of Conduct.
- Best practice 15 – the Monitoring officer informed the Committee that she has regularly attended Group leaders meeting.

The Chair thanked Monitoring Officer for taking the meeting through this paper and added that the Committee has considered these issues at past meetings, and this would

The following points were highlighted:

- The Annual review of the Code of Conduct would be postponed until the LGA review of Best Practice Code of Conduct in 2020.
- Parish/Town Councils had, or could have, different Code of Conduct. This was why the LGA has introduced the Model Code of Conduct, for consistency.

It was **RESOLVED** that the Committee agreed to instruct the Monitoring Officer to send the response on the 'Local Government Ethical Standards best practice' to the Cabinet Office.

Appendix 1 Local Government Ethical Standards best practice for Local Authorities

5 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS (COMPLAINTS MUST GO THROUGH THE STANDARDS COMPLAINTS PROCEDURE)

There were none.

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

There were none.

7 MINUTES OF THE MEETING OF 19TH SEPTEMBER 2019

RESOLVED that the minutes of the meeting held on 19th September 2020 be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Page 3, Minute 23, an additional paragraph should read:

‘Training Session – Code of Conduct: the scenarios on best practice in using social media had been circulated to members to consider. The meeting discussed the answers to the scenarios and the issues raised.’

8 REPORT ON THE CONSULTATION ON THE MODEL CODE OF CONDUCT

The Chair invited the Monitoring Officer to introduce the report.

The Monitoring Officer introduced the report by explaining that the Local Government Association (LGA) has provided this Model Code of Conduct for consultation as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The document covered the following issues:

- Purpose;
- Application of the Code;
- Model member conduct;
- Specific obligations of general conduct;
- Civility
- Bullying and harassment;
- Impartiality of officers of the council;
- Confidentiality and access to information;
- Disrepute;
- Your position;
- Use of council resources and facilities;
- Interests;
- Gifts and hospitality;
- Breaches of the Code of Conduct;

- Example LGA guidance and recommendations

The consultation on the draft would run for 10 weeks until Monday 17 August 2020. All Councils were required to have a local Member Code of Conduct.

The Monitoring Officer started by going through each question from the Code of Conduct consultation questions (as per appendix to the report). However, the Committee felt that they should provide their comments and responses to questions in the form directly to the Monitoring Officer after the consultation webinar on the LGA draft Model Member Code of Conduct which would happen on Wednesday 29 July 2020.

It was **RESOLVED** that the Standards Committee considered and noted the LGA draft Model Member Code of Conduct.

It was also **RESOLVED** that all Standards Committee Members would send their comments to Monitoring Officer (on Code of Conduct consultation questions) after the consultation webinar on the LGA draft Model Member Code of Conduct (29th July 2020) no later than 10th August 2020. The Monitoring Officer would draft a response on behalf of the Council and send it to the LGA before the consultation close date (17th August 2020).

9 REPORT ON ASSESSMENT OF COMPLAINTS

The Chair invited the Monitoring Officer to take the meeting through the report.

The Monitoring Officer highlighted the following updates from the report:

- Complaint 01-20 BPC – due to conflict of interest an independent Monitoring Officer has done an assessment of the complaint, and the recommendation was that there should be a mediation.
- Complaint 02-20 RTC – this complaint has been assessed, and it would be subject for investigation, likely to come back to Standards Committee.
- Complaint 03-20 RTC – Local Government Ombudsman has looked at the decision notice, and he would not pursue further this matter.

The Chair thanked Monitoring Officer for an update on current cases and added that Standards Committee training in September would be quite timely for potential hearing of complaint 02-20 RTC.

It was **RESOLVED** to note the Report on Assessment of Complaints.

10 WORKPLAN FOR THE STANDARDS COMMITTEE

The Committee noted that the following items were in the future workplan:

- Annual Review of the Code of Conduct – date to be confirmed (depending on the review of the Model Code of Conduct (as per agenda item 8)
- Annual Report of the Standards Committee – for September 2020.

The meeting ended at 5.15 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services