

Standards Committee

Annual Report 2020 - 21

Chair's Foreword

The Standards Committee fulfils a most important role for Bath and North East Somerset Council and for the Parish and Town Councils within its area. The Committee members are all volunteers: some are Unitary Councillors; some are Parish or Town Councillors drawn from Parish or Town Councils in the Bath and North East Somerset Council area, whose nominations are facilitated by Avon Local Councils Association, and some are Independent Members, being independent members of the public. In addition, as legally required, the Authority appoints an 'Independent Person', to work alongside the Standards Committee and Monitoring Officer.

All committee members have given willingly and generously of their time and talents in approaching issues most thoughtfully and constructively. We are most grateful to them all. In particular, I pay tribute to the late Tony Crouch. Tony was a Town Councillor for Keynsham for over 20 years and a member of this committee for many years. We are the better for having known him and benefitting from his wise counsel and the poorer for his sad loss.

The following detailed report shows the range of matters within the scope of the Standards Committee. In the past year, there have been some 16 matters raised: of which 11 initial assessments required 'no further action' to be undertaken. Of the remaining matters 2 dealt with by informal resolution; and 3 matters were withdrawn. No matters were referred for investigation. To put these figures in context, the Standards Committee has within its purview, the unitary authority and 45 Parish and Town Councils: in total over 500 councillors.

In Bath and North East Somerset, the Standards Committee has three Independent Members: Dr Cyril Davies and Deborah Russell and myself, and in this authority, the Committee is chaired by an Independent Member. I am most grateful to all my colleagues for their help and support and wish to highlight the exceptional commitment of the Independent Person, Tony Drew who provides such valuable service to the standards regime. Furthermore, I commend the Monitoring Officer and their officers for their most professional and successful operation of the Standards regime. During the year, Maria Lucas retired as Council Solicitor and Monitoring Officer and I pay tribute to her unstinting commitment and professionalism in her role and advising the Committee and I welcome Michael Hewitt to his post.

Dr Axel Palmer
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 1 April 2020 to 31 March 2021, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2020-21 in the report refer to this time period.

1. Background information

The Code of Conduct for Elected and Co-opted Members

The final report of the Committee on Standards in Public Life 'Local Government Ethical Standards - A Review by the Committee in Public Life' was published on 30 January 2019. Arising from the report the LGA agreed to consult on and prepare a New Model Code of Conduct. The New Model Code was issued to Local Authorities on the 23rd December 2020. The Standards committee reviewed the New Model Code and recommended its adoption by Council with minor amendments.

In May 2021 BANES adopted the New Model code 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 who is invited to attend all meetings of the Standards Committee. The Council has access to a reserve Independent Person through informal arrangements with neighbouring local authorities. The Independent Person must be consulted by the Council before it decides 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. It has been 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 2020-21

In 2020/21 the Standards Committee comprised the following Members:

Councillors Jess David, Sally Davis, Duncan Hounsell, Michelle O’Doherty, June Player.
Parish Councillors Tony Crouch, Clive Fricker, Kathy Thomas.
Independent Members Dr Cyril Davies, Dr Axel Palmer (Chair), Deborah Russell.

4. The Authority’s Independent Persons

The Authority’s Independent Person is Tony Drew and the Council has access to a reserve Independent Person through informal arrangements with neighbouring local authorities.

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 2020-21 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:

- 9th July 2020
- 17th September 2020
- 19 November 2020
- 13 April 2021

6. Complaints under the Code of Conduct for Members and Co-opted Members for the last 5 years

i. Complaints by complainant

Type of complainant	2016/17	2017/18	2018/19	2019/20	2020/21	Total
BaNES Councillor	1	1	0	0	1	3
Parish / Town Councillor	0	0	1	2	1	4
Member of the public	9	13	15	5	13	55

Council Officer	n/a	1	1	0	0	2
Parish Clerk	0	0	3	0	1	4
Total	10	15	20	7	16	68

ii. Complaints by subject member

Subject of the complaint	2016/17	2017/18	2018/19	2019/20	2020/21	Total
BANES Councillor	7	11	13	0	5	36
Parish / Town Councillor	3	4	7	7	11	32
Total	10	15	20	7	16	68

iii. Complaints by type

Type of complaint	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Failure to declare an interest	6	6	5	0	3	20
Bullying/failure to treat with respect	1	4	3	0	0	8
Bringing Council into disrepute	3	5	11	7	9	35
Improperly conferring advantage/disadvantage	0	0	0	0	0	0
Disclosure of confidential information	0	0	0	0	0	0
Lack of respect	0	0	1	0	4	5
Total	10	15	20	7	16	68

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

iv. Initial Assessments

Local Assessment Decisions	2016/17	2017/18	2018/19	2019/20	2020/21	Total
No Further Action	10	4	17	5	11	47
Informal Resolution	0	10	2	1	2	15
Referred for Investigation	0	1	1	0	0	2
Ongoing	0	0	0	0	0	0
Withdrawn	0	0	0	1	3	4
Total	10	15	20	7	16	68

v. Outcome of complaints

Outcomes	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Other Action	0	0	0	2	1	3
Ongoing	0	2	0	0	0	2
Apology	0	0	0	0	1	1
No Action Required	0	1	0	5	0	6
Withdrawn	0	1	2	0	3	6
Breach	4	2	5	0	0	11
No Breach	6	9	13	0	11	29
Total	10	15	20	7	16	68

7. Review of Standards Committee Work Programme and Action Plan for 2020/21

The Standards Committee's Work Programme/Action Plan for 2020/21 is attached at Annex A. The Standards Committee met on 3 occasions during the year. At each meeting the Committee monitored its Work Plan and noted the current position of complaints using the Complaints Tracker.

In this 2020-21 Annual report the Committee advises that it has reviewed the LGA New Model Code and recommended its adoption to Council with minor changes and this was adopted by Council at its meeting on the 4 May 2021. The Committee has considered a complaint by a person deemed as vexatious under the Council's Vexatious and unreasonable complainant policy and determined that the complaint did not fall within the scope of its terms of reference. The Committee also considered the Annual Report of the Commission for Local Administration in England (Local Government and Social Care Ombudsman) Complaints and produced the Annual Report for the Standards Committee.

8. Conclusion

The Committee has dealt with a 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.

Annex A

STANDARDS COMMITTEE WORKPLAN 2020-21

DATE OF MEETING	REPORT TITLE	REPORT AUTHOR
Thursday 16 th April 2020	CANCELLED	
Thursday 21 st May 2020	CANCELLED	
Thursday 9 th July 2020	Consultation on the model code of conduct Assessment of complaints	Maria Lucas Maria Lucas
Thursday 17 th September 2020	Annual report on Local Government Ombudsman complaints Parishes Liaison meeting – terms of reference Assessment of complaints Urgent exempt item – Mr L	Maria Lucas Maria Lucas Maria Lucas Maria Lucas
Thursday 19 th November 2020	2019-2020 Annual report of Standards Committee Assessment of complaints	Michael Hewitt Michael Hewitt
Thursday 19 th January 2021	CANCELLED	