BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF TUESDAY, 12TH OCTOBER, 2021

PRESENT:-

Independent Members: Dr Axel Palmer and Dr Cyril Davies

Parish Representatives: not in attendance

Bath and North East Somerset Councillors: Sally Davis, Duncan Hounsell, Paul Crossley and June Player

Officers: Michael Hewitt (Monitoring Officer) and Enfys Hughes (Democratic Services Officer)

Independent Person: Tony Drew

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the first face-to-face meeting of Standards following virtual meetings during the pandemic. He noted that Councillor Jess David was no longer a member of the Committee and had been replaced by Councillor Paul Crossley who he welcomed.

2 EMERGENCY EVACUATION PROCEDURE

The Democratic Services officer read out the emergency evacuation procedure as set out on the agenda.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Deborah Russell and Councillor Michelle O'Doherty.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

There were none.

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

Statement from Joanna Wright, Green Party Councillor for Lambridge.

“Please will the Standards Committee work with me to establish a new protocol for how B&NES Councillors register and declare any beneficial interests in land.

Presently, all B&NES Councillors have only to declare a proprietary interest, including any property from which they receive rent or which they are a mortgagee, or own on any property located inside of B&NES council’s area.

What Councillors do not have to declare is any proprietary interest on any property located outside of B&NES Council’s area.

It is clear that as Councillors we do represent local residents and we do work to develop better services and deliver local change. We are also all now part of the West of England Combined Authority (WECA), so our present standards are already compromised by our active involvement across the wider region. If we are all to take decisions fairly, openly and transparently, which is a key component of the B&NES constitution then it would now seem time for a change in the Councillors declared property interests.

I propose that every B&NES councillor should declare a proprietary interest, including any property from which they receive rent or which they are a mortgagee, or own anywhere in the world.

It is clear that issues on the cost of living for many across the UK is prohibitive. Homelessness in many forms from sofa surfing to sleeping on the streets is a reality for many due to the high cost of housing. In fact, in the UK there are 1.6 million households on the social housing waiting list.

I would urge all Councillors to read the recent June article by George Monbiot in the Guardian on Second homes and their gross injustice due to the many tax breaks.

In it Monbiot states:

“just as homelessness is the extreme and visible symptom of a much bigger problem, so are second homes. Though we need to build far more social homes, the underlying reason for high house prices is not the lack of supply. The number of dwellings in the UK has been growing faster than the number of households, and there are now more bedrooms per person than ever before. The problem is the grossly unequal distribution of space. Houses are unaffordable because of the purchasing power of landlords and speculators, and their use as investments. Government figures show that even if 300,000 new homes are built every year for 20 years, house prices will be only 6% lower in real terms than they would otherwise have been.”

One of the key standards set in the B&NES constitution is to lead by example and act in a way that secures public confidence in the role of a councillor. It is quite clear that the situation on housing is not going to be dealt with by the single act of declaring what one owns where, but what it does do is show a commitment to transparency and a recognition that our individual actions on ownership is impacting the many lives of people we do represent.

I therefore ask that the Standards Committee agree to reword the B&NES constitution and that all Councillors must declare all the property interests that they have anywhere in the world.

There were no questions. The Chair reminded members that there was a report on the agenda in response to the statement.

8 MINUTES OF THE MEETING OF 13TH APRIL 2021

RESOLVED that the minutes of the meeting held on 13th April 2021 be confirmed as a correct record and signed by the Chair.

9 DECLARATION OF INTERESTS - SECOND HOMES

The Monitoring Officer presented the report. He stated that the current legislation required a register of the disclosure of pecuniary interests in respect of land and property within the BANES Council area and was to ensure transparency so that councillors would not have a conflict of interests when making decisions. Councillor Wright was requesting that interests be registered for property outside the BANES area. If this was adopted it would mean a breach of the Code of Conduct which had limited sanctions.

He went on to explain that councillors had rights as individuals and this proposal could impinge on their human right to a private and family life. This could be seen as using legislation for an improper purpose.

During discussion the following issues were raised:

- The proposal related to second properties
- whether councillors had second properties elsewhere would not impact on their decision-making as a BANES councillor
- if properties were over the border in a neighbouring authority it could be said that highways decisions could mean a conflict of interest
- members of WECA (West of England Combined Authority) would follow that Code of Conduct
- the legislation referred to a register of interests not assets and members had rights to use them accordingly, for example private schooling, holidays abroad and healthcare
- there were cost implications of implementing this process
- it was unlikely that this would come to the Council's attention
- this appeared to be an argument to influence social policy which was not the purpose of the Code of Conduct and there were other channels to pursue these policy objectives.

On a motion proposed by Councillor Sally Davis, seconded by Councillor Duncan Hounsell it was

RESOLVED that Standards Committee do not recommend to Council to change the Code of Conduct requiring members to register any property interest held outside the Council area, as a pecuniary interest.

(Voting 2 – for, 2 – against, Chair's casting vote – for)

10 ANNUAL REPORT ON COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND (LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN) COMPLAINTS

The Monitoring Officer stated that the Customer Feedback and Standards Manger would present the report and he was welcomed to the meeting.

He explained that he worked in One West and came under the audit function. The complaints process began with stage 1, where complaints were directed to the service team and there were approximately 2,000 per year. If they were not resolved stage 2 involved an independent team investigating the complaint, of these there were approximately 30 – 40 per year. At that point the council complaints procedure is exhausted and if still dissatisfied they can complain to the ombudsman, last year 3-4 cases. Of the 30 complaints received last year 27 were closed as no fault. The numbers had dipped, perhaps due to Covid but this was against the national trend where complaints had increased.

The Monitoring Officer stated that the reduction in number of complaints was also down to the team's thoroughness in addressing complaints.

RESOLVED to note the Annual Review.

11 REPORT ON THE ASSESSMENT OF COMPLAINTS

The Monitoring Officer presented the report and updated the meeting on the current position.

He stated that some complaints arose when there was a personality clash between people. The Independent Person stated that it was important to recognise if people were speaking in their role as a councillor or it related to conduct as a private individual. It was noted that councillors were public figures. Councillor Hounsell informed the meeting that Saltford Parish Council had a policy for dealing with unreasonable behaviour and vexatious complaints from members of the public. This would be forwarded to members of Standards Committee.

RESOLVED that the Report on the Assessment of Complaints be noted.

12 ANNUAL REPORT OF STANDARDS COMMITTEE TO COUNCIL

The Monitoring Officer presented the report, confirmed it covered the period 1st April 2020 to 31st March 2021 and explained that it was good practice to produce the annual report. One item of significance was the adoption of the new Code of Conduct.

He referred to an error in the appendix in the table 'V Outcome of complaints' in section 6, for 20/21 breach stated 1 and this should be 0. No breach in the row beneath should be 11.

RESOLVED that the work of Standards Committee as set out in the annual report be noted.

13 WORKPLAN FOR THE STANDARDS COMMITTEE

The Monitoring Officer commented that the outstanding item was training for members on oral hearings. He said if a future meeting was cancelled due to no business then the training would take place as a private session for members.

RESOLVED to note the workplan.

The meeting ended at 5.08 pm

Chair(person) .....

Date Confirmed and Signed .....

Prepared by Democratic Services

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