

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF TUESDAY, 12TH APRIL, 2022

PRESENT:-

Independent Members: Dr Axel Palmer and Dr Cyril Davies

Parish Representatives: none present

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

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

Independent Person: Tony Drew

24 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

25 EMERGENCY EVACUATION PROCEDURE

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

26 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Parish Councillor Kathy Thomas.

27 DECLARATIONS OF INTEREST

There were none.

28 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair informed the meeting that a second Independent Person had been appointed, Roger Morris and another independent member had also been appointed, Sophie Sidonio. He gave a brief resume of their backgrounds. The Monitoring Officer explained that he would undertake an induction with both new members and then they would be invited to future meetings.

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

There were none.

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

The Monitoring Officer explained that meeting times had returned to pre-covid at 6.15pm, whereas they had taken place at 4pm when they were held remotely via Zoom during the height of the pandemic and in lockdowns. He queried whether this was still a suitable time and explained that one of the new members would prefer daytime meetings.

Following discussion Members agreed a new meeting time of 5pm on a Tuesday, six times a year. If there were no agenda items then the meeting would be cancelled.

RESOLVED that future Standards Committee meetings take place at 5pm not 6.15pm.

31 MINUTES OF THE MEETING OF 22ND FEBRUARY 2022 - (PUBLIC AND EXEMPT)

RESOLVED that the minutes of the meeting on 22nd February 2022 were approved as a correct record and signed by the Chair.

32 COMMITTEE ON STANDARDS IN PUBLIC LIFE - A REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS AND THE GOVERNMENT RESPONSE

The Monitoring Officer presented the Committee on Standards in Public Life (CSPL) review of local government ethical standards and explained it had taken place in January 2019, over two years ago. The government response had recently been received and overall it was fairly negative. Any changes requiring primary legislation would not happen and some needing secondary legislation may take place. The biggest issue for the Standards Committee was having limited powers to sanction. BANES had already adopted the Model Code of Conduct and changes required.

During discussion the following points arose:

- The requirement for the independent person to have a fixed term post for only two years should be eased to allow a longer time to understand the role
- To require further consultation on the question of sanction by suspension seemed strange, as the CSPL views were that there was a lack of sanction
- BANES had had an Independent Person since the Localism Act in 2011, previously there had just been an Independent Chair
- The Monitoring Officer found it very useful being able to consult on the initial assessment of complaints with the Independent Person and Independent Chair of Standards
- Having a second Independent Person would enable communication with the complainant or subject member in what could be a stressful process
- All levels of democracy should have the same set of standards – in BANES all the parish councils were members of ALCA (Avon Local Councils' Association) who recommended adopting the same Code of Conduct
- Failure to disclose an interest - when there was police involvement there was a high bar to enforcement action and from practical experience the Police were very pragmatic in their decision making.

RESOLVED to note the review and government response.

33 UPDATE - LOCAL HEARING ON INVESTIGATION INTO COMPLAINT 12-21 STANTON DREW PARISH COUNCIL

The Monitoring Officer presented a verbal report on complaint 12-21. He explained that whilst the investigation was confidential, once the breach was determined it was public record and the Subject Member's name was in the public domain, however the Complainant's name was not. The Subject Member did not make the apology as requested, as a consequence the Parish Council was recommended to consider her removal as Chair. The Monitoring Officer had been informed that the Subject Member had resigned as Chair but the Parish Council had not accepted her resignation. A report would be brought back to the Committee on further action. The Committee could censure and publicise the decision if this was deemed proportionate.

During discussion the following points were raised:

- It was useful to inform parish councils about the issues in the investigation and breaching the code of conduct as matters of good practice
- Once the Parish Council determination was confirmed Members of the Committee would consider the report and decide on next steps if the Parish Council did not comply with the recommendation
- The main sanction was censure which was not applied in this case, this could be considered
- An alternative to publicising the decision was to publish the failure of the Parish Council to comply with the recommendation of the Standards Committee
- You could not make someone apologise if they did not wish to but as mentioned in the investigation, with a retraction the issue would have been concluded before a hearing.

RESOLVED to note the update and wait to hear the confirmation.

34 REPORT ON THE ASSESSMENT OF COMPLAINTS

The Monitoring Officer present the report and gave a brief background on the complaints received.

During discussion the following points were raised:

- There was some misunderstanding from the public about Standards Committee. Once the advert was out for the Independent Person there had been communication on Twitter that Standards Committee no longer existed and had been replaced by an Independent Person. The Monitoring Officer would ensure there was clear communication to clarify this
- The Code of Conduct only applied to a person when acting as a councillor, there was a difference between acting in a personal capacity and as a councillor. Reference the Livingstone v The Adjudication Panel for England (2006) case

- In BANES there were not many who did not follow the Code of Conduct and there were few breaches
- Significant time was spent on dealing with the complaints by the Monitoring Officer who liaised with the Independent Person and the Chair of Standards

RESOLVED

- 1) to note the report on the assessment of complaints; and
- 2) the Monitoring Officer to liaise with BANES Communications and clarify the role of Standards Committee and the Independent Persons.

35 WORKPLAN FOR THE STANDARDS COMMITTEE

The Monitoring Officer added the following items:

- Update on hearing procedures
- Confidentiality on complaints policy

RESOLVED to note the updates to the workplan.

The meeting ended at 7.20 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services