

Statement to Bath & North East Somerset Council Thursday, 15th September, 2011 6.30 pm

Reference Agenda Item 12:- **PROPOSED CHANGES TO THE STANDARDS REGIME**

Chair, Councillors

The coalition government's proposed changes regarding Councillors Code of Conduct has not inspired me with confidence inter- alia primarily it removes the right of the authority to impose sanctions on councillors who fail to comply with voluntary code.

Consequently, one could argue the new regime will be, 'a toothless tiger'. I quote, 'The Government proposes that the suspension sanction is removed from standards committees for the transitional period.

Hence the most a standards committee could do is, for instance, is to issue a councillor with a censure or a request that they undergo training. This is a farce, without having the power to impose penalties on miscreant councillors. It could be seriously argued that it will be a waste of public funds to set up such a committee.

A better use of ratepayer's monies in this economic climate would be maintaining cash strapped public services. So why have such an impotent structure within the council?

However, if the council decides to adopt a non-statutory Code of Conduct it should be based on nothing less the general principles as outlined in the authorities present code of conduct.

I would welcome a review of the present Local Standards Framework, knowing from personal experience that complaints to the Standards Committee take an enormous amount of time to be processed. Nevertheless, I suspect the reason is not a lack of will; but rather a lack of resource's to run the committee efficiently and fairly.

The proposal to abandon the pre-meeting is alarming as it gives elected members an input to whether a councillor has breached the Code of Conduct. In the interests of democracy, accountability and transparency the monitoring officer should not have the sole right to decide whether the alleged conduct breaches the code. Such decisions should be taken by a special panel (i/e pre-meeting) of selected members of the Standards Committee under the monitoring officers / legal guidance.

To argue that the result of hearings should not be advertised is contrary to the authority's commitment regarding equality of service. I quote, 'We aim to provide appropriate, accessible and effective services and facilities to all sections of the community without prejudice or bias'. However, councillors and officers should remember everyone is not computer literate. Then there are the housebound, people with disabilities... whose source of information is often only through the press, this is a cut that must not be tolerated. I would suggest if any savings have to be made look no further than Council Connect, or refreshments served to councillors during council meetings, rather than depriving all the electorate the right to information regardless of their status.

The practice of only allowing a councillor to submit comments in private session before the allegation is considered by the committee is biased. As it gives him/her unfair advantage over the complainant.

Therefore, in the interests of natural justice this facility should be offered also to the complainant and that all correspondence regarding details of the allegation is sent to both the councillor and complainant.

In conclusion, I urge that the council strongly lobbies government for co-opted members to have voting rights, which in my opinion would go some way to address the perception of councillors judging councillors.

Terry Reakes

Saturday, 10 September 2011

I have added to my statement the authority's present principles of the Code of Conduct for member's deliberation.

## BATH & NORTH EAST SOMERSET COUNCIL CODE OF CONDUCT FOR MEMBERS

### PREAMBLE

#### THE GENERAL PRINCIPLES

##### Selflessness

1. Members should serve the public interest and should never improperly confer an advantage or disadvantage on any person.

##### Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

##### Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

##### Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

##### Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

##### Personal Judgement

6. Members may take account of the view of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

##### Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

#### Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

#### Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

#### Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence