

Bath & North East Somerset Council

MEETING	Standards Committee	
DATE	4 July 2023	EXECUTIVE FORWARD PLAN REFERENCE:
		E 9999
TITLE:	To appoint Co-Chairs of the Standards Committee. Appointment of the Independent Chair & Statutory Chair for the period 2023-2027	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 To appoint Co- Chairs of the Standards Committee. An Independent Co-Chair and Statutory Chair.

2 RECOMMENDATION

The Committee is asked to;

- 2.1 Appoint an Independent Co-Chair of the Standards Committee in compliance with the Terms of Reference for the Standards Committee set out at clause 2.28.3 of the Constitution.
- 2.2 Appoint a Statutory Co-Chair of the Standards Committee in accordance with the political proportionality rules as determined by Council at the 2023 May AGM.

3 THE REPORT

- 3.1 The Standards Committee is responsible for the promotion of ethical standards within the Authority, helping to secure adherence to the Members' Code of Conduct, monitoring the operation of the Code within Bath & North East Somerset Council, conducting hearings following investigation, and determining complaints made against Councillors in respect of alleged breaches of the Code of Conduct.
- 3.2 The Standards Committee is a committee of the Council and therefore expressly subject to the Political Proportionality requirements of Section 15 of the Local Government & Housing Act 1989. Full Council at the May 2023 AGM made appointments to the Council's Committees and made Chairing arrangements in

accordance with the requirements of political proportionality, the nominations made by the political groups and confirmed the chairing arrangements for the Standards Committee in accordance with the terms of reference. In particular, that one of the Independent members of the committee should chair the committee.

3.3 The composition of the Standards Committee is as follows

- 5 x elected Members (voting)
- 3 x independent members - one of whom will chair the Committee (non-voting)
- 3 x Parish representatives (non-voting)
- The Independent Persons will be invited to attend the meeting and provide relevant comment.

3.4 The Independent Members are co-opted members of the Standards Committee and the requirements of Section 13 (1) of the Local Government & Housing Act 1989 expressly exclude Independent members from having voting rights.

3.5 In order to preserve the non-political nature of the committee and maintain trust and confidence in its operation, the committee has operated with one of the independent members taking the chair. This works in practice and provides public reassurance that the proceedings of the committee are impartial.

3.6 The lack of voting rights for independent members is not generally problematic because the work of the committee means that it takes decisions by consensus. However, because independent members cannot vote the 5 elected members must, on occasion, take formal decisions and vote. This is particularly the case when undertaking a standards committee hearing when a decision is required about whether the code of conduct has been breached and if so, what sanction should be imposed. The Council's arrangements for dealing with Code of Conduct hearings provides for this at para 7.1.

Voting

7.1 When determining whether the Subject Member has failed to comply with the Code and what sanction should be imposed the standards committee will take an indicative vote of all the Non-Voting Members of the hearing panel. The indicative vote will inform the Voting Members decision which is subject to separate vote by Voting members only. The Voting Members of the panel are limited to the B&NES Councillors.

3.7 The first item of business for the newly formed standards committee is to appoint an Independent Co-Chair for the next 4 years and to appoint the Liberal Democratic group nomination, Cllr Toby Simon as Statutory Co-Chair for matters requiring a formal vote.

4 STATUTORY CONSIDERATIONS

- 4.1 The Standards Committee subject to the Political Proportionality requirements of Section 15 of the Local Government & Housing Act 1989.
- 4.2 The terms of reference of the Standards Committee require that an Independent member chair the committee.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 No direct implications

6 RISK MANAGEMENT

- 6.1 Adherence to robust standards of conduct mitigates potential complaints about standards issues.

7. EQUALITIES

- 6.1 No direct impact

8 CLIMATE CHANGE

- 8.1 No direct impact

9 OTHER OPTIONS CONSIDERED

- 9.1 None

10. CONSULTATION

- 10.1 The S.151 and Monitoring Officer have been consulted

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Background papers	None
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