

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

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

PRESENT:-

Independent Members: Dr Axel Palmer, Dr Cyril Davies

Parish Representatives: Kathy Thomas

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

Officers: Shaine Lewis (Legal Services Manager & Deputy Monitoring Officer) and Enfys Hughes (Democratic Services Officer)

Independent Persons: Tony Drew and Roger Morris

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

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 Sophie Sidonio (Independent Member) and Michael Hewitt (Monitoring Officer).

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

There were none.

8 MINUTES OF THE MEETING OF 12TH APRIL 2022

RESOLVED that the minutes of the meeting on 12th April 2022 be confirmed as a correct record and signed by the Chair.

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

The Deputy Monitoring Officer updated the Committee. After the complaint hearing in February 2022, the Committee reached their decision that the parish councillor had breached the Code of Conduct and she was asked to apologise to the complainant. She did not apologise and offered her resignation to the Parish Council, however, they did not accept this.

During discussion the Committee discussed the issue and on a motion from Councillor Michelle O'Doherty, seconded by Councillor Paul Crossley it was

RESOLVED that the Monitoring Officer write to the Parish Council expressing the Committee's disappointment that the Subject Member had not apologised and reminding the Parish Council that it had adopted the Code of Conduct which included Standards Committee process. It was in the public interest that determinations of the Standards Committee are followed in so far as subject members remain in public office.

10 AUDITOR'S REPORT

The Deputy Monitoring Officer presented the report from the Auditor which had been recently received. In respect of the Members' Register of Interests the public were entitled to look at it and know that it was updated.

During discussion the following points were raised:

- An annual reminder to all councillors to update the register of interests, with a follow-up reminder if no response
- To update the register with 'no change' if that was applicable
- When Councillors amend/update the register they should receive an acknowledgement.

The new Independent Person stated that the other comment from the Auditor relating to Standards was the complaints and feedback policy was somewhat long and complex. The Deputy Monitoring Officer said this would be addressed in a forthcoming agenda item.

RESOLVED that the Monitoring Officer develop a protocol for updating the Members' Register of Interests on an annual basis.

11 REVISION OF ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

The Deputy Monitoring Officer presented the report. After the complaint hearing in February 2022 and following other complaints, feedback had been received that our arrangements were not easy to follow and somewhat confusing. He outlined the changes to the arrangements, having reviewed other local authorities – to only have one procedure not A or B, to be more concise, to be user friendly with step-by-step instructions.

During discussion it was noted that Annex A, Standards membership, should refer to current proportionality arrangements and it should be made clear that an Independent person does not 'take sides' on a matter.

Both Independent Persons had submitted minor amendments on the arrangements which would be included.

RESOLVED

- 1) Members of Standards Committee to notify the Monitoring Officer/Deputy Monitoring Officer of any minor amendments to the complaint arrangements;
- 2) a paragraph setting out the voting procedure to be included in Annex A; and
- 3) to adopt the draft Arrangements for Dealing with Complaints about the Code of Conduct for Members.

12 ANNUAL REPORT OF THE STANDARDS COMMITTEE

The Deputy Monitoring Officer presented the report which once approved would be referred to Council.

During discussion the following points arose:

- The number of parish councillor complaints had decreased
- The number of complaints about BANES councillors that were politically motivated had increased, possibly with local elections next year
- Complaints driven by interpersonal conflicts were unhelpful and implied a lack of respect for the process
- There seemed to be a trend for 'weaponising' the standards process which was not designed for this purpose
- It had been particularly difficult year for complaints which had tested the independence and resilience of the Independent Person and Independent Chair
- There was a need to refer to the Nolan principles in public life more than ever
- When councillors made their response to a complaint there was a tendency for escalation of the complaint, when an informal resolution was a better remedy.

RESOLVED that the Annual Report of Standards Committee be noted and it be referred to Council.

13 REPORT ON THE ASSESSMENT OF COMPLAINTS

During discussion the following points were made:

- Corporate complaints were referred to One West
- In respect of complaints about a BANES officer there was information on the website. The Deputy Monitoring Officer was asked to seek clarification on the mechanism for distinguishing between corporate and code of conduct complaints on the website and how they are dealt with.

RESOLVED to note the report on the assessment of complaints.

14 WORKPLAN FOR THE STANDARDS COMMITTEE

RESOLVED that the Workplan be noted.

The meeting ended at 6.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services