

# Standards Committee Annual Report 2022 - 2023

## **Chair's Foreword**

The Standards Committee fulfils a most important role for Bath & North East Somerset Council and for the Parish and Town Councils within its area. The Committee members are all volunteers: some are Unitary Councillors; some are Parish or Town Councillors drawn from Parish or Town Councils in the Bath and North East Somerset Council area, whose nominations are facilitated by Avon Local Councils Association, and some are Independent Members, being independent members of the public. In addition, as legally required, the Authority appoints an 'Independent Person', to work alongside the Standards Committee and Monitoring Officer.

All committee members have given willingly and generously of their time and talents in approaching issues most thoughtfully and constructively. We are most grateful to them all.

The following detailed report shows the range of matters within the scope of the Standards Committee. In the past year, there have been some 15 matters raised: of which 7 initial assessments required 'no further action' to be undertaken. Of the remaining matters 5 were 'rejected and 3 'no breach'. To put these figures in context it should be noted that the Standards Committee has within its purview the unitary authority and 45 Parish and Town Councils: in total over 500 councillors.

To give greater understanding of the work of the Standards Committee following the adoption of the new Model Code in July 2021 we have started to capture statistics directly linked to the 10 obligations from the Model Code. Whilst these cannot be cross referenced retrospectively they will be categorised going forwards to further contextualise the work to the Standards Committee.

As a result of a suggestion from the Council's External Auditors all Councillors are reminded to update their Register of Interest regularly. The Monitoring Officer implemented an annual check in November 2022 and can report a near 100% compliance. The one Member who did not respond, stood down as a Councillor at the Election in May 2023.

In Bath & North East Somerset, the Standards Committee has three Independent Members: Dr Cyril Davies, Sophie Sidonio and myself and in this authority the Committee is chaired by an Independent Member. I am most grateful to all my colleagues for their help and support and wish to highlight the exceptional commitment of the Independent Persons Tony Drew and Roger Morris who are of equal status and provide an invaluable service to the standards regime. A virtue of having two 'Independent Persons' is that while one is available to assess a complaint, the other can be able to give support to the Subject Member.

Finally, I commend the Monitoring Officer, Michael Hewitt and Legal Services Manager, Shaine Lewis, and their colleagues for their most professional and successful operation of the Standards regime which included a revision of the Arrangements for Dealing with Code of Conduct Complaints.

**Dr Axel Palmer**  
**Chair of the Standards Committee**

## **1. Introduction**

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report comprises the Annual Review covering the period 1 April 2022 to 31 March 2023, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2022-23 in the report refer to this time period.

### **The Standards Committee**

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code; conducting hearings following investigation and determining complaints made under the Code. The Standards Committee's terms of reference are set out in the Council's Constitution in Part 2, Responsibility for Functions. The Committee conducts proceedings using the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members updated in 2022. The Committee is also responsible for granting dispensations to Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code, the Committee undertakes a hearing in accordance with the Council's Local Arrangements for dealing with complaints under the Code. The Committee will determine the facts, whether there has been a breach and if so any sanction. It can also make recommendations to Council.

### **The Monitoring Officer**

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5 (1) of the Local Government and Housing Act 1989).

The Monitoring Officer and their team administer the local arrangements for addressing complaints made under the Code of Conduct. This includes the assessment of every complaint received under the Code of Conduct. Following consideration and consultation with the Authority's Independent Person and Chair of the Standards Committee, the Monitoring Officer decides whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Council's adopted assessment criteria. The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

### **Independent Persons**

The Council has appointed two Independent Persons who are invited to attend all meetings of the Standards Committee. The Independent Persons must be consulted by the Council before it decides on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and

can also be consulted by a member or co-opted member of the Council against whom a complaint has been made. It has been emphasised that the involvement and consultation of the Independent Person is important at all stages.

## **Standards Committee Membership**

In 2022/23 the Standards Committee comprised the following Members:

Councillors Paul Crossley, Sally Davis, Duncan Hounsell, Michelle O'Doherty, June Player.

Parish Councillors Kathy Thomas (plus 2 vacancies).

Independent Members Dr Axel Palmer (Chair), Dr Cyril Davies, Sophie Sidonio (appointed March 2022) Deborah Russell served part of the year).

Following elections on 4 May 2023 the Standards Committee is comprised as follows:

Councillor Toby Simon  
Councillor Michelle O'Doherty  
Councillor Alex Beaumont  
Councillor Alan Hale  
Councillor Shaun Hughes

Independent Members – Axel Palmer, Sophie Sidonio, Dr Cyril Davies  
Parish Councillors – Kathy Thomas, Richard Robertson and one vacancy

## **2. The Authority's Independent Persons**

The Authority's Independent Persons are Tony Drew and Roger Morris who are non-voting observers for Standards Committee. The Council also has access to a reserve Independent Person through informal arrangements with neighbouring local authorities.

## **3. Training for Standards Committee Members and Independent Persons**

Initial and refresher training on the duties and responsibilities of members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed annually, before they can serve on the Standards Committee. Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

Half day training sessions, to be held jointly with Avon Fire Authority, on the Local Government Association Model Code of Conduct for Members (adopted by BANES in 2021) have been arranged for:

- 30 October 2023 between 10:00 -12:30 in person at Keynsham Civic Centre
- 10 November 2023 between 14:00 – 16:30 in person at Avonmouth

- 15 November 2023 between 17:00 – 19:30 online via Zoom/Teams

Registration and joining instructions to follow.

A training session for Standards Committee Members on Holding Effective Hearings is to be arranged and delivered by the Monitoring Officer and the Legal Services Manager later this year.

## **5. Review of Standards Committee Work Programme and Action Plan for 2022/23**

The Standards Committee's Work Programme/Action Plan for 2022/23 is attached at Annex 1. The Committee met on 2 occasions during the year and at each meeting the Committee monitored its Work Plan and noted the current position with complaints using the Complaints Tracker.

## **6. Committee Meetings and foremost workstreams**

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. Standard Committee sessions are scheduled every 2 months in advance. If not required, these are cancelled. The Standards Committee met on:

- 12 April 2022
- 12 July 2022

### **Revision of Arrangements for Dealing with Code of Conduct Complaints**

Following a Complaint hearing in February 2022 the opportunity was taken to reflect and learn lessons from the practical application of Standards Committee arrangements and procedures.

The Deputy Monitoring Officer undertook a review and in consultation with the Standards Committee a streamlined, more concise and user friendly set of Arrangements for Dealing with Code of Conduct Complaints was produced .

The Arrangements are at Annex 2

## 7. Complaints under the Code of Conduct for Members and Co-opted Members for the last 5 years

### i. Complaints by complainant

Type of complainant	2018/19	2019/20	2020/21	2021/22	2022/23	Total
<b>BaNES Councillor</b>	0	0	1	4	4	<b>9</b>
<b>Parish / Town Councillor</b>	1	2	1	0	0	<b>4</b>
<b>Member of the public</b>	15	5	13	13	11	<b>57</b>
<b>Council Officer</b>	1	0	0	1	0	<b>2</b>
<b>Parish Clerk</b>	3	0	1	0	0	<b>4</b>
<b>Total</b>	<b>20</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>76</b>

### ii. Complaints by subject member

Subject of the complaint	2018/19	2019/20	2020/21	2021/22	2022/23	Total
<b>BANES Councillor</b>	13	0	5	13	14	<b>45</b>
<b>Parish / Town Councillor</b>	7	7	11	5	1	<b>31</b>
<b>Total</b>	<b>20</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>76</b>

### iii. Complaints by type

Obligation	Categorisation	22/23 Total**
Respect	10/22, 15/22, 18/22, 3/23*, 4/23*, 6/23*	6
Bullying Harassment, discrimination	11/22, 12/22*, 16/22, 3/23*, 4/23*, 06/23*	6

Compromising Impartiality		0
Dealing with Information		0
Disrepute	14/22, 2/23, 3/23*, 6/23* 05/23	5
Improper use of position		0
Improper use of resources		0
Co-operating with Code of Conduct		0
Registering/disclosing Interests	12/22*, 13/22, 17/22	3
Gifts & Hospitality		0
		20*

**Notes:**

\* A complainant may make several types of complaint about a councillor.

\*\* This Annual report is the first full year for reporting against the type of complaint set out in the LGA Model Code which was adopted by the Council on the 21 July 2021.

**iv. Initial Assessments**

<b>Local Assessment Decisions</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>Total</b>
<b>No Further Action/no breach</b>	17	5	11	11	10	<b>54</b>
<b>Informal Resolution</b>	2	1	2	2	0	<b>7</b>
<b>Referred for Investigation</b>	1	0	0	1	0	<b>2</b>
<b>Ongoing</b>	0	0	0	1	0	<b>1</b>
<b>Withdrawn/rejected</b>	0	1	3	3	5	<b>12</b>
<b>Total</b>	<b>20</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>76</b>

**v. Outcome of complaints**

<b>Outcomes</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>Total</b>
<b>Other Action</b>	0	2	1	0	0	<b>3</b>
<b>Ongoing</b>	0	0	0	0	0	<b>0</b>
<b>Apology</b>	0	0	1	0	0	<b>1</b>
<b>No Action Required</b>	0	5	0	0	7	<b>12</b>
<b>Withdrawn/rejected</b>	2	0	3	0	5	<b>10</b>
<b>Breach</b>	5	0	0	0	0	<b>5</b>
<b>No Breach</b>	13	0	11	18	3	<b>45</b>
<b>Total</b>	<b>20</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>76</b>

A case tracker in spreadsheet format can be found at Annex 3

**8. Conclusion**

The Committee has dealt with a variety of matters in the past year and aims to continue to develop and maintain the Council's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.