

Standards Committee

Annual Report 2018 - 19

Chair's Foreword

The Standards Committee fulfils a most important role for Bath and 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 and Town Councillors drawn from Parish and 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, the Authority appoints an 'Independent Person' and a reserve 'Independent Person.', who assist the Standards Committee and Monitoring Officer.

The end of the period under review broadly coincides with the expiry of the terms of office of all councillors in the authority area. This provides a perfect opportunity for me to pay tribute to all who have served the Standards Committee over the past four years and welcome the new members following the elections. In particular, may I pay tribute to my predecessor, Susan Toland. Sue has been an independent member of the Standards Committee since 2003 and Chair since 2010. She has guided the standards regime through the changes required by the Localism Act 2011, providing unstinting insightful service to the maintenance of standards of conduct in the area. We are most grateful to her and appreciative of everything she has done.

The following detailed report shows the range of matters within the scope of the Standards Committee. In the past year, there have been some 20 matters raised: of which initial assessments required 'no further action' to be undertaken on 17 occasions; 2 dealt with by informal resolution; and only one matter was referred for investigation. To put these figures in context, the Standards Committee has within its purview, the unitary authority and 45 Parish and Town Councils: in total over 500 councillors.

I was appointed as an Independent Member in Spring 2019 to join my colleagues Dr Cyril Davies and Deborah Russell. In this authority, the Standards Committee has an Independent Chair and I am most grateful to them and honoured to have been appointed to this role, where I have been impressed by the professionalism and commitment of the Monitoring Officer and her officers to the successful operation of the Standards regime.

Dr Axel Palmer
Chair of the Standards Committee

The Standards Committee

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 April 2018 to March 2019, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2018-19 in the report refer to this time period.

1. Background information

The Code of Conduct for Elected and Co-opted Members

In 2012 BANES adopted a code required by The Localism Act 2011 setting out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity. The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected councillor or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority. The Code is consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Councillors will act with selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

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 an Independent Person and a Reserve Independent Person who are invited to attend all meetings of the Standards Committee. The Independent Person must be consulted by the Council before it makes a decision 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.

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 5, Terms of Reference. The Committee conducts proceedings using Article 9 of the Constitution and the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members. The Committee is also responsible for granting dispensations to Members.

Where a Final Report from an Investigating Officer recommends a finding that there is no breach of the Code, the Committee determines whether to accept the report; refer the report back to the Investigating Officer if it is considered incomplete; or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for 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; if there has been a breach and any sanctions. It can also make recommendations to Council.

2. 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.

3. Standards Committee Membership 2018-19

In 2018/19 the Standards Committee comprised the following Members:

up to May 2019:

Councillors Sarah Bevan, Sally Davis, Nigel Roberts, Brian Simmons, Geoff Ward
Parish Councillors Tony Crouch, Veronica Packham plus one vacancy
Independent Members Dr Cyril Davies, Deborah Russell, Sue Toland (Chair)

Membership for May 2019 onwards is:

Councillors Jess David, Sally Davis, Duncan Hounsell, Michelle O'Doherty, June Player.
Parish Councillors Tony Crouch, Clive Fricker plus one vacancy.
Independent Members Dr Cyril Davies, Dr Axel Palmer (Chair), Deborah Russell.

4. The Authority's Independent Persons

The Authority's Independent Person is Tony Drew and the Reserve Independent Person is Paul Ryan.

5. Committee Meetings

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. The Work

Programme/Action Plan for 2019-20 is attached at Annex A to this report. Standard Committee sessions are scheduled every 2 months in advance. If not required, these are cancelled.

The Standards Committee met on:

- 19th July 2018 (hearing of a complaint)
- 20th September 2018
- 22nd November 2018
- 21st March 2019
- 4th July 2019

6. Complaints under the Code of Conduct for Members and Co-opted Members

i. Complaints by complainant

Type of complainant	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
BaNES Councillor	0	0	0	1	1	0	2
Parish / Town Councillor	8	0	8	0	0	1	16
Member of the public	14	16	16	9	13	15	83
Council Officer	n/a	n/a	n/a	n/a	1	1	1
Parish Clerk	0	0	0	0	0	3	3
Total	22	16	24	10	15	20	107

ii. Complaints by subject member

Subject of the complaint	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
BANES Councillor	8	13	11	7	11	13	63
Parish / Town Councillor	14	3	13	3	4	7	44
Total	22	16	24	10	15	20	107

iii. Complaints by type

Type of complaint	2013/14	2014/15	2015/16	2016/17	2017/18	2018/ 19	Total
Failure to declare an interest	11	1	5	6	6	5	34
Bullying/failure to treat with respect	0	1	7	1	4	3	16
Bringing Council into disrepute	9	14	11	3	5	11	53
Improperly conferring advantage/disadvantage	2	1	0	0	0	0	3
Disclosure of confidential information	0	0	1	0	0	0	1
Lack of respect	0	0	0	0	0	1	1
Total	22	17	24	10	15	20	107

Note: A complainant may make several types of complaint about a councillor.

iv. Initial Assessments

Local Assessment Decisions	2013/14	2014/15	2015/16	2016/17	2017/ 18	2018/ 9	Total
No Further Action	19	15	21	10	4	17	86
Informal Resolution	1	0	0	0	10	2	13
Referred for Investigation	2	1	3	0	1	1	8
Total	22	16	24	10	15	20	107

v. Outcome of complaints

Outcomes	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Other Action	2	1	0	0	0	0	3
Ongoing	0	0	1	0	2	0	3
Apology	0	0	1	0	0	0	1
No Action Required	0	0	9	0	1	0	10
Withdrawn	2	1	0	0	1	2	6
Breach	0	0	1	4	2	5	12
No Breach	18	14	12	6	9	13	72
Total	22	16	24	10	15	20	107

7. Review of Standards Committee Work Programme and Action Plan for 2019/20

The Standards Committee's Work Programme/Action Plan for 2019/20 is attached at Annex A. The Standards Committee met on 5 occasions during the year. At each meeting the Committee monitored its Work Plan and noted the current position of complaints using the Complaints Tracker. One complaint hearing was held.

This year the Committee reviewed the "Local Government Ethical Standards" – a review by the Committee on Standards in Public Life and noted that the Council was already complying with the majority of its best practice recommendations. Following from that review, an advice note for Councillors on bullying and harassment was agreed to be recommended to Council. The Committee also considered the Annual Report on Commission for Local Administration in England (Local Government and Social Care Ombudsman) Complaints; updated the Council's Policy for Gifts & Hospitality for Councillors; agreed a Protocol between the Council and Avon & Somerset Constabulary; produced the Annual Report of the Standards Committee; reviewed the Council's Code of Conduct and agreed the Councillor role profiles

8. Conclusion

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

STANDARDS COMMITTEE WORKPLAN 2018 - 19

Date of meeting	Title	Report author / responsible officer
17th May 2018 (substantive)	Cancelled	
19th July 2018 (provisional)	Local Hearing on Investigation into complaint 01-18A & B (Hinton Blewett Parish Council)	ML
20 th September 2018 (substantive)	Annual Report on Commission for Local Authority Administration in England (Local Government & Social Care Ombudsman) Complaints Report on Assessment of Complaints Work plan for the Standards Committee	
22 nd November 2018 (provisional)	Report on Assessment of Complaints Work plan for the Standards Committee Report on Gifts & Hospitality	ML
21 st March 2019 (substantive)	Protocol between Bath & North East Somerset Council and Avon & Somerset Constabulary Reports on Gifts & Hospitality Review by Committee of Standards in Public Life Councillor Role profiles	ML

	Report on Assessment of Complaints Work Plan for the Standards Committee	
4th July 2019 (provisional)	Annual Review of Code of Conduct Report on assessment of Complaints Work plan for the Standards Committee	
19th September 2019 (substantive)	Annual Report on Local Government Ombudsman complaints Annual Report of the Standards Committee Report on assessment of Complaints Work plan for the Standards Committee	
21st November 2019 (provisional)		
16th January 2020 (substantive)		
12th March 2020 (provisional)		
21st May 2020 (substantive)		
9th July 2020 (provisional)	Annual Review of the Code of Conduct	

17th September 2020 (substantive)	Annual Report on Local Government Ombudsman complaints Annual report of the Standards Committee	