

APPENDIX 1

Standards Committee

Annual Report 2023-2024

Chair's Foreword



Bath and North East Somerset –
The place to live, work and visit

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 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.

The following detailed report shows the range of matters within the scope of the Standards Committee. In the past year, since July 2023 there have been:

- i. 10 matters raised: of which 8 initial assessments required 'no further action' to be undertaken.
- ii. The remaining matters are currently being investigated.

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.

In Bath and North East Somerset, the Standards Committee has two Independent Persons: Tony Drew, Roger Morris and in this authority, the Committee is co-chaired by an Independent Member. Since elections in May 2023, a Bath and North East Somerset Councillor has been appointed as co-chair in order to present reports to the Council. 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 both provide such valuable service to the standards regime.

Furthermore, I commend the Monitoring Officer Michael Hewitt and his officers for their most professional and successful operation of the Standards regime.

During the year, Shaine Lewis retired as Legal Services Manager and Deputy Monitoring Officer and I pay tribute to his commitment and professionalism in his role and advising the Committee as required. Donna Marks has now joined as Legal Services Manager & Deputy Monitoring Officer and has been in public services since 1998 and I welcome Donna to the Role. In October 2023, Dr Cyril Davies retired as an Independent Member and I wish to take this opportunity to thank him for his many years of service and support for the Standards Committee .

Dr Axel Palmer
Co-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 2023 to 31 March 2024, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2023-24 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 one of the Authority's Independent Persons 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. **Annex 1** attached to this Report sets out the process that is followed when investigating a complaint under the Code.

Independent Persons

The Council has appointed two Independent Persons who are invited to attend all meetings of the Standards Committee. One of 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 the

other Independent Person 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).

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

Councillor Michelle O'Doherty
Councillor June Player
Councillor Alan Hale
Councillor Toby Simon (appointed Co-Chair)
[Vacancy]

Independent Members – Dr Axel Palmer [Co-Chair],
Sophie Sidonio, [Vacancy]

Parish Councillors – Councillor Kathy Thomas,
Councillor Kate Skelton,
Councillor Ronald Hopkins

2. The Authority's Independent Persons

The Authority's Independent Persons are Tony Drew and Roger Morris who are non-voting observers of the 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, were held jointly with the Avon Fire Authority, on the Local Government Association Model Code of Conduct for Members (adopted by BANES in 2021) provided on:

- 30 October 2023 between 10:00 -12:30 in person at Keynsham Civic Centre
- 15 November 2023 between 17:00 – 19:30 online via Zoom/Teams

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 2023/24

The Standards Committee’s Work Programme/Action Plan for 2023/24 is attached at **Annex 2**. The Committee met on 3 occasions this year [including the 24th April 2024] 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:

Tuesday 4 th July 2023 at 5pm - (Kaposvar Room)
Tuesday 17 th October 2023 at 5pm - (Kaposvar Room)
Tuesday 23 rd January 2024 at 5pm - (Kaposvar Room)
CANCELLED
Tuesday 23 rd April 2024 at 5pm – (Kaposvar Room)

The following dates are pre-arranged up until 2025

Date of Despatch	Date of Standards Committee
Monday 8 th July	Tuesday 16 th July 2024 at 5pm (Kaposvar Room)
Monday 7 th October	Tuesday 15 th October 2024 at 5pm (Kaposvar Room)
Monday 13 th January	Tuesday 21 st January 2025 at 5pm (Kaposvar Room)
Monday 14 th April	Tuesday 22 nd April 2025 at 5pm (Kaposvar Room)
Monday 7 th July	Tuesday 15 th July 2025 at 5pm (Kaposvar Room)
Monday 6 th October	Tuesday 14 th October 2025 at 5pm (Kaposvar Room)

7. Progress on the Work that the Committee has undertaken since July 2023

Since the election in May 2023 the new Committee has been trained on the code of conduct There is a continued need to ensure proper training is in place and embedded Training will be

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

There has been a consistent approach to how investigations are handled in accordance with the Code of Conduct which has enabled better management of complaints. To assist with the governance of dealing with Complaints an additional process for 'Conflict of Interest Checks' will be undertaken before the Independent Person is appointed in any complaint.

Continued 'horizon scanning' with neighbouring authorities is undertaken to seek to understand the types of complaint[s] being raised and to address this in further training with a focus on:

- Lessons-learned or good practice reports from other local authorities
- Monitoring impact on Councillors' that may be subject to threats and if necessary the ability to withdraw details from the register if councillor[s] are harassed by the public to protect their home address and placing safeguards for sensitive information

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

i. Complaints by complainant

Type of complainant	2019/20	2020/21	2021/22	2022/23	2023/2024	Total
BaNES Councillor	0	1	4	4	1	10
Parish / Town Councillor	2	1	0	0	1	4
Member of the public	5	13	13	11	8	50
Council Officer	0	0	1	0	0	1
Parish Clerk	0	1	0	0	0	1
Total	7	16	18	15	10	66

ii. Complaints by subject member

Subject of the complaint	2019/20	2020/21	2021/22	2022/23	2023/2024	Total

BANES Councillor	0	5	13	14	4	36
Parish / Town Councillor	7	11	5	1	6	30
Total	7	16	18	15	10	66

iii. **Complaints by type**

Type of complaint	2022/23	2023/2024	Total
1. Respect	6	1	7
2. Bullying Harassment, discrimination	6	0	6
3. Compromising Impartiality	0	0	0
4. Dealing with Information	0	1	1
5. Disrepute	5	2	7
6. Improper use of position	0	4	4
7. Improper use of resources	0	1	1
8. Co-operating with Code of Conduct	0	2	2
9. Registering/disclosing Interests	3	0	3
10. Gifts & Hospitality	0	0	0
Total	20	11	31

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

iv. Initial Assessments

Local Assessment Decisions	2019/20	2020/21	2021/22	2022/23	2023/24	Total
No Further Action/no breach	5	11	11	10	8	45
Informal Resolution	1	2	2	0	0	5
Referred for Investigation	0	0	1	0	0	1
Ongoing	0	0	1	0	2	3
Withdrawn/rejected	1	3	3	5	0	12
Total	7	16	18	15	10	66

v. Outcome of complaints

Outcomes	2019/20	2020/21	2021/22	2022/23	2023/2024	Total
Other Action	2	1	0	0	0	3
Ongoing	0	0	0	0	2	2
Apology	0	1	0	0	0	1
No Action Required	5	0	0	7	8	20
Withdrawn/rejected	0	3	0	5	0	8
Breach	0	0	0	1	0	1
No Breach	0	11	18	2	0	31
Total	7	16	18	15	10	66

A case tracker in spreadsheet format is attached to this Report and is referred to as **Annex 3**

9. 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.

ANNEX 1 – ATTACHED TO THIS REPORT

**BATH AND NORTH EAST SOMERSET COUNCIL
ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR
MEMBERS –JULY 2022**

ANNEX 2

STANDARDS COMMITTEE WORKPLAN

Report title	Report author
<i>Tuesday 23rd January 2024 5pm</i>	
CANCELLED	
<i>Tuesday 23rd April 2024 5pm</i>	
Review of Council Complaints Annual report of the Standards Committee	Michael Hewitt
<i>Tuesday 16th July 2024 5pm</i>	
<i>Tuesday 15th October 2024 5pm</i>	
Annual LGSCO report	David Langman

To be considered -

Every meeting - Report on the assessment of complaints
Workplan

ANNEX 3

CASE TRACKER ATTACHED TO THIS REPORT