

Public Document Pack

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Date: Monday, 24 July 2023

Dear Sir or Madam

**The Standards Sub-Committee – Tuesday, 1 August 2023, 2.00 pm – Rickford Room
- Town Hall**

A meeting of the Standards Sub-Committee will take place as indicated above.

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

To: Members of the Standards Sub-Committee

Councillors:

Terry Porter, Mike Solomon and Hannah Young.

Independent Member:
Ian Carrington-Porter

This document and associated papers can be made available in a different format on request.

Agenda

1. **Election of Chairperson for the meeting (Agenda item 1)**
2. **Apologies for absence and notification of substitutes (Agenda item 2)**
3. **Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda item 3)**

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the meeting in respect of a declaration, he or she should ensure that the Chairperson is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

4. **Exclusion of the press and public (Agenda item 4)**

The Sub-Committee will be invited to pass the following resolution:

“(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972, by virtue of paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act”

Also, if appropriate, the following resolution should be passed –

“(2) That members of the Council who are not members of this Sub-Committee be invited to remain.”

5. **Complaint against North Somerset Councillor (Case no 01-2023) (Report and Exempt Appendices attached) (Agenda item 5) (Pages 5 - 20)**

Report of Deputy Monitoring Officer

6. **Urgent business permitted by the Local Government Act 1972 (Agenda item 6)**

For a matter to be considered as an urgent item, the following question must be addressed: “What harm to the public interest would flow from leaving it until the next meeting”. If harm can be demonstrated, then it is open to the Chairperson to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

Exempt Items

Should the Standards Sub-Committee wish to consider a matter as an Exempt Item, the following resolution should be passed -

“(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.”

Also, if appropriate, the following resolution should be passed –

“(2) That members of the Council who are not members of the Standards Sub-Committee be invited to remain.”

Mobile phones and other mobile devices

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The chairman may approve an exception to this request in special circumstances.

Filming and recording of meetings

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting, focusing only on those actively participating in the meeting and having regard to the wishes of any members of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Assistant Director Legal & Governance and Monitoring Officer's representative before the start of the meeting so that all those present may be made aware that it is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.

Emergency Evacuation Procedure

On hearing the alarm – (a continuous two tone siren)

Leave the room by the nearest exit door. Ensure that windows are closed.

Last person out to close the door.

Do not stop to collect personal belongings.

Do not use the lifts.

Follow the green and white exit signs and make your way to the assembly point.

Do not re-enter the building until authorised to do so by the Fire Authority.

Go to Assembly Point C – Outside the offices formerly occupied by Stephen & Co

North Somerset Council

Report to the Standards Sub-Committee

Date of Meeting: 1 August 2023

Subject of Report: Complaint against a North Somerset Councillor

North Somerset Council

**Officer/Member Presenting: Sara Saunders, Deputy Monitoring Officer
North Somerset Council**

Key Decision: No

Reason: Not an Executive Decision

Recommendations

- (i) That the Sub Committee together with the Independent Member consider the complaint; and
- ii) That the Sub Committee determine whether there has been a breach of the North Somerset Council Code of Conduct by the said Councillor.

1. Summary of Report

A complaint has been received from a member of the public regarding a North Somerset Councillor stating that the Councillor has breached the North Somerset Council Code of Conduct applicable to elected members.

2. Policy

The North Somerset Council Code of Conduct contains information on how a Councillor should behave when conducting business as a Councillor.

3. Details

One complaint has been received from a member of the public about a Councillor who is a serving North Somerset Councillor at North Somerset Council. The subject of the complaint was informed of the allegation and was asked to submit a response. The complaint, and associated documentation and the Councillor's response can be found in the Appendices.

4. Consultation

The Councillor concerned have been informed about the complaint.

5. Financial Implications

None

Costs

None

Funding

None

6. Legal Powers and Implications

The Standards regime is required by the Localism Act 2011

7. Climate Change and Environmental Implications

None

8. Risk Management

None

9. Equality Implications

None

10. Corporate Implications

To uphold the North Somerset Council Code of Conduct

11. Options Considered

After considering the complaint, the Sub-Committee may make one of two decisions:

- i) Decide that no action should be taken (with reasons for the decision);
or
- ii) Decide the Councillors have breached the Code of Conduct and order sanctions to be applied against the Councillor;
or
- iii) Decided further investigation is required.

Author:

Sara Saunders, Solicitor
Deputy Monitoring Officer

Appendices:

Appendix 1: Formal Complaint Form and associated documents
Appendix 2: Councillor response to complaint
Appendix 3: North Somerset Council Code of Conduct

Background Papers:

None

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Councillor Code of Conduct for Councillors

General Conduct

1. Respect

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

2. Bullying, harassment and discrimination

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

3. Impartiality of officers of the council

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

4. Confidentiality and access to information

4.1 I do not disclose information: a. given to me in confidence by anyone b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless i. I have received the consent of a person authorised to give it; ii. I am required by law to do so; iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or iv. the disclosure is: 1. reasonable and in the public interest; and 2. made in good faith and in compliance with the reasonable requirements of the local authority; and 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

5. Disrepute

5.1 I do not bring my role or local authority into disrepute.

6. Use of position

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

7. Use of local authority resources and facilities

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others: a. act in accordance with the local authority's requirements; and b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

8. Complying with the Code of Conduct

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

9. Interests

9.1 I register and disclose my interests.

10. Gifts and hospitality

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.