

TEWKESBURY BOROUGH COUNCIL

Minutes of a Special Meeting of the Standards Committee held at the Council Offices, Gloucester Road, Tewkesbury on Monday, 27 June 2016 commencing at 9:00 am

Present:

Tewkesbury Borough Council
Members:

Councillor M Dean
Councillor Mrs S E Hillier-Richardson
Councillor T A Spencer
Councillor P D Surman (Chair)
Councillor H A E Turbyfield and

Non-Voting Independent Persons: Mr M Jauch

Non-Voting Parish Representatives: Mr D J Horsfall

ST.3 ANNOUNCEMENTS

3.1 The evacuation procedure, as noted on the Agenda, was taken as read.

ST.4 APOLOGIES FOR ABSENCE

4.1 Apologies for absence were received from Borough Councillor M G Sztymiak and Independent Person Mr P Kimber.

ST.5 DECLARATIONS OF INTEREST

5.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

5.2 There were no declarations of interest made on this occasion.

ST.6 TEWKESBURY BOROUGH COUNCIL CODE OF MEMBERS' CONDUCT - APPLICATIONS FOR DISPENSATION

6.1 Attention was drawn to the report of the Monitoring Officer, circulated at Pages No. 1-3, which asked the Committee to determine any applications for dispensation which had been made by Members of the Borough Council in order to enable them to participate in the matter of the approval of the business to be considered at the meeting of the Council on 28 June 2016.

6.2 The Monitoring Officer explained that, at its meeting on 28 June 2016, Tewkesbury Borough Council would consider the Inspector's Interim Report on the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. Members would be asked to comment on the findings to date and give Officers authority to report back to the Inspector. It was noted that this was an informal stage in the Plan process which was not normally required; the next stage would be to agree any modifications to the Plan.

- 6.3 The Monitoring Officer had provided advice to all Members of the Council to enable them to consider whether they had any interests which may, in accordance with Tewkesbury Borough Council's Code of Members' Conduct, preclude their participation at the Council meeting. She explained that responsibility for the determination of applications for dispensation had been delegated to her where the application was made on the grounds that (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; and (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business. In this instance, the dispensations had been brought before the Committee as there were additional grounds upon which only the Standards Committee could decide, namely, whether the granting of the dispensation was in the interests of persons living in the authority's area.
- 6.4 It was noted that dispensations must be granted for a set period of time of up to four years and, when the Committee had last undergone this process in April 2014, the dispensations had been agreed for one year, to coincide with the end of the Council term. Given the length of the Joint Core Strategy process, it was suggested that any dispensations granted by the Committee at its present meeting were done so on the basis that they stay in place until the end of the current Council term, provided that they remained unchanged. The Monitoring Officer stressed that, whilst those particular dispensations would not be considered until the end of the period, if granted, other interests may emerge which required further applications.
- 6.5 In response to a Member query regarding the Council meeting the following evening, the Monitoring Officer confirmed that there were three recommendations: to note the Inspector's Interim Report; to agree that Joint Core Strategy Officers attend the July hearings to discuss the Interim Report and the recommended way forward with the Inspector, identifying specific consequences and key points arising from the findings as detailed within Appendix A to the report; and to agree that a summary of comments made by Members at the Council meetings held by the Joint Core Strategy authorities be passed to the Inspector for consideration. The Member questioned why dispensations were required if all comments made by Members at the Council meeting would be passed to the Inspector and she was advised that the fact that the matter was being debated in Council meant that the Code of Conduct was engaged and any Members with disclosable pecuniary interests, or other interests as defined by the Code, could not be party to that without a dispensation. The Monitoring Officer went on to reiterate that Members would not normally be engaged at an informal stage of the Plan process such as this and, in her view, it was appropriate that the dispensation applications were considered today as the interests were unlikely to change before the formal stage.
- 6.6 Attention was drawn to the six dispensation applications, circulated separately, which had been received following the Monitoring Officer's advice which had been provided to all Members on 17 June 2016. A Member noted that the 'Nature of Interest' section of the dispensation forms referred to 'Appendix B (Other Interest)' and the Monitoring Officer confirmed that this was summarised at Page No. 2, Paragraph 1.5, of the report. The Committee was advised that five of the applications were from Members who were also Gloucestershire County Councillors. Under the Code of Conduct, a Councillor's membership of another local authority was identified as an 'Other Interest' and if that had a financial implication on the other body then, ordinarily, the Members affected would not be able to participate. The Joint Core Strategy was a major planning policy for the Council within which the County Council owned land and, as such, would benefit financially from any development. The Gloucestershire County Councillors who had applied for dispensations had done so on the basis that the Joint Core

Strategy was of such significance for the local area that the fact that they sat on another public body should not prevent them being able to represent their constituents. The sixth application had also been made on the basis of an 'Other Interest' due to the fact that a member of the Councillor's family owned land which had been identified as a potential strategic housing and employment land allocation within the Consultation Draft. It was noted that this Councillor was the only Borough Council representative for that particular Ward and members of the community were likely to be concerned that he would not be able to campaign on their behalf if he so wished. The Monitoring Officer suggested that this application be considered separately given that the dispensation was being sought for a different reason.

- 6.7 A Member was of the opinion that the interest for the Gloucestershire County Councillors extended beyond land ownership alone given that the Joint Core Strategy would also have implications for areas such as highways, education and transport. She indicated that one of the applications was from the Gloucestershire County Councillor Cabinet Member for Transport and she questioned whether that interest would override the Member being able to represent his constituents. The Monitoring Officer advised that the Code of Conduct had been adopted by Tewkesbury Borough Council and, whilst Cheltenham Borough Council had adopted the same Code, Gloucester City Council had not and therefore this process would not be necessary for Members at that authority. She indicated that the Standards Committee would need to revisit this issue at some stage in order to consider whether the existing Code unnecessarily constrained Tewkesbury Borough Members; whilst disclosable pecuniary interests were a mandatory part of the Code, all other interests were at the discretion of the Council. Furthermore, it was noted that there were limited sanctions available. In terms of the specific query regarding the Cabinet Member, her view was that he was a Member of a public body who had been elected to undertake a certain role and did not stand to make any personal gain. Another Member expressed the view that the matter was being overcomplicated; the Joint Core Strategy was the single most controversial issue which Tewkesbury Borough Councillors would be dealing with during their term of office and disqualifying someone from taking part in the debate was an action which should only be taken in the most extreme circumstances which he did not feel had been evidenced today. A Member indicated that her main concern regarding the Joint Core Strategy was that there could be a judicial review of the process so it was important that all of the comments made were noted. The Monitoring Officer felt that this was a valid point and indicated that the Committee would need to be very clear about the grounds on which it granted any dispensations.

- 6.8 It was subsequently

RESOLVED That each of the applications for dispensation be granted on ground (c), in the interest of persons living in the authority's area, and that the dispensations, in respect of any further consideration of the Joint Core Strategy, remain in place until 1 May 2019.

The meeting closed at 9:45 am