

6 October 2023

<b>Committee</b>	Standards Committee
<b>Date</b>	Monday, 16 October 2023
<b>Time of Meeting</b>	2:00 pm
<b>Venue</b>	Tewkesbury Borough Council Offices, Severn Room

## **ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND**

### **Agenda**

#### **1. ANNOUNCEMENTS**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

#### **2. APOLOGIES FOR ABSENCE**

To receive apologies for absence.

#### **3. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 24 January 2023 of the Tewkesbury Borough Council Code of Conduct, effective from 1 February 2023, as set out in Minute No. CL.72, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

	Item	Page(s)
4.	<b>MINUTES</b>  To approve the Minutes of the meeting held on 21 September 2022 and 17 May 2023.	1 - 5
5.	<b>PROCEDURE FOR CODE OF CONDUCT COMPLAINTS AND INCREASE TO THE NUMBER OF INDEPENDENT PERSONS AND PARISH COUNCILLORS ON THE STANDARDS COMMITTEE</b>  To adopt the procedure for dealing with Code of Conduct complaints as set out at Paragraph 2.1 of the report and to recommend to Council that the number of independent persons on the Standards Committee be increased from two to three; and the number of Parish Councillors on the Standards Committee be increased from one to three.	6 - 8

<b>DATE OF NEXT MEETING</b>	
<b>MONDAY, 11 MARCH 2024</b>	
<b>MEMBERSHIP OF COMMITTEE</b>	
Tewkesbury Borough Council Members	Councillor H J Bowman Councillor S R Dove Councillor E J MacTiernan (Chair) Councillor P D McLain Councillor G M Porter (Vice-Chair) Councillor P E Smith Councillor M J Williams
Non-Voting Independent Persons	Mr M Jauch and Mr P J Kimber
Non-Voting Parish Representative	Vacant

### Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

## TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Wednesday, 21 September 2022 commencing  
at 2:00 pm**

### **Present:**

Tewkesbury Borough Council	Councillor C M Cody
Members:	Councillor M Dean (Vice-Chair)
	Councillor J W Murphy
	Councillor C Reid
	Councillor P E Smith
	Councillor P D Surman (Chair)

Non-Voting Parish Representative: Mr D J Horsfall

### **ST.3 ANNOUNCEMENTS**

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

### **ST.4 APOLOGIES FOR ABSENCE**

4.1 Apologies for absence were received from Councillor C Mills and the Independent Persons, Mr M Jauch and Mr P J 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 MINUTES**

6.1 The Minutes of the meetings held on 26 November 2020, 4 May 2021 and 17 May 2022, were approved as correct records and signed by the Chair, subject to an amendment to the Minutes of 17 May 2022 to note that Councillor C M Cody was not in attendance.

### **ST.7 GOVERNMENT RESPONSE TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S (CSPL) REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS**

7.1 The report of the Corporate Director, circulated at Pages No. 8-23, updated the Committee on the government's response to recommendations made to it by the Committee on Standards in Public Life following its review in 2018/19 of local government ethical standards. The Committee was asked to consider that response.

- 7.2 The Corporate Director explained that, at its meeting in September 2019, the Committee had considered the report published by the Committee on Standards in Public Life which contained 26 recommendations and 15 best practice suggestions. At its meeting in November 2020, the Committee considered the best practice recommendations and made its comments. The government's response was set out within the report to Committee categorised into the five headings of: government to take action; further consideration/keeping under review; matter for local authority determination; further engagement with sector needed; and taking no action/rejects recommendation.
- 7.3 In summary, the government had taken action on two of the recommendations to date; that candidates standing for, or accepting, public office not be required to disclose their home address; and that disciplinary protections for Statutory Officers extend to all disciplinary action not just dismissal. The government had five recommendations which it was considering further/keeping under review and seven where further engagement with the sector was needed. Four recommendations were concluded to be within the gift of the local authority; the Corporate Director was of the view that the government was correct in its assertion that it was for each local authority to decide its gifts and hospitality procedure; to decide whether to provide legal indemnity to its Independent Persons; to decide whether to publish details of the Code of Conduct complaints received each year; and to decide whether Parish Councils must adopt the Code of Conduct adopted by their principal authority. In this regard most Parishes had adopted Tewkesbury Borough Council's Code which was not dissimilar to the new Model Code so it seemed inappropriate to impose the requirement on Parishes. There were seven recommendations which the government was taking time to consider and further engage with the local government sector and those mostly related to sanctions, when they could be imposed and how they would be imposed – whilst Tewkesbury Borough Council's experience of the current system had been satisfactory that was not necessarily a universal view so it seemed appropriate for the government to take time to consider this and ensure they were right. Referring to the four recommendations which had been rejected, the Corporate Director was particularly pleased that the Independent persons would not be required to be appointed for a fixed term of two years which could only be renewed once. The Committee had disagreed with that recommendation during the consultation process as it was felt not to be a productive use of time or resources to have to change the Independent Persons for no reason.
- 7.4 During the discussion which ensued, a Member noted that there was no date contained on the letter attached to the report and the Corporate Director agreed that this was unusual but it appeared to have been omitted on this occasion. Referring to gifts and hospitality, the Member noted that the Mop Fair opening was soon and she was unsure of the amount of hospitality she would receive and therefore whether or not it should be declared. In response, the Head of Democratic Services confirmed that this was different as it was an invite from the Mayor and the hospitality was that of the Borough Council rather than the Mop Fair operators. Finally, the Member referred to Member Interests and the difference in detail that some Members recorded compared to others – she tended to record everything for safety but this then felt like an infringement on her personal life, she also expressed concern that sometimes the County Council gave different advice to the Borough Council on whether something should or should not be declared. In response, the Corporate Director confirmed that ultimately it was for each Member to decide what to include on their Register of Interests. Within the Code of Conduct there were disclosable pecuniary interests and other registrable interests which must be declared but the Council's own Code of Conduct included other external bodies which was discretionary, the County Council did not have the same rules on that and this was one of the reasons for the review of the Code of Conduct and a drive to try and get all of the authorities in Gloucestershire to agree one countywide Code so there was a consistent approach for all which should make it easier for Councillors and the

public to understand. The view taken by the Officers at Tewkesbury Borough Council was it was better to put everything down than to miss something; however, if there was an interest that needed to be treated as sensitive the Member should speak to the Monitoring Officer about it. There had been quite a few queries from Parishes recently regarding land, licences and beneficial interests; training was provided but unfortunately the turnover in Parish Councillors tended to be quite high so queries often needed to be addressed on an individual basis.

- 7.5 A Member noted that the wording throughout the report mentioned Independent Person and Independent Persons and he questioned which it should be. In response, the Corporate Director indicated that the wording was that used by the government so was not something she could change, although she was of the view that it should be persons.

- 7.6 Accordingly, it was

**RESOLVED** That the government response to the recommendations from the Committee on Standards in Public Life following its review of Local Government ethical standards be **NOTED**.

## **ST.8 REVIEW OF CODE OF MEMBERS' CONDUCT / DRAFT GLOUCESTERSHIRE COUNCILS' CODE**

- 8.1 The report of the Corporate Director, circulated at Pages No. 24-44, set out a proposal to review the Code of Members' Conduct and to introduce a common Code of Conduct for all Councils within Gloucestershire. Members were asked to consider the draft Code of Conduct and approve it for consultation with all Councillors as set out in Paragraph 2.7 of the report.

- 8.2 The Corporate Director explained that the Council's Code of Conduct had been in place since 1 July 2012 when it had been adopted in response to the Localism Act which had made significant changes to the Councillor conduct regime; the national mandatory Code of Conduct, the Standards Board and sanctions to suspend or disqualify Councillors from Office were removed and Councils were given the freedom to adopt their own Codes of Members' Conduct. During 2018/19 the Committee on Standards in Public Life undertook a review of local government ethical standards and the Standards Committee made a formal response to the consultation which took place in 2018. The review concluded with the Committee on Standards in Public Life issuing a report which made a series of recommendations and the Standards Committee had considered those at its meeting on 16 September 2019. The Committee on Standards in Public Life noted the wide disparity in the style and content of local Codes of Conduct and that, even in the same area, there could be a variety of Codes in place e.g. District, Parish and County Councils which caused confusion to members of the public as well as Councillors which served on Councils at different levels of the local government structure. The Committee on Standards in Public Life had therefore recommended that the Local Government Association develop a Model Code of Conduct that Councils could choose to adopt/adapt to suit their circumstances; that recommendation had been accepted and the new Model Code was now available on the Local Government Association website.

- 8.3 The Tewkesbury Borough Council Code was very similar to the new Model Code and most of the Parish Councils within the Tewkesbury Borough area had adopted the same Code. The others had adopted the National Association of Local Councils (NALC) Model Code. The Borough experienced a relatively small number of Conduct issues at Borough and Parish level. Gloucestershire Local Authority Monitoring Officers had met to discuss the possibility of introducing a common Code of Conduct for use across all tiers of local government in the County. The draft Code of Conduct put forward to all seven Councils for consideration and

consultation was attached to the report at Appendix 1 and it was noted that, whilst the content of the draft Code was fully consistent with that of the Local Government Association's Model Code, its style and layout was different. There would inevitably be some minor differences between the Codes adopted by the seven Councils which were identified in the report at Paragraph 2.5 and included: the sections on executive decision-making would not feature in the version of the Code which applied to those Councils who operated a Committee system of governance rather than executive arrangements; there may be some minor variations over such issues as the value over which gifts and hospitality must be declared; not all of the clauses in the attached draft Code were relevant to Parish and Town Councils and therefore the version being produced by the Gloucestershire Monitoring Officers for use by those Councils would omit those matters. It was intended that in all other respects the wording of the Codes across the seven principal Gloucestershire authorities should be identical. In the case of Tewkesbury Borough Council, it was suggested that the Committee approved the draft for the purposes of consultation with all Members and that any feedback received from that consultation, together with any received from other Councils, be considered by the Monitoring Officer in consultation with the Chair. If no significant concerns were raised, any necessary minor amendments could be made prior to presentation to the Council for adoption. In the event of there being any significant concerns, it would be necessary for the draft Code to be referred back to the Standards Committee to enable it to make a recommendation to Council. There was a minor error in the numbering of the Paragraphs in the attached draft Code and this would be amended prior to the consultation.

8.4 Accordingly, it was

**RESOLVED**

1. That the draft Code of Conduct, as attached to the report, be **APPROVED** for the purposes of consultation with all Borough Councillors.
2. That the Monitoring Officer, in consultation with the Chair of the Committee, consider all representations received from Councillors and, subject to there being no significant concerns raised, authority be delegated to the Monitoring Officer to make any revisions to the draft Code which are considered necessary prior to recommendation to the Council for adoption.

The meeting closed at 2:40 pm

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Wednesday, 17 May 2023 commencing at  
6:15 pm**

## **Present:**

Tewkesbury Borough Council  
Members:

Councillor H J Bowman  
Councillor S R Dove  
Councillor E J MacTiernan (Chair)  
Councillor P D McLain  
Councillor G M Porter (Vice-Chair)  
Councillor P E Smith  
Councillor M J Williams

Non-Voting Independent  
Person(s):

Not required

Non-Voting Parish Representative: Not required

## **ST.1 ELECTION OF CHAIR**

1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.

1.2 It was proposed and seconded that Councillor E J MacTiernan be nominated as Chair of the Committee. Upon being put to the vote it was

**RESOLVED** That Councillor E J MacTiernan be elected as Chair of the Standards Committee for the ensuing Municipal Year.

## **ST.2 APPOINTMENT OF VICE-CHAIR**

2.1 Councillor E J MacTiernan took the chair and invited nominations for Vice-Chair of the Committee.

2.2 It was proposed and seconded that Councillor G M Porter be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

**RESOLVED** That Councillor G M Porter be appointed as Vice-Chair of the Standards Committee for the ensuing Municipal Year.

The meeting closed at 6:30 pm

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Standards Committee
<b>Date of Meeting:</b>	16 October 2023
<b>Subject:</b>	Procedure for Code of Conduct Complaints and Increase to the Number of Independent Persons and Parish Councillors on the Standards Committee
<b>Report of:</b>	Monitoring Officer
<b>Head of Service/Director:</b>	Monitoring Officer
<b>Lead Member:</b>	Lead Member for Corporate Governance
<b>Number of Appendices:</b>	None

### Executive Summary:

To develop a new procedure to deal with Code of Conduct complaints that present potential breaches of the Members Code of Conduct and to make a recommendation to Council in relation to the number of independent persons and Parish Councillors on the Standards Committee.

### Recommendation:

1. To **ADOPT** the procedure for dealing with Code of Conduct complaints as set out at Paragraph 2.1 of the report.
2. To **RECOMMEND TO COUNCIL** that:
  - the number of independent persons on the Standards Committee be increased from two to three; and
  - the number of Parish Councillors on the Standards Committee be increased from one to three.

### Financial Implications:

There is a small cost of setting up these meetings and there will be costs in terms of remuneration for the additional members of the Committee.

### Legal Implications:

The Standards Committee and Monitoring Officer are charged under the Localism Act 2011 with dealing with Code of Conduct Complaints relating to Tewkesbury Borough Council Members, and any Members of Town and Parish Councils within the Borough Council area.

### Environmental and Sustainability Implications:

There are no implications raised by this report.



**Resource Implications (including impact on equalities):**

This adds a further stage to the work dealing with complaints of some substance but does have the benefit of involving Standards Committee Members at an early stage.

**Safeguarding Implications:**

Provides a wider appearance on matters that could raise safeguarding issues.

**Impact on the Customer:**

Gives the complainant the reassurance that the decision making is wider than the view of the Monitoring Officer and the independent persons.

**1.0 INTRODUCTION**

- 1.1 The report sets out a process that will involve members of the Standards Committee looking at Code of Conduct complaints of potential substance at the assessment and review stage of the process, ahead of any formal investigation thought to be in the public interest to undertake, bearing in mind the cost to the public purse of such an investigation.

**2.0 REVISED PROCEDURE FOR STANDARD COMMITTEE COMPLAINTS**

- 2.1 In order to allow Standards Committee members a greater involvement in complaints at an earlier stage, it is proposed that the following procedure be adopted:

1. When the Monitoring Officer receives a Code of Conduct complaint, he/she will share that complaint with the independent persons and consider their view on the complaint.

2. If there is thought to be substance to the complaint which may justify the cost to the public purse of a formal investigation, the Monitoring Officer will set up an Assessment Panel of three Members of the Standards Committee to consider the complaint, at a confidential, informal meeting that can be held remotely via Teams.

3. The Assessment Panel can:

- i) decide there is no potential breach of the relevant Code of Conduct;
- ii) decide there is a potential breach of the relevant Code of Conduct but that it is not in the public interest for the matter to be investigated; or,
- iii) decide that there is a potential breach of the relevant Code of Conduct and it is in the public interest for it to be formally investigated and for the investigation report to be considered at a Standards Committee Hearings Panel to be held in public.

**3.0 INCREASE TO THE NUMBER OF MEMBERS ON THE STANDARDS COMMITTEE**

- 3.1 In order to ensure sufficient independent person involvement, it is recommended that the number of independent persons on the Standards Committee be increased from two to three on a four year term; and that the number of Parish Councillors be increased from one to three to seek to ensure that a Parish Councillor can be involved in the panel.

**4.0 CONSULTATION**

- 4.1 These proposals have been discussed with the current independent persons and the Chair of the Standards Committee.

## **5.0 ASSOCIATED RISKS**

- 5.1** It involves members of the Standard Committee at an early stage which runs the risk of people being conflicted out of later stages of the process.

## **6.0 MONITORING**

- 6.1** The Standards Committee will present an annual report to Council.

## **7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**

- 7.1** The Borough Council is required to have a Monitoring Officer and deal with Member Code of Conduct complaints at both Borough and Parish level.

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**Background Papers:** The law and guidance on dealing with Code of Conduct complaints.

**Contact Officer:** Monitoring Officer  
01684 272211      tom.clark@teWKesbury.gov.uk

**Appendices:** None