

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Monday, 12 October 2015 commencing at
10:00 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 M G Sztymiak
Councillor H A E Turbyfield and
Councillor M J Williams (Vice-Chair)

Non-Voting Independent Persons:

Mr M Jauch and
Mr P J Kimber

Non-Voting Parish Representatives:

Mr D J Horsfall

ST.3 ANNOUNCEMENTS

3.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

ST.4 DECLARATIONS OF INTEREST

4.1 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.

4.2 There were no declarations made on this occasion.

ST.5 MINUTES

5.1 The Minutes of the meetings held on 23 March and 26 May 2015, copies of which had been circulated, were approved as correct records and signed by the Chair.

ST.6 WORK PROGRAMME 2015/16

6.1 The report of the Democratic Services Group Manager, circulated at Pages No. 6-8, asked Members to adopt a Work Programme for 2015/16 and put into place a methodology and timetable to achieve the Work Programme as set out within the report.

6.2 The Monitoring Officer indicated that the Committee had already started a programme of reviewing the Codes and Protocols that were supplementary to the Code of Conduct; to date the Licensing System Protocol and Procedure and the Protocol for Councillors and Officers Involved in the Planning Process had been reviewed. The remaining two Protocols, Gifts and Hospitality for Councillors and Member/Officer Relations, had yet to be reviewed. Both Protocols had last been looked at in 2008 but the Gifts and Hospitality Protocol had been briefly addressed in 2012 to ensure compatibility with the new Code. It was therefore suggested that the Committee commence a review of the Protocol for Member/Officer Relations.

Following completion of that it was suggested that the Committee consider a review of the Code of Conduct to ensure it was fit for purpose and met the duty under the Localism Act to promote and maintain high standards of Councillor Conduct. By then the new Code would have been in place in excess of three years and it would be useful to gain the views of both longstanding and recently elected Members on its effectiveness.

- 6.3 The suggested process for the review of the Protocol for Member/Officer Relations was that the Committee should meet as a Working Group and talk to Members and senior Officers to ascertain their views on the effectiveness of the Protocol and what, if any, changes would improve it. It was anticipated that the Working Group would need approximately two meetings to undertake its review and it would then consider the revised Protocol as a Committee at which time it would make a recommendation to Council. It was anticipated that the first meeting would be held mid/end November and would be quite a long meeting as Members and senior Officers would be invited to express their views within timeslots of approximately 10-15 minutes each. As a minimum it was suggested that the Chief Executive, Deputy Chief Executive and Leader and Deputy Leader of the Council be asked to attend along with some Group Leaders, Lead Members, Chair or Vice-Chair of the Planning and Licensing Committees, Group Managers and senior Officers. Suggestions as to those that would be appropriate to attend were invited from the Committee and, of course, the Committee would also provide its own views through the process. Those that were invited to make representations would be advised in advance that they would be asked for their thoughts on what was currently included within the Protocol as well as what worked and what did not work. Members would also be able to ask questions if they wished.
- 6.4 In terms of Members that were dual-hatted i.e. Borough and Parish/County Councillors, a Member felt that it was essential that other Members and Officers were aware of the limitations in respect of interests. In response, the Monitoring Officer concurred that there was a need to ensure everyone was able to distinguish between them.
- 6.5 The Monitoring Officer indicated that the first meeting of the Working Group would be arranged on a date convenient to Members and a number of Councillors and Officers would be invited to provide their views as discussed earlier in the meeting. Accordingly, it was

- RESOLVED**
1. That the Work Programme for 2015/16 be **ADOPTED**.
 2. That the Standards Committee meet as a Working Group to review the Protocol for Member/Officer Relations and that the first meeting be used to speak to Councillors and Officers to get their views on the Protocol and how it might be improved.

ST.7 LOCALISM ACT 2011 - CODE OF CONDUCT REGIME

- 7.1 The Monitoring Officer explained that the Committee had been kept apprised of developments as the new standards regime had been implemented and at some point the Committee would need to review the Code of Conduct to ensure it was still relevant. One thing that she had not done yet was to publish the Register of Interest forms for all Borough and Parish/Town Councillors. The reason for this was that the requirement to declare the interests of a spouse/partner was, in her view, contrary to data protection and human rights legislation. The Monitoring Officer had always maintained the view that, when the requirement to include the details of a Councillor's spouse/partner on the Register of Interest form had been implemented, it had not been subject to proper consultation and therefore was not valid. Unfortunately to date no other Monitoring Officers had wished to challenge the Government and as such there was no appetite from the Government to

change the rules.

- 7.2 The Transparency Agenda currently being rolled out to Parish/Town Council Clerks said that their Councillors' Register of Interests had to be published on the web so Clerks were starting to have concerns that this had not yet been done. The Monitoring Officer had reiterated that, ultimately, the responsibility for this lay with her, as all Members had completed their forms, and she had been comfortable with this. An apparent mistake in the law had meant that the new rules did not appear to apply to sitting Councillors so, in her view, she had not had to conform until after May 2015 anyway. This did, of course, mean that the issue now needed to be addressed following the Borough and Parish Elections when all Members had been newly elected. In terms of the requirement to put the details of spouses/partners on a Councillor's Register of Interest form, this had been included in the nomination packs for the elections so that people were aware prior to standing for election; the Monitoring Officer knew of some Councillors that had not stood again, or had been put off from standing, because of it which she felt was a shame.
- 7.3 Referring to a recent training session for Parish and Town Councils, the Monitoring Officer expressed the view that it had been well received; although the attendance levels had been disappointing. She was anxious that Clerks and Councillors better understood the role that the Borough Council played which was for conduct matters only and not for legal/procedural advice. The Parish representative on the Committee indicated that the training had been very helpful and he felt that many more Councils should have sent representatives. The Monitoring Officer concurred that some Parishes had sent a number of representatives and there had been good questions and participation from those that had attended. She had sent the slides of the presentation to those that had not been present in the hope they would offer some guidance but they would be more helpful to those that had attended as she had provided extra context at the session.
- 7.4 In respect of the legislation in terms of Register of Interests, a Member questioned whether a spouse had a right under the Data Protection Act not to give the information requested. She felt that there were many spouses that would not want to provide their information and, since it was not them that were putting themselves forward for public office, there seemed to be no reason why this should be a requirement. In response, the Monitoring Officer indicated that she shared that view. Unfortunately, it was not a matter of whether they wanted to have it disclosed; the test was that the Member had to declare it if the information was known to them. The whole point was that a Member should not participate in something that could affect themselves or their family but the Monitoring Officer did not think the change in rules was necessary as the guidance had been clear before and had worked well. The Monitoring Officer undertook to write to the Parish and Town Clerks in good time ahead of publishing the forms on the internet.
- 7.5 Accordingly, it was

RESOLVED That the update provided on the Localism Act 2011 – Code of Conduct Regime be **NOTED**.

ST.8 HEARINGS SUB-COMMITTEE

8.1 The Monitoring Officer drew attention to the Standards Committee Terms of Reference, circulated at Pages No. 9-11, which noted that it needed to establish a Hearings Sub-Committee, consisting of three Members of the Committee, to undertake the functions set out; political balance would apply. In accordance with Section 7(a) of the Localism Act, the Independent Person(s) must be consulted before a decision was made on an investigated allegation.

8.2 Members were advised that this was a procedural matter and the Committee was asked to appoint three Members and two reserves to the Hearings Sub-Committee. Accordingly, it was

RESOLVED That Councillors Mrs S E Hillier-Richardson, P D Surman and M J Williams be appointed to the Hearings Sub-Committee and that Councillors M Dean and H A E Turbyfield be appointed as reserves.

ST.9 SEPARATE BUSINESS

9.1 The Chairman proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

ST.10 SEPARATE MINUTES

10.1 The separate Minutes of the meeting held on 23 March 2015, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

ST.11 CODE OF CONDUCT COMPLAINTS

(Exempt – Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)

11.1 The Committee considered an update report on complaints received.

The meeting closed at 11:00 am