

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Monday, 24 September 2018 commencing at
2:00 pm**

Present:

Tewkesbury Borough Council
Members:

Councillor M Dean (Vice-Chair)
Councillor P D Surman (Chair)
Councillor M G Sztymiak
Councillor H A E Turbyfield and
Councillor R J E Vines

Non-Voting Independent Person: Mr P J Kimber

Non-Voting Parish Representative: 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 Councillors S E Hillier-Richardson and T A Spencer and Independent Person, Mr M Jauch.

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 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P D Surman	Item 5 – Tewkesbury Borough Council Code of Conduct – Applications for Dispensation	Councillor had applied for a dispensation himself.	Would speak and vote.

M G Sztymiak	Item 9 – Code of Conduct – Non-Compliance with Sanction Imposed Consequent upon an Investigated Complaint	Is a Member of Tewkesbury Town Council.	Would speak and vote.
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5.3 There were no further declarations made on this occasion.

ST.6 MINUTES

6.1 The Minutes of the meetings held on 30 April and 15 May 2018, copies of which had been circulated, were approved as correct records and signed by the Chair.

6.2 The Parish representative indicated that, even though they would not attend as it was part of the main Council meeting and only dealt with the election of Chair and appointment of Vice-Chair of the Committee, the Parish representatives and the Independent Persons should be advised of the May meeting.

ST.7 TEWKESBURY BOROUGH COUNCIL CODE OF CONDUCT - APPLICATIONS FOR DISPENSATION

7.1 The report of the Monitoring Officer, circulated separately at Pages No. 1-12, set out the basis for the determination by the Standards Committee of applications for dispensation made by Members of the Borough Council in order to participate in the item of business on the Tewkesbury Borough Plan Preferred Options to be considered by the Council on 26 September 2018. The Committee was asked to determine the applications for dispensation which had been received from Councillors in order to enable them to participate in the matter.

7.2 For clarification, the Monitoring Officer explained that there was a piece of legislation that allowed anyone making an application for a dispensation to participate in the discussion of the applications and vote on it should they need to; this meant the Chair was entitled to attend the meeting despite the fact that he had made an application for dispensation. She advised that a number of applications had been received and the Committee was required to decide them on the grounds that granting the dispensation was in the interests of persons living in the authority's area; or that it was otherwise appropriate to grant a dispensation. In accordance with the Council's Code of Conduct those were the grounds on which dispensation could be granted – there were two other grounds, as set out in Paragraph 2.1 of the report, but they were not relevant to the applications being considered today. All eight applications were from Members of the same political party but this would not affect the political representation on the Council to the extent that it was likely to alter the outcome of any vote relating to the business, neither would the number of Councillors affected by interests impede the transaction of the business.

7.3 The Monitoring Officer advised that there was only one application for a dispensation in respect of a disclosable pecuniary interest; the Councillor's spouse owned a piece of land which was proposed for allocation within the Tewkesbury Borough Plan. The Councillor had made the application on the basis that the land was not within her Ward and it would be in the interest of her Ward for her to participate. However, it should be noted that there were two other Members that represented the same area, as such, it would not be left under-represented if she was unable to participate. Members needed to consider what a normal member of the public might perceive if the Councillor was allowed to participate. In addition,

there were four applications which had been made by Borough Councillors who were also County Councillors as the County Council had land holdings and owned land within employment and housing allocations in the Plan; the Councillors had no direct pecuniary interest but it did fall within the definition of an 'other' interest – the same Councillors had already received dispensations for the Joint Core Strategy. There was another application from a Councillor who had a joint interest with family members in land within the Borough and where a proposed housing policy, RES4, could possibly lead to favourable consideration of development of that land. The plan was at an early stage of its statutory process and there was no certainty, following consultation, that the policy referred to would survive as currently drafted. The Committee noted that the Councillor represented a single-Member ward, that the land the subject of the interest was not actually allocated for development and that the policy may be subject to change / deletion following consultation. A further application was received from a Councillor on the basis of family land ownership in the proximity of a proposed allocation, although the land in which the interest was held was not subject to any allocation in the plan. It would have been open to the Councillor to have decided, in those circumstances, that they did not have an interest in the matter. The final application was from a Councillor who had a close friend, who was another Borough Councillor, that owned land which might directly benefit from being allocated in the Borough Plan; that Member was the sole Ward Councillor for Shurdington.

7.4 During the discussion which ensued, a Member questioned why the Councillor who owned land that was not allocated was different from the Member whose spouse owned land that was allocated. In response, the Monitoring Officer explained that the Councillor had a disclosable pecuniary interest because she knew the land was recommended for allocation; however, Members that owned land which had not been allocated had no greater interest at this stage than anyone else that owned land within the Borough. One other thing the Committee needed to consider when granting dispensations was the amount of time they would be granted for. The report to Council suggested the next stage of the Borough Plan would be considered in Spring 2019 so it was recommended that dispensations be granted to the end of the term of the Council which would mean further dispensations should not be required. There was always the possibility that interests would change and other Members may need to apply for a dispensation during that period which would be perfectly acceptable. The Monitoring Officer would send out advice to Members as and when issues were being considered to remind them to consider whether a dispensation was required.

7.5 Accordingly, it was

RESOLVED

1. That dispensations be **GRANTED** to Councillors Awford, Bird, Cromwell, Gore, Hollaway, Smith and Surman on ground (c), in the interests of persons living in the authority's area, and that the dispensations in respect of any further consideration of the Tewkesbury Borough Plan remain in place until 1 May 2019.
2. That the dispensation be **REFUSED** in respect of the application from Councillor Day due to the clear disclosable pecuniary interest that the Councillor has.

ST.8 GIFTS AND HOSPITALITY PROTOCOL

- 8.1 The report of the Deputy Monitoring Officer, circulated at Pages No. 7-21, attached a revised Gifts and Hospitality Protocol for Councillors. Members were asked to consider the amended Protocol and recommend it to the Council for adoption.
- 8.2 The Monitoring Officer explained that the Committee had now reviewed all of the Protocols which complemented the Code of Conduct and the Gifts and Hospitality Protocol was the last one in its Work Programme for review. The changes were recommended as set out within the report and shown as track changes within the Appendix; the review had found that the Protocol was generally fit for purpose; however, there were some minor amendments that needed to be made to bring it in line with the Council's adopted Code of Conduct - those amendments were identified at Paragraphs 2.1.1 to 2.1.4 of the report.
- 8.3 Members felt the recommended amendments were extremely sensible and, accordingly, it was

RESOLVED That it be **RECOMMENDED TO COUNCIL** that the amended Gifts and Hospitality Protocol for Councillors be **ADOPTED**.

ST.9 SEPARATE BUSINESS

- 9.1 The Chair 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 30 April 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

ST.11 CODE OF CONDUCT - NON-COMPLIANCE WITH SANCTION IMPOSED CONSEQUENT UPON AN INVESTIGATED COMPLAINT

(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 information in respect of non-compliance with a sanction imposed following a Code of Conduct complaint investigation and agreed that, subject to her speaking to the two complainants, the Monitoring Officer would write to the Councillor who was the subject of the complaint, and the relevant Town Council, to express the Committee's disappointment at the refusal to apologise.

The meeting closed at 2:52 pm