

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee held remotely on
Tuesday, 11 August 2020 commencing at 2:00 pm**

Present:

Tewkesbury Borough Council Members:	Councillor C M Cody Councillor M Dean (Vice-Chair) Councillor J W Murphy Councillor C Reid Councillor P E Smith Councillor P D Surman (Chair)
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Non-Voting Independent Person(s):	P J Kimber
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Non-Voting Parish Representative: D J Horsfall

ST.1 ANNOUNCEMENTS

- 1.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

ST.2 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence had been received from Councillor L A Gerrard and Independent Person, M Jauch.

ST.3 DECLARATIONS OF INTEREST

- 3.1 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.
- 3.2 There were no declarations of interest on this occasion.

ST.4 MINUTES

- 4.1 The Minutes of the meeting held on 16 September 2019, copies of which had been circulated, were approved as a correct record.

ST.5 LOCAL GOVERNMENT ASSOCIATION - DRAFT MODEL CODE OF CONDUCT

- 5.1 The report of the Monitoring Officer, circulated at Pages No. 7-58, informed the Committee of the consultation by the Local Government Association on its draft Model Member Code of Conduct. The Committee was asked to note the report; consider whether it wished to make a response to the draft consultation; and, if so, determine its response which the Monitoring Officer would submit to the Local Government Association on its behalf.
- 5.2 The Monitoring Officer explained that the report had been brought to the Committee to enable it to respond and influence the form and content of the Model Code which had been produced by the Local Government Association. The Model had arisen as one of the recommendations from the review of local government ethical standards which had been undertaken by the Committee on Standards in Public Life. That review had found there was no consistency of Codes of Conduct either nationally or locally with considerable variations in terms of length, breadth, clarity and detail – many even failed to address important areas of behaviour such as bullying and harassment - which it was felt caused confusion among members of the public as well as Councillors; particularly those that represented more than one tier of local government. Consequently, it was considered that the availability of a Model Code would enhance the consistency and quality of local authority Codes. The Local Government Association was seeking views on the draft Model Code of Conduct via an online form by 17 August 2020.
- 5.3 The Committee was advised that, reassuringly, there were no huge differences between the Council's current adopted Code of Conduct and the draft Model Code with the majority of provisions already in place. Of particular note was that the Code was now intended to apply to Members when acting or claiming, or giving the impression that they were acting, in public or in their capacity as a Member or representative of the Council; and to all forms of Member communication and interaction including written, verbal, non-verbal, electronic and via social media where the Member could be deemed to be representing the Council, or if there were potential implications for the Council's reputation. It was also noted that parts of this would require legislation to amend the provisions of the Localism Act 2011.
- 5.4 The way the Model Code was presented was to set minimum requirements for Members' standards and would be individual commitments by a Councillor. Particular attention was drawn to obligation 1 of the Model Code which was 'to treat all persons with civility' which was defined as meaning politeness and courtesy in behaviour, speech and in the written word – Tewkesbury Borough Council's Code did not refer to civility but did require Members to treat each other with respect and to promote and support high standards of conduct when serving in their public post by leadership and example, rather than obligation 7 in the Model Code which required Members not to bring their role into disrepute. The Monitoring Officer expressed the view that civility and respect were different, as such, she suggested that obligation 1 be reworded to read 'Treating other Councillors and the public with civility and respect'; this would carry through to obligation 2 as well. The Council's current Code of Conduct did refer to bullying, but not harassment as set out in the Model Code; it also did not include the definitions which were in the Model Code and the Monitoring Officer felt those were helpful additions. In terms of hospitality and gifts, the Council's Code required Members to register the name of any person, organisation or other body from whom they received, by virtue of their office, gifts or hospitality worth £50 or more. In the Model Code there were specific requirements about the treatment of gifts and hospitality; however, these were not contained in the Council's Code of Conduct as it had a separate Protocol which was complimentary to the Code – that had been reviewed by the Standards Committee in 2018 and subsequently adopted by the Council. The Model Code referred to the

declaration of gifts and hospitality to the value of £25 or more and it was for the Committee to decide whether the value should be £25 or £50. Lastly, the Monitoring Officer was of the view that table two as appended to the Model Code was not very clear and that it needed to be tidied up and clarified.

- 5.5 In due course a Model Code would be recommended – it would not be imposed - and the Council could add/amend it as it wished; however, it was hoped that taking part in the consultation, and therefore influencing the shape and content of the new Code, would mean it would not have to amend it very much. The suggested responses to the online consultation were set out in full at Appendix 4; the Monitoring Officer indicated that she had not felt it necessary to comment on all of the questions due to the similarities between the draft Model Code and the Council's current Code but the Committee now needed to decide if it wished to accept the Monitoring Officer's suggestions or make further comments.
- 5.6 In response to a question about the term 'sensitive interests', the Monitoring Officer explained that it was a matter of law that, if a Councillor had an interest that could lead to the victimisation/intimidation of the Member themselves or a family member, they had the right to ask the Monitoring Officer for the interest not to be disclosed to the public even though it was on their Register of Interest form. In addition, she confirmed that, as currently drafted, the forms required disclosure of the membership of all bodies; however, that would not necessarily preclude a Member from speaking and voting as, for example, being an ordinary member of the National Trust would not have any additional benefit to the Member than any other member of the public. Vice versa, a Member with a position of control or management in a body would be more likely to have a significant interest.
- 5.7 Referring to Appendix 4 to the report, the following comments were made:
- Q2 – *is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance* – the suggested comment was 'no' and the Committee was asked its view. It was felt that the legal requirements should be included in the Code within the appropriate sections.
 - Q3 – *do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense*. The Committee was asked for its preference and agreed the passive tense would be better.
 - Q5 – *If you would like to propose additional; or alternative obligations, or would like to provide more comment on a specific obligation, please do so*. Members agreed with the Monitoring Officer's suggested comments about the addition of the word 'respect' and the increase in limit for registration of gifts/hospitality to £50. In response to a query about the Council's register of gifts and hospitality, the Monitoring Officer confirmed that it was unusual for gifts/hospitality to be accepted by Tewkesbury Borough Councillors as the Council's protocol discouraged acceptance of such gifts; however, where they were accepted they would usually be passed to the Mayor for their charity raffle. There had not been many such occurrences when the Council's limit was £25 or since it had been £50.
 - Q10 – *Is there sufficient reference to the use of social media* – the Committee's view was that there was.
 - Q14 – *To what extent do you support the proposed requirement that Councillors do not accept significant gifts as set out in Obligation 11*. It was felt helpful to include a definition of 'significant' as the interpretation would most likely not be the same from one person to another.

5.8 Accordingly, it was

RESOLVED

That the Monitoring Officer submit the Committee's response to the Local Government Association consultation as set out at Appendix 4 to the report with the following amendments:

- Q2 – legislation to be included in the Code within the appropriate sections.
- Q3 – passive tense should be used.
- Q10 – add the Committee's view that there was sufficient reference.
- Q14 – To a moderate extent – a definition of 'significant' should be included.

The meeting closed at 2:40 pm