

# 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  
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)

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