

11 December 2009

Present: **(Independent Members)** Simon Lainé (Chair), Jon Leamon, David O'Connor and John Cripps **(Borough Councillors)** Councillors David Hall and Paul Massey **(Parish Councillors)** Parish Councillors Stuart Fowler and Gloria Coleman

Also in attendance: **(Investigating Officer)** Mr Spencer
Solicitor – One Legal - Peter Cruden

(4.05pm – 5.55pm)

1. APOLOGIES

Borough Councillor Les Godwin, Parish Councillor Barrie Lewis and Duncan Chittenden.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES

Resolved: that the minutes of the meeting held on 11 September 2009 be approved and signed as a true record.

Regarding Item 4 – Peter Cruden offered a further update on Shared Services. The Legal Shared Service had gone live on the 30 November and would be known as 'One Legal' and staff would primarily be based at Tewkesbury, though a few members of staff would remain at Cheltenham. He highlighted the significance of the project and hoped that the resilience and savings outlined in the business case would be achieved.

4. LOCAL GOVERNMENT ACT 1972 – EXEMPT INFORMATION

The Committee approved the following resolution:

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 7C, Part 1, Schedule 12A (as amended) Local Government Act 1972, namely:

Paragraph 7C

Information presented to a Standards Committee, or to a sub-committee of a Standards Committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000

5. CONSIDERATION OF A REPORT FOLLOWING AN INVESTIGATION INTO AN ALLEGED BREACH OF CODE OF CONDUCT

The Committee considered a report following an investigation into an alleged breach of conduct.

The Committee invited the Investigating Officer to comment upon his report and questions were asked by members of the Committee upon matters arising from the

report. The Committee agreed with the Investigating Officer's findings that in this particular case no breach of the code had occurred.

Consequently, it was agreed that no further action was required.

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The Committee considered a report following an investigation into an alleged breach of conduct.

The Committee invited the Investigating Officer to comment upon his report and questions were asked by members of the Committee upon matters arising from the report. The Committee agreed with the Investigating Officer's finding that in respect of one aspect of the complaint, no breach of the code had occurred. Consequently, it was agreed that no further action was required upon that part of the complaint.

However, it was agreed that a hearing would take place to consider other aspects of the complaint where the Investigating Officer found that a breach of the code had occurred. For this purpose, the Standards (Determination of Complaints) Sub-Committee was set for **Friday 8 January 2010, at 2pm** and those involved would be;

- David O'Connor
- Councillor David Hall
- Parish Councillor Stuart Fowler

The Chair thanked Mr Spencer for his work and attendance at the meeting.

7. ADOPTION OF A HEARINGS PROCEDURE

Peter Cruden addressed the committee and explained that as a matter had been referred for a hearing, it was necessary to adopt a hearings procedure. The procedure set out in the appendix was based on the national model, but had been amended to mirror the procedure used at Tewkesbury Borough Council.

Resolved: that the procedure for determination of complaints as set out in the Appendix be adopted.

8. MEMBERS REPORTS ON ATTENDANCE AT COUNCIL, COMMITTEE AND PARISH COUNCIL MEETINGS AND OTHER MEETINGS ARISING

Members of the Committee reported on their attendance at various Parish Council meetings;

Simon Lainé had attended the Annual Standards Board Conference in Birmingham and had been surprised that several different speakers had taken such conflicting views on how many meetings of borough and parish councils you should attend, one advocating attendance at all meetings including committee meetings, whilst another took the opposite view.

One of the seminars had been aimed at 'engaging the public' and a questionnaire had been made available which could be used by a committee to assess how well they were doing this. The Chair planned to complete this at a later date, but it had highlighted some shortcomings on the Council website concerning the membership and the work of the Standards Committee.

9. UPDATE ON LATEST BULLETINS AND CASES AND COMPLAINTS

It was noted that Bulletin 46 had not yet been published by Standards for England.

It was noted that at the last meeting it was suggested that the 'That's a Wrap' dvd issued by Standards for England would be shown, but as the dvd was 45 minutes long and the agenda for this meeting was quite long, it was agreed that it would be used as part of the training sessions which are scheduled to take place in the new year. Jon Leamon requested to see it before then and Democratic Services would arrange this.

Parish Councillor Stuart Fowler commented that it was regrettable that the Local Council Awards were aimed at Town and Parish Councils rather than Borough Councils, as he had always found staff at the Swindon Road site extremely polite and helpful. Councillor Massey invited members to complete a compliment form for submission to the council if they wished to recognise excellent service.

10. REVIEW OF PROGRESS AGAINST WORK PLAN

The Chairman acknowledged that the work plan was not particularly full.

Peter Cruden suggested that there could be an item added to the work plan to review the current status of investigations. This would allow the Committee to maintain an overview of progress.

11. ANY OTHER BUSINESS

Costs – Members suggested that it would be useful to receive a summary of costs upon completion of investigations.

Cllr Massey queried whether there was any way that Parish Councils could be responsible for meeting the costs of dealing with complaints against Parish Councillors, in a similar way that the cost of parish elections were charged. Peter Cruden said this had been considered at a national level but this would not be possible under current regulations.

Cheltenham Borough Council Diaries – Members queried whether there were any inserts available for the diaries that they had been issued with. Democratic Services agreed to look in to this for Members.

12. DATE OF NEXT MEETING

The date of the next ordinary meeting of this Committee was Friday 12 March 2010.