



CHELtenham

BOROUGH COUNCIL

Notice of a meeting of Standards Committee

Friday, 10 December 2010
2.30 pm

Municipal Offices, Promenade, Cheltenham, GL50 9SA

Membership	
Borough Councillors:	Les Godwin, Rowena Hay and Robin MacDonald
Parish Councillors:	Gloria Coleman, David Iliffe and Paul Ryder
Independent Members:	Duncan Chittenden, John Cripps, Simon Laine (Chair), Jon Leamon and David O'Connor

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST** (Pages 1 - 2)
3. **MINUTES** (Pages 3 - 6)
To approve the minutes of the meeting held on the 17 September 2010.
4. **UPDATE ON THE LATEST BULLETINS AND COMMUNICATIONS FROM STANDARDS FOR ENGLAND**
5. **EMPLOYEE CODE OF CONDUCT** (Pages 7 - 8)
A report of the Borough Solicitor and Monitoring Officer
6. **REVIEW OF PROGRESS AGAINST WORK PLAN** (Pages 9 - 10)
A review of future plans
7. **LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION**
The Committee is recommended to approve 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

8. CONSIDERATION OF A REPORT OF INVESTIGATING OFFICER

(Pages 11 - 22)

A report from the Borough Solicitor and Monitoring Officer on an investigation into an alleged breach of the Code of Conduct

9. DATE OF NEXT MEETING

Date of next meeting : Friday 12 March 2011 at 2.30 pm

10. ANY OTHER BUSINESS

Contact Officer: Rosalind Reeves, Democratic Services Manager, 01242 774937

Email: democratic.services@cheltenham.gov.uk

Public Information

Emergency Evacuation Procedure at the Municipal Offices

- (i) In the event of a fire you will hear a continuous alarm.
In the event of a bomb alert the alarm will sound in repeated short bursts.
- (ii) Members, officers and the public should leave the building promptly and in a quiet and orderly fashion using the nearest available escape routes and assemble on the Promenade footway by the War Memorial.

Attendance at Meetings - Local Government (Access to Information) Act 1985

Meetings are open to the public and a limited amount of public seating is available. Copies of the agenda will also be available. You may be asked to leave the meeting if any "exempt" (confidential) business is considered. This will normally be shown on the agenda

Inspection of Papers - Local Government (Access to Information) Act 1985

We can also arrange for copies of individual decision records, reports or minutes to be supplied. If you wish to inspect minutes or reports (other than those which are exempt) relating to any item on this agenda, please contact Democratic Services. The background papers listed in a report may also be inspected. Please notify Democratic Services who will arrange with the report author for papers to be made available to you at a mutually convenient time.

All meeting information is published on the Council's Internet website at:
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and we will do everything we can to meet your requirements.**

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CHELtenham BOROUGH COUNCIL

STANDARDS COMMITTEE

DECLARATION OF INTEREST

Member

Date _____

You are asked to complete this form if you intend to declare an interest in connection with any item on this agenda.

Please hand any completed form to the committee administrator at the meeting.

You are reminded that you are still required to declare your interest orally at the commencement of the committee's consideration of the matter.

Agenda item	*Personal interest	*Prejudicial Personal interest	**Nature of interest

Notes:
 *Please tick appropriate box
 **Please give sufficient information as to identify the existence and nature of the interest, for example – "This application relates to land that borders property owned by a friend of mine", "A relation of mine is a member of this body"
 "Personal interests" and "prejudicial personal interests" are defined and explained in the Council's Code of Members Conduct and summarised overleaf

EXTRACT FROM THE CODE OF MEMBERS CONDUCT

Personal Interests

“8(1) A member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 14 (*financial interests*) and 15 (*other interests*), or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council taxpayers, ratepayers or inhabitants of Cheltenham, the well-being or financial position of himself, a relative or a friend or -

- (a) any employment or business carried on by such persons;
- (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000 or
- (d) any body listed in paragraphs (a) to (e) of paragraph 15 in which such persons hold a position of general control or management”

Prejudicial Interests

10(1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a **prejudicial interest** in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member’s judgement of the public interest.

10(2) A member may regard himself as **not having a prejudicial interest** in a matter if that matter relates to :-

- (a) another relevant authority of which he is a member;
- (b) another public authority in which he holds a position of general control or management;
- (c) a body to which he has been appointed or nominated by the Council as its representative;
- (d) the housing functions of the Council where the member holds a tenancy or lease with a relevant authority, provided that he does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the member’s tenancy or lease;
- (e) the functions of the Council in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- (f) the functions of the Council in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989 “.

Standards Committee

Friday, 17th September, 2010

2.30 - 3.27 pm

Attendees	
Borough Councillors:	Les Godwin and Rowena Hay
Parish Councillors:	Gloria Coleman, David Iliffe and Paul Ryder
Independent Members:	Duncan Chittenden, John Cripps, Simon Lainé, Jon Leamon and David O'Connor
Also in attendance:	

Minutes

1. APOLOGIES

The chair welcomed new members to the committee. He reminded members that Barrie Lewis had given his apologies to the last meeting and sadly had passed away shortly after. The chair asked members to join him in a minutes silence in his memory.

Apologies were received from Councillor MacDonald.

2. DECLARATIONS OF INTEREST

None received.

3. MINUTES

Resolved: that the minutes of the meeting held on 9 July 2010 be approved and signed as a true record.

4. MEMBERS REPORTS ON ATTENDANCE AT COUNCIL, COMMITTEE AND PARISH COUNCIL MEETINGS

Member had no attendances to report. It was acknowledged that members were awaiting further guidance on this matter.

5. UPDATE ON THE LATEST BULLETINS AND COMMUNICATIONS FROM STANDARDS FOR ENGLAND

The chair referred to the latest bulletin 48 from the Standards Board for England. This confirmed that it was still the government's intention to disband the Standards Board for England but no further detail was available at this time.

6. PROTOCOL FOR MEMBER/OFFICER RELATIONS

The Borough Solicitor and Monitoring Officer introduced her report which had been circulated with the agenda. She indicated that she had consulted with

Borough Councillors and officers on the Senior Leadership Team and looked at examples of good practice in other councils. The results of the consultation and resulting actions were listed in appendix 1. It was intended that the protocol would go to Staff and Support Services Committee and on to Council in December.

Members raised a number of comments regarding consistency and repetition of some words in the document and these were noted by the Borough Solicitor and Monitoring Officer. It was also noted that Area Committees were no longer operating in the council and therefore should not be referred to. Reference 10 and the subsequent entry in the table in appendix 1 needed to be amended to refer to the correct paragraph.

Referring to reference 7 in appendix 1, a member thought that a timescale for responding to queries from both councillors and members of the public should be included in the protocol. In response the Borough Solicitor and Monitoring Officer said that service levels for response times were set out in other documents and she would include an appropriate cross reference.

A member questioned whether section 13 should cover the rules regarding publication as well as members' right to inspection. The Borough Solicitor and Monitoring Officer advised that this was covered in the access to information section of the constitution and she would not want to repeat it here.

Resolved that

- 1. The revised draft Protocol for Member/Officer Relations, as amended, be approved for;**
 - **consultation with Members/Officers**
 - **consideration by the Staff and Support Services Committee**
- 2. Authority be delegated to the Borough Solicitor and Monitoring Officer to make any changes to the Protocol arising out of that consultation and consideration prior to referring the Protocol to Council for adoption and incorporation within the Constitution.**

7. REVIEW OF PROGRESS AGAINST WORK PLAN

The Borough Solicitor and Monitoring Officer introduced the work plan for 2010/11 that had been circulated with the agenda.

Regarding the review of the code of conduct for employees, she indicated that this review was necessary to incorporate some omissions highlighted by the review working group earlier this year. A member asked whether the code of conduct for Tewkesbury Borough Council Employees would be a good model. In response the Borough Solicitor and Monitoring Officer said that the code of conduct was generally tailored to local circumstances but she would certainly consider this suggestion.

Members raised some concerns regarding the item on a Ethical Health Check in view of the length of time it had been on the work plan. In response the Borough Solicitor and Monitoring Officer said there was some uncertainty given the abolition of the Use of Resources Assessment about the future corporate

governance and audit regime. It was agreed that the item would remain on the work plan with a target date of March 2011 but would be retitled "To consider how the Standards Committee will effectively meet its responsibilities to monitor compliance with the code and ethical governance of the authority".

Members had some discussion about action 6 regarding guidance on attendance at other meetings of Council and parish councils. It was noted that the Borough Solicitor and Monitoring Officer was due to bring a report back to the committee in March 2011 on this issue.

Parish Councillor Ryder issued an open invitation to all members of this committee to attend a meeting of his parish council at Leckhampton with Warden Hill.

Resolved that the work plan as amended be approved.

8. 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

9. EXEMPT MINUTES

Resolved: that the exempt minutes of the meeting held on 9 July 2010 be approved and signed as a true record.

10. DATE OF NEXT MEETING

The date of the next meeting was Friday 10 December at 2.30 pm. Jon Leamon offered his apologies.

The committee agreed that future meetings would be held at 2.30 pm.

11. ANY OTHER BUSINESS

A member asked for clarification on the status of current complaints. In response the Borough Solicitor and Monitoring Officer advised that there was one outstanding complaint which would be concluded shortly. If the investigation concluded that there was no breach, a Special meeting of the Standards Committee would be convened and if there was a breach a Hearings

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Sub-Committee would be held. At this stage she was not able to give any more information to members on the nature of the complaint.

A member asked whether the Standards Committee should have measures in place to judge how judiciously and quickly complaints were being dealt with.

The Borough Solicitor and Monitoring Officer responded that there were nationally imposed standards in place and these were largely being met. She was aware that one investigation had taken longer than anticipated and this was due to an external investigator being appointed and other procedural delays. In future investigations would be done in house wherever possible. There was also a balance to be achieved between expediency and giving all parties the opportunity to comment on the case. She agreed to provide a report for the next meeting on performance against targets.

The Chair thanked the Borough Solicitor and Monitoring Officer for the training session she had run for the committee prior to this meeting.

The meeting was closed at 3:27 p.m.

Chairman

Information Paper

Standards Committee - 10th December 2010

Review of Code of Conduct for Employees

This report updates progress of the review of the Code of Conduct for Employees that has been undertaken in accordance with the decision of the Council on the 22 March 2010

1. Summary of the Issue

- 1.1** At the Council meeting on 22 March 2010 the Review Working Group recommended to Council, following the KPMG report, that Standards Committee/Council make an appropriate amendment to the Employees Code of Conduct to ensure that Officers who have an interest in any matter which would, in the case of any Member of the Council, amount to a “prejudicial interest”, should not participate in or seek to influence the outcome of that matter.
- 1.2** A review has taken place of the existing Code as well as examples of Codes from other local authorities and an amended Code of Conduct for Employees has been prepared.

2. Next Steps

- 2.1** Before bringing a report to the Standards Committee, the Senior Leadership Team will be invited to comment on the amended Code of Conduct for Employees. A report will be brought back to the Standards Committee on 11 March 2011 with the draft revised code of conduct and senior officer comments.

Background Papers	Council Constitution Part 5B – Code of Conduct for Employees
Contact Officer	Sarah Farooqi, Regulatory Solicitor Manager – sarah.farooqi@tewkesbury.gov.uk – 01684 272693
Accountability	Cabinet Member Corporate Services
Scrutiny Function	

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Action	Status
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**Standards Committee Work-plan 2010/11
As at December 2010**

	Action	Target Date	Status
1.	Review of member-officer protocol	Sep 2010	Approved by Staff and Support Services Committee and going to Council in December for final approval.
2.	Review of the code of conduct for employees	Dec 2010	One of the recommendations from the Review Working Group agreed by Council on 22 March 2010. This committee will review the Code of Conduct before passing to Staff and Support Services Committee for approval.
3.	Organise Standards Committee Forum	tba	Joint Standards Committee Forum with Tewkesbury Borough Council being considered for the Autumn. (To be reviewed when further information is received on the impact of proposed abolition of Standards for England).
4.	Consider how the Standards Committee can meet its responsibilities to monitor the compliance with the code and the ethical corporate governance of the authority	Mar 2011	The Monitoring Officer will produce a report for consideration by the committee.
6.	Attendance of Standards Committee members at other meetings of Council of Parish Council	Mar 2011	Member of the committee have requested clarity on their role. The monitoring officer will develop guidance notes.

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