



CHELtenham

BOROUGH COUNCIL

Notice of a meeting of Standards Committee

Friday, 17 June 2011
2.30 pm

Pittville Room, Municipal Offices, Promenade

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 Lainé (Chairman), Jon Leamon and David O'Connor

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES** (Pages 1 - 6)
To approve the minutes of the meeting held on the 11 March 2011
4. **MEMBERS REPORTS ON ATTENDANCE AT COUNCIL, COMMITTEE AND PARISH COUNCIL MEETINGS AND OTHER MEETINGS ARISING**
5. **UPDATE ON THE LATEST BULLETINS AND COMMUNICATIONS FROM STANDARDS FOR ENGLAND**
6. **REVIEW OF PROGRESS AGAINST WORK PLAN** (Pages 7 - 8)
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. EXEMPT MINUTES** (Pages 9 - 10)
To approve the exempt minutes of the meeting held on the 11 March 2011
- 9. INVESTIGATION OF AN ALLEGED BREACH OF A PARISH COUNCIL'S CODE OF CONDUCT** (Pages 11 - 16)
Report of the Borough Solicitor and Monitoring Officer
- 10. ANY OTHER BUSINESS**
- 11. DATE OF NEXT MEETING**
14 October 2011

Contact Officer: Saira Malin, Democracy Officer, 01242 774937

Email: democratic.services@cheltenham.gov.uk

Standards Committee

**Friday, 11th March, 2011
2.35 - 3.45 pm**

Attendees	
Borough Councillors:	Robin MacDonald and Les Godwin
Parish Councillors:	David Iliffe
Independent Members:	Simon Lainé (Chairman), Duncan Chittenden, John Cripps, Jon Leamon and David O'Connor
Also in attendance:	Sarah Farooqi (Solicitor) and Julie McCarthy (Human Resources Manager)

Minutes

1. APOLOGIES

Apologies were received from Paul Ryder, Gloria Coleman and Rowena Hay.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 10 December 2010 be agreed and signed as an accurate record.

4. UPDATE ON THE LATEST COMMUNICATIONS FROM STANDARDS FOR ENGLAND

The Chairman had reviewed the Standards for England website earlier in the day and there had been no communications.

He noted that the Localism Bill Committee had yesterday (10 March 2011) finished its consideration of the Bill.

Members made no further comment.

5. STANDARDS COMMITTEE ANNUAL REPORT TO COUNCIL

The Chairman, Simon Lainé, introduced the report as circulated with the agenda. He had discussed his original draft with the Borough Solicitor and the Democratic Services Manager and as a result it had been slightly amended.

The report would go to Council on the 28 March 2011, where he would provide a brief verbal introduction. Members were invited to comment.

In response to a question from a member of the committee, the Chairman confirmed that the Appendix (Localism Bill – a brief summary of Chapter 5: Standards) would be circulated to all members for Council.

6. REVIEW OF THE CODE OF CONDUCT FOR EMPLOYEES

The Human Resources Manager introduced herself and the report as circulated with the agenda, which was taken as read.

She noted the request of Trade Union colleagues that the word 'Officer' be replaced with 'Employee' and this would be changed accordingly.

The following responses were given by the Human Resources Manager (with input from the Solicitor where necessary) to questions from members of the Committee;

- (Page 5 / Item 1 / last paragraph) - The Council had to assume that employees had a certain amount of 'common sense'. It wasn't possible to encompass everything within the document. Line Managers and HR Advisors were able to provide advice and support when required to do so.
- Page 5 / Item 2 / paragraph 2) - The Code applied to employees of contractors and formed part of procurement exercises. The wording could be amended so that it was less ambiguous and stated that the Employee Code of Conduct would form part of all procurement exercises.
- (Page 7 / Item 5.2 / paragraph 8) - The wording 'or in writing to the Monitoring Officer' would be added at the end of the paragraph.
- (Page 8 / Item 5.3) - It was confirmed that some employees such as solicitors or accountants were also governed by professional standards. It was explained that not all of the professional standards and requirements would be applicable to employees by virtue of working in local government as oppose to the private sector.
- Where applicable the references directed at the employee would be amended to 'you'.
- (Page 9 / Item 5.7 / paragraph 2) - All employees had to inform the Council if they were going to engage in any other business or accept additional employment. However, those on Grade G or above were obliged to obtain written consent from their Divisional Director. This wording could be amended to provide clarity.
- (Page 10 / Item 5.9 / paragraph 3) - The wording 'with permission of your manager' would be removed, as this insert referred to numerous calls (which would interrupt business) rather than one-offs. The boundaries for use of company mobiles were set out in the Council's 'Mobile Phone' policy. Line Managers were responsible for managing an individual's use of personal mobile phones during business hours.
- References to Council officers and contractors would be changed to 'you'.
- (Page 10 / Item 5.10 / paragraph 5) - The term 'close personal friend' would be exchanged with 'friend' to avoid ambiguity.
- (Page 12 / Item 5.13 / paragraph 2) - The word 'demonstrate' would be replaced by something along the lines of 'fully cooperate so that it can be established if any such rewards have not been corruptly obtained'.

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Members were uncomfortable that the original wording implied that an employee was assumed guilty.

- (Page 12 / Item 5.13 / paragraph 3) - The wording would be amended to clarify that the Code also applied if the employee's residence at a property affected the receipt of benefit for another person.
- (Page 12 / Item 5.15 / paragraph 2) - The word 'national' would be removed in order that it incorporated all press.
- (Page 13 / Item 5.16/ paragraph 3) - The words 'criminal offence' would be added.
- (Page 13 / Item 7) - The word 'proposed' would be added to the beginning of the last sentence and the words 'consulted on' would be replaced with 'discussed'.
- Employees were not restricted from being members of Trade Unions but were not able to use the council resources during times of strike action.
- (Question 1 / Frequently Asked Questions) Wording in line with the whistle blowing policy would be added to assure staff of confidentiality when raising concerns.

The Human Resources Manager assured members that all new employees were provided with a copy of the Code of Conduct and core policies at induction and had to sign a declaration stating they had read and understood the Code of Conduct.

The Code covered attitudes and behaviours, whilst policies and procedures were more specific. Links to the relevant policies would be included within the document once online, and hard copies would be available to those that did not have access to a computer (some staff at the depot and leisure centre).

Line Managers would be responsible for briefing employees about the revised Code of Conduct and having them sign the declaration. This information would then be added to the Learning Gateway, which would be monitored by HR. This exercise would then be repeated every one to two years.

She felt that the changes to the Code of Conduct were long overdue, made the document more user-friendly and would help instil in employees, the importance of how their actions are viewed by the public. An e-learning module was being developed which would enable employees to use the Learning Gateway to learn more about the Code of Conduct.

She envisaged that the 'question and answer' section would be developed over time, offering employees an initial reference point.

Upon a vote it was unanimously

RESOLVED that the revised Employee Code of Conduct, once amended, be approved and recommended to Council for approval.

7. REVIEW OF PROGRESS AGAINST WORK PLAN

The Chairman referred members to the work plan as circulated with the agenda. The first item, the Code of Conduct for Employees had been discussed earlier on the agenda.

The Annual Report of the Standards Committee had also been discussed earlier in the meeting and included reference to the conduct regime under the Localism Bill. More information would follow within the timescales stated on the work plan.

Independent Member, John Leamon, queried why 'advice on attendance at other meetings of Council and Parish Councils' had been removed from the work plan. The Chairman noted he had recently met with the Borough Solicitor who had apologised for the delay.

Independent Member John Cripps interjected. He did not feel that the topic should feature on the work plan. There had been consensus from all members that they would not attend Parish Council meetings and he did not see that this should affect attendance at meetings of the Borough Council.

Independent Member Duncan Chittenden did not feel it relevant given the current uncertainty surrounding the Standards Committee.

8. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

The Committee was recommended to approve the resolution as set out on the agenda.

Upon a vote it was unanimously

RESOLVED 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

The exempt minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the exempt minutes of the meeting held on the 10 December 2010 be agreed and signed as an accurate record.

10. REPORT ON THE OUTCOME OF A COMPLAINT

The Chairman introduced the Decision Notice from the Standards (Determination of Complaints) Sub-Committee meeting of the 10 February 2011. Members were asked only to note the decision.

Independent Member Duncan Chittenden, Chairman of the Sub-Committee in question, had nothing to add to the report and invited questions.

11. DATE OF NEXT MEETING

The next meeting was scheduled for the 17 June 2011.

Borough Councillor Robin MacDonald and Independent Member John Cripps would be unable to attend the meeting owing to other commitments and the Chairman advised that he too may be unable to attend.

12. ANY OTHER BUSINESS

There were no urgent items for discussion.

Simon Lainè
Chairman

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Action	Target Date	Status
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**Standards Committee Work-plan 2011/12
As at June 2011**

<p>Review of the conduct regime under the Localism Bill</p>	<p>June 2011</p>	<p>Update on government plans and timescales</p> <p>All aspects of the role of the Standards Committee and the Local Code of Conduct will need to be reviewed once the government has finalised the details for the conduct regime set out in the new Localism Bill. Responsibilities for Parish Councils will need to be defined. Appropriate training and induction arranged for members.</p>
	<p>Dec 2011</p>	<p>Proposals will be considered by the Standards Committee and final decision will be made by Council.</p>

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