



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Council

**Monday, 14 May 2012**

**2.30 pm**

**Council Chamber, Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Barbara Driver (Chair), Colin Hay (Vice-Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Andrew Chard, Chris Coleman, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Rob Garnham, Les Godwin, Penny Hall, Tim Harman, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, David Prince, John Rawson, Anne Regan, Rob Reid, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Jo Teakle, Pat Thornton, Jon Walklett, Andrew Wall, Simon Wheeler, Roger Whyborn and Suzanne Williams

### Agenda

<b>1.</b>	<b>A MOMENT OF REFLECTION</b>	
<b>2.</b>	<b>APOLOGIES</b>	
<b>3.</b>	<b>ELECTION OF MAYOR 2012-13</b>	
<b>4.</b>	<b>ELECTION OF DEPUTY MAYOR 2012-13</b>	
<b>5.</b>	<b>ELECTION OF HONORARY ALDERMEN</b>	
<b>6.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>7.</b>	<b>MINUTES OF THE LAST MEETING</b> 26 March 2012	(Pages 1 - 12)
<b>8.</b>	<b>COMMUNICATIONS BY THE MAYOR</b>	
<b>9.</b>	<b>TO APPOINT THE LEADER OF THE COUNCIL FOR THE ENSUING TWO YEARS AND TO NOTE THE MEMBERSHIP OF CABINET</b>	
<b>10.</b>	<b>TO ESTABLISH AND APPOINT TO THE FOLLOWING COMMITTEES (INCLUDING APPOINTMENT OF SUBSTITUTE</b>	

	<b>MEMBERS)</b>	
	a) <b>Overview and Scrutiny Committee</b>	
	b) <b>Audit Committee</b>	
	c) <b>Planning</b>	
	d) <b>Licensing</b>	
	e) <b>Standards Committee</b> No substitutes	
	f) <b>Appointments and Remuneration Committee</b>	
	g) <b>JNC Disciplinary Committee</b>	
	h) <b>JNC Appeals Committee</b>	
<b>11.</b>	<b>APPOINTMENT OF CHAIR AND VICE-CHAIR TO OVERVIEW AND SCRUTINY COMMITTEE</b>	
<b>12.</b>	<b>GLOUCESTERSHIRE COUNTY COUNCIL HEALTH, COMMUNITY AND CARE SCRUTINY COMMITTEE</b> To appoint one Councillor and a substitute	
<b>13.</b>	<b>GLOUCESTERSHIRE COUNTY COUNCIL COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE</b> To appoint one Councillor and a substitute	
<b>14.</b>	<b>GLOUCESTERSHIRE POLICE AND CRIME PANEL</b> Report of the Director of Commissioning To appoint one Councillor and a substitute	(Pages 13 - 22)
<b>15.</b>	<b>APPOINTMENT OF INDEPENDENT PERSONS UNDER THE LOCALISM ACT 2011 - NEW STANDARDS REGIME</b> Report of the Borough Solicitor and Monitoring Officer	(Pages 23 - 38)
<b>16.</b>	<b>APPOINTMENT TO ADVISORY GROUPS AND WORKING GROUPS</b> To appoint to the following advisory groups and working groups:	
	a) <b>Treasury Management Panel</b>	
	b) <b>Constitution Working Group</b>	
<b>17.</b>	<b>TO APPROVE THE CONSEQUENTIAL CHANGES TO THE CONSTITUTION</b>	
<b>18.</b>	<b>NOTICES OF MOTION</b>	
<b>19.</b>	<b>TO RECEIVE PETITIONS</b>	
<b>20.</b>	<b>ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION</b>	

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**Andrew North**  
**Chief Executive**

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### Council

**Monday, 26th March, 2012**

**2.30 - 5.20 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Barbara Driver (Chair), Colin Hay (Vice-Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Rob Garnham, Les Godwin, Penny Hall, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Robin MacDonald, Paul Massey, Andrew McKinlay, John Rawson, Anne Regan, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Lloyd Surgenor, Jo Teakle, Pat Thornton, Jon Walklett, Andrew Wall, John Webster, Simon Wheeler and Roger Whyborn

### Minutes

**1. A MOMENT OF REFLECTION**

Reverend Tim Mayfield invited Members to take a moment of reflection.

**2. APOLOGIES**

Councillors Wheeldon, McCloskey, H. McLain, P. McLain and Cooper had given their apologies.

**3. DECLARATIONS OF INTEREST**

Councillors C. Hay, R. Hay, Britter and McKinlay declared a personal interest agenda item 15 (Notices of Motion) as Members of Campaign for Real Ale (CAMRA).

**4. MINUTES OF THE LAST MEETING**

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

Councillor Garnham raised the issue of consistency with regard to the attributing of comments to specific Members. Throughout the minutes comments were associated to 'some members' or those members' but in the second to last paragraph of Agenda Item 10 (Reviewing the 'development of land and infill sites' SPD) Councillor Fisher had been named. The Mayor confirmed that this error had been highlight by the Officer responsible for producing the minutes and the proposal was that Councillor Fisher's name be replaced with 'A Member'. Members agreed.

Upon a vote it was unanimously

**RESOLVED that the amended minutes of the meeting held on the 24 February 2012 be signed and agreed as an accurate record.**

**5. PUBLIC QUESTIONS**

No public questions had been received.

**6. COMMUNICATIONS BY THE MAYOR**

The Mayor took the opportunity to thank and congratulate Reverend Tim Mayfield for the service he had held the previous day (Sunday 25 March) which was fun and unique.

She reminded Members that there was still an opportunity for them to support the Mayor's Charities by attending one of the upcoming events which included, the Churchdown male voice choir at Christchurch on the 1 April, the abseiling event at Eagle Star on the 22 April (for which disabled access was now possible) and the black tie dinner and auction to be held at Star College on the 11 May.

**7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**

As this would be his last opportunity before elections, the Leader of the Council thanked the Mayor for her charring of the Council meetings and her enthusiastic support of events across the town during her term as Mayor. The Leader extended his thanks to all Members ahead of the elections for their years of service and many contributions to the town but specifically those that he was aware did not intend to stand for re-election. Councillor MacDonald who was an institution in his ward of Leckhampton, Councillor Cooper with his boundless business knowledge, Councillor Wheeldon for his contributions to low carbon and sustainability, Councillor Webster whose knowledge and sheer hard work had been unmeasurable and finally, Councillor Surgenor who would be a great loss to the Planning Committee for which he was so passionate.

The Mayor echoed thanks to those Members who were choosing to stand down.

**8. MEMBER QUESTIONS**

No member questions had been received.

**9. PAY POLICY STATEMENT**

Councillor C. Hay, as Cabinet Member Corporate Services, explained that a requirement of the Localism Act 2011 was for councils to produce a pay policy statement in respect of employees for 2012-13 and subsequent financial years. Members were assured that the 2012-13 pay policy statement merely set out the approach that had been taken over the last number of years. He felt that over the coming year consideration should be given to 'discretions' as they had never been used, which posed the question, why do we have them.

Along with the Director People, Organisation Development and Change, the Cabinet Member Corporate Services gave the following responses to Member questions;

- In relation to item 1.11 of the report and Council being offered the opportunity to vote before large salary packages are offered in respect of new appointments, the Appointments and Remuneration Committee would undertake this through delegation.
- The last sentence of item 1.5 of the report was missing the word transparency after the words 'staff need more' (transparency).

Upon a vote it was unanimously

**RESOLVED that**

- (i) **The 2012-13 Pay Policy Statement be approved.**
- (ii) **The revised LGPS Statement of Policy/Discretions (paragraph 2.23) be approved.**

**10. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

The Chair of the Standards Committee, Simon Lainé, introduced the Annual Report on behalf of the Standards Committee. He explained that this year the report not only provided a summary of the Committee's activities in the last year but consisted mostly of a commentary of the part of the Localism Act 2011 that concerned Standards.

The work of the Standards Committee had depleted during the last year in light of its imminent demise and therefore the number of meetings had reduced accordingly. There were very few complaints regarding possible breaches of the Code and therefore very few cases for consideration. Those that did arise did not involve major transgressions, none of the subjects of the complaints were found to be in breach and unlike in previous years, investigations were completed in a relatively short time.

The Committee had last met in February for a workshop to discuss the Localism Act and its implications and the report summarised those discussions.

Members felt that the Standards Committee must retain its power to apply sanctions if the decision is that there has been a breach of the Code otherwise it would be powerless and it could be argued, pointless.

A Member welcomed the abolition of the old regime which he felt placed far too much emphasis on what Councillors said and not what they did, was open to malice and silliness and triggered too many complaints, creating an entire industry. He considered the Localism Act and proposals to be broadly sensible, with a focus on wrong doing which, in his mind, would cease what had become an entirely bureaucratic process.

In response to a Member question, the Monitoring Officer confirmed that the legislation stated that the principal authority (CBC) must investigate allegations on behalf of the Parish Councils but the Act did not actually preclude this happening at a local level.

The Mayor thanked the Chair for his attendance and all Committee Members on behalf of the Council for their hard work.

**11. CORPORATE STRATEGY**

The Leader of the Council introduced the Corporate Strategy – 2012/13 action plan, the third annual action plan of the five year strategy. He explained that the plan had evolved in parallel with the budget and highlighted some key points. In compliance with the public sector equality duty, three objectives were developed which were considered most important in promoting equality and diversity; Listening and responding to a wide-range of communities, Promoting

fair access to our services and Ensuring fair employment practices. The action plan included specific commitments to support the six priorities identified by the new partnership structure, though the Council was not directly responsible for delivery. Appendix 2 detailed the ongoing progress of various Commissioning Reviews and set out future plans.

The report included details of comments made by scrutiny, of which a major recurring concern was whether there were sufficient resources within the Council to deliver all of the work set out in the action plan. He assured Members that an Officer level assessment had been undertaken and Officers were fairly confident that it was achievable. The plan was always ambitious, for which he couldn't apologise and he thanked Officers for making it all happen. Overview & Scrutiny would consider a report twice a year to monitor progress.

The plan included some major projects (Art Gallery & Museum, North Place & Portland Street and St. Paul's) and next week would see the launch of GO Shared Services and UBICO. These were exciting times for the Council, but GO and UBICO needed to produce savings and this would be monitored to ensure that this was being achieved as well as working as they should be. He hoped that Members could support the recommendations.

A number of Members were dismayed that there was no mention of the Queen's Diamond Jubilee. £15k had been set aside for the Olympic celebrations and there was still £30k of Promoting Cheltenham Fund monies that had not been allocated and yet the Council appeared to have no plans to commemorate the Queen's 60<sup>th</sup> year on the throne. These Members urged that something be done to mark this occasion, whether this was an event or as one Member advocated a permanent marker.

Some Members could understand the concerns that had been raised but felt that, importantly, events were being organised to honour the Queen from the community, up. Details of various events were raised, with one Member thanking the Council for the support it had offered in facilitating a Parish Council to organise a Jubilee celebration which it was hoped would attract 1500-2000 people.

A Member pointed out that the message from the Queen herself had been that Councils should not spend vast amounts holding celebratory events and should instead look at augmenting what they already do. He expressed his surprise that nothing had been proposed at the last meeting, when the budget was approved, at which Members could have put forward a request for funding of such an event. Importantly he felt that the Olympic Torch celebration at the racecourse on the 23 May would be a spectacular event for everyone in Cheltenham.

The Mayor advised Members that a commemorative plaque and flag would be purchased to mark the Queen's Jubilee.

The Cabinet Member Finance & Community Development highlighted the importance that neighbourhood management would play in relation to strengthening communities and how this would become increasingly important in the future as resources within the emergency services, etc, reduced. First response to issues would need to come from the local community and it would



be desirable if Neighbourhood Coordination Groups took responsibility for dealing with day to day issues.

The Cabinet Member Sport & Culture responded to queries relating to his portfolio. In terms of what the Council was doing to support the partnership priority; Ensuring that our young people have access to a suitable range of positive activities, the outcomes set out on the 'people are able to lead healthy lifestyles' detailed the annual Summer of Sport initiatives for which the target attendance figure was 1,497 and the free under 16 swim, of which CBC was the only Borough in the County to offer. He assured Members that the targets that had been set, whilst very high, were legitimate and he was sure were achievable.

The Cabinet Member Housing & Safety responded to queries raised relating to her portfolio. She acknowledged the importance of youth work for which the Council had made £50k available, this funding was being used to identify gaps in provision across the town and the linkages that had been formed would help to prevent duplication. She was happy to consider a reference to the Night Time Levy for inclusion in actions relating to how Licensing would help to reduce the impact of alcohol on individuals and families. Welfare reform was a key area of concern for her personally and the strategies that were being developed aimed to protect people against these reforms. She did however voice her apprehension about the resilience of the services dealing with this issue, given that a number of resources had been lost.

In closing, the Leader took the opportunity to respond to the various comments and concerns that had been raised. He felt that the comments about the Jubilee were unjustified at this stage. The Chief Executive was absent from the last Council meeting (24 February) as he had attended a briefing with the Duchess of Gloucester to discuss Jubilee events. Having been involved in the consideration of bids for the Promoting Cheltenham Fund he was able to confirm that no bids for Jubilee related events were received. The JCS offered the Town a degree of protection and this would only be benefited by working with Gloucester and Tewkesbury. He acknowledged that the economy was an important issue suggested that as part of commissioning, now, was not the right time to review the service. Partnerships were not the perfect solution but they were vital in the current circumstances. He was confident that the restructure from six to three partnerships would increase effectiveness, though admittedly this relied upon the appropriate linkages being in place and working as they should. This would be for Overview & Scrutiny to monitor and review.

Upon a vote it was

**RESOLVED that the 2012-13 corporate strategy action plan be approved and used as a basis for monitoring the council's performance over the next 12 months.**

(Voting: 22 For, 5 Against with 4 Abstentions)

### **12. COUNCIL DIARY SEPTEMBER 2012 TO AUGUST 2013**

The Director of Commissioning introduced the report, which sought approval of the provisional diary of meetings for September 2012 to August 2013. She highlighted that the production of the diary was a logistical challenge and the rationale for the diary and the draft calendar had been circulated to officers and

members in February as part of the consultation. As far as possible any comments had been incorporated and the diary also took note of the comments raised by members at the last Council meeting requesting that evening meetings start at 6 p.m. to accommodate those members who are not able to leave work any earlier. She advised members that the deadline for public and member questions for Council may need amendment following the review of the constitution under agenda item 14. The diary could also be downloaded from modern.gov on to members own electronic diaries and this was to be included in the members training sessions on modern.gov being organised by the Democratic Services Manager. Since the diary had been published two amendments had been suggested, firstly that Council on 8 October 2012 should move to 15 October to avoid the party conferences and Planning Committee should be rescheduled from 15 November 2012 to 22 November 2012 to avoid the elections for the new Police Commissioner. The planning date had been agreed with planning officers prior to this meeting and the planning view would also move forward one week.

These amendments were noted.

A member was concerned about the phasing of the overview and scrutiny meetings with Cabinet and Council. He made a number of suggestions and subsequently agreed to put these in writing to the Democratic Services Manager for consideration.

The Cabinet Member Corporate Services said it was a shame that these comments had come so late in the process but nevertheless they had some merit. He proposed that Council should agree the diary subject to the Director of Commissioning reviewing the suggestions for O&S and agreeing the final schedule in consultation with the Group Leaders.

Upon a vote it was unanimously

### **RESOLVED that**

- 1. The draft Council Diary of meetings for September 2012 to August 2013 as amended be approved subject to the Director of Commissioning agreeing the final dates for Overview and Scrutiny in consultation with the Group Leaders.**
- 2. The revised dates for the current diary as set out in paragraph 2.1 be noted.**

### **13. MEMBERS' ALLOWANCES REVIEW**

The Director of Commissioning introduced the report which set out the recommendations of the Independent Remuneration Panel (IRP) in relation to members' allowances. The panel had specifically considered the new scrutiny arrangements effective from May 2012, the new Standards arrangements effective from July 2012 and ICT support for members'.

A member drew attention to the special responsibility allowances (SRAs) for Planning Committee chair and vice-chair where the SRAs paid by Cheltenham Borough Council seemed much lower than other councils. Another member

commented that decisions made by the Planning Committee could have long term implications and therefore the role was very important.

A member commented that the average of four hours per week for the new Chair of O&S referred to in paragraph 2.14 of the panel's report did seem quite conservative but could only be reviewed once a suitable time had elapsed. Another member felt that more information was needed in the report to explain why the allowances had been set at these levels as in a similar situation officers would not accept any reduction in their pay without this information.

The Leader wished to put on record their thanks to the IRP for their work and he felt Council should be morally obliged to accept the panel's recommendations. He noted that the future of members ICT was somewhat in limbo whilst a review of ICT was being carried out.

The Mayor felt it was wrong that councillors chose to come late to council meetings, leave early or not show up at all and she felt that should be taken into account and allowances should then be paid at the end of the year.

Voting CARRIED with 2 abstentions.

Upon a vote it was CARRIED with 2 abstentions

**RESOLVED that**

- 1. The recommendations of the IRP (summarised in part 5 of the report) be approved for adoption.**
- 2. The Director of Commissioning be authorised to implement any necessary changes to the scheme of allowances and the Borough Solicitor and Monitoring Officer be authorised to make any necessary changes to the Council's constitution.**

**14. REVIEW OF THE CONSTITUTION**

The Cabinet Member Corporate Services firstly apologised for the late publication of the report and appendices, which were circulated to Members on Friday (23 March). With hindsight he felt that the review should have commenced at an earlier stage as it took longer than originally anticipated.

He took this opportunity to thank the two other Members who had formed part of the Working Group, Councillors Smith and Godwin and the Borough Solicitor & Monitoring Officer and Head of Legal Services for all their hard work.

Council were being asked to approve the revisions that had been undertaken thus far, though further contextual amendments and formatting as necessary would be delegated to the Borough Solicitor. It was recognised that there would be further amendments later in the year when the implications for the new conduct regime arising from the Localism Act 2011 had been assessed and material changes would be reported to Council for approval.

He noted that Members would no longer be provided with a hard copy of the entire document, but that the new format would allow for specific sections to be printed and the definitive version would be available on the website.

In response to queries raised by Members the Cabinet Member Corporate Services explained that;

- There had been a conscious decision to avoid being too prescriptive in relation to the new Overview & Scrutiny Committee. It was important for the Committee to establish its own working procedures and this would include if, how and when follow-up on recommendations was to be undertaken.
- The wording regarding 'call in' would be reviewed and amended as necessary to eliminate any ambiguity. 'Call in' related strictly to the principles of decision making. At present all non-executive Members were appointed to one of the three Overview & Scrutiny Committees but under the new scrutiny arrangements, only 10 Members would be appointed to the Overview & Scrutiny Committee, so any Member could 'call in' a decision.
- Option 2 was Cabinet's preferred option for the amendment to Motion on Notice. This would allow Council to decide to refer a Motion to the Cabinet or Committee for consideration, without debate and would allow for more detailed information to be collated which would facilitate an informed debate.

Members expressed the view that it was an important right to be able to raise a Motion for debate at Council and it should only be referred to Cabinet or other Committees as an exception.

The Leader highlighted the deadline for Public and Member questions which had been extended from 10am on the 5<sup>th</sup> working day before the day of the meeting to midday on the 4<sup>th</sup> working day before the day of the meeting. This would ensure that both Members and the Public had the opportunity to consider the agenda ahead of the deadline for the submission of questions.

The Monitoring Officer confirmed that the assumption was that the constitution would be reformatted ahead of May, though it could in fact need to be refreshed shortly after May as part of an ongoing process of review. The Working Group would remain with the addition of two Members, one to be Councillor Sudbury.

Upon a vote it was

**RESOLVED that**

- 1. The revised Overview & Scrutiny Rules (Appendix 1) be approved.**
- 2. The revised Indication of Terms of Reference for Overview & Scrutiny Sub-Committee (Appendix 2) be approved.**
- 3. The revised Budget and Policy Framework Rules (Appendix 3) be approved.**
- 4. The revised Part 2 Articles 1-16 (Appendix 5) be approved.**

5. **The Part 3 Responsibilities for Functions and the Policy Table (Appendix 4) be approved (subject to the Leader approving the Executive Functions set out in Part 3E).**
6. **The increase in membership of the Audit Committee from 5 to 7 members (paragraph 5.7 of the report) be approved.**
7. **The Contract Rules (Appendix 6) and the revised Employee Code of Conduct (Appendix 8) be approved.**
8. **The amendment to Rule 12 of the Council Procedure Rules – Public and Member Questions (paragraph 7.2 and 7.3 of the report) be approved.**
9. **The amendment of Rule 5 of the Council Procedure Rules – Motions on Notice (option 2 / paragraph 7.4 of the report) “to decide without debate whether to deal with the Motion at the meeting or to refer it to the Cabinet or Committee for consideration, in each case a decision is taken” be approved.**
10. **That, with the exception of the Contract Rules which will be implemented on 1<sup>st</sup> April 2012, the above amendments approved by Council will take effect from the new municipal year in May 2012.**
11. **The Borough Solicitor, in consultation with the Constitution Review Working Group be delegated authority to;**
  - (i) **Reformat the Constitution and make any textual or other amendments which are necessary to ensure accuracy and consistency but which do not materially affect the Constitution as approved by Council.**
  - (ii) **Devise a Public Participation Scheme to draw together in one Appendix to the Constitution, the various ways in which the public may participate in Council business.**

CARRIED with 1 Abstention.

**15. NOTICES OF MOTION**

Councillor C. Hay, seconded by Councillor Walklett, proposed the following motion:

In the last decade more than 800 Public Houses have closed in Gloucestershire, of which 115 have closed in Cheltenham alone. Many of which provided a valued social amenity, these have been lost forever. Community assets - such as local pubs, can be afforded protection from changes of use and demolition. Cheltenham planners do look at the viability of local pubs in coming to any recommendations and decisions, however, it has proved very difficult to stop the 115 closures.

In order to preserve those pubs that do provide a community asset, this council resolves to;

**Adopt the Public House Viability Test developed by CAMRA (Campaign for Real Ale) and develop policies which further protect local Public Houses and other community assets.**

In proposing the motion, Councillor C. Hay had done so as there had been issues locally in his ward, where residents had been vocally opposed to the closure of public houses. The figure of 155 closures would, he suggested, need to be looked at with care, as some had in fact closed and reopened as restaurants. He considered that many pubs that had closed in recent years across the town could, in the right hands, have continued to serve their local communities as well as providing a decent living for those running them and CAMRA were at the forefront of protecting these community assets. The majority of those pubs closed each week were owned by pubco, not small breweries or owner/occupiers, who tended to change the business model to meet the need. He proposed that pubco had adopted a business model based on significant borrowing that meant that they were worth more in development terms than they were as public houses and his suspicion was that pubco had in place a run-down process which aimed to justify the closures.

As seconder, Councillor Walklett spoke in support of the motion by highlighting that 4 of the 7 public houses in his Ward, St. Pauls, had closed in the last 10 to 12 years. He saw the motion as a means of making communities aware that there were alternatives to the closure of local pubs, which were a community asset and should be protected.

Those Members who felt unable to support the motion, admired the sentiment behind it, but were unconvinced that the Council could do anything locally to prevent the closure of public houses in the Town. The situation was the same across the country and was attributed to the rising cost of alcohol which was undoubtedly leading people to purchase alcohol for consumption at home. These Members were unwilling to agree to 'adoption' of the viability test without sufficient detail of what this would entail and suggested that they would be more comfortable if the motion proposed that adoption be considered.

A Member considered that some would argue that there were too many pubs, or too many of the wrong kind of establishments in Cheltenham. He queried whether in addition to public houses, the proposed closure of 'community assets' including churches, post offices, banks, etc should also be considered. He was unconvinced the Council should interfere in the way private individuals and/or businesses use their assets.

Another Member reiterated the point that any individual had the right to submit a Planning Application to demolish and rebuild. Some years ago the Council had developed a list of non-listed properties which it felt had architectural merit worth preserving but there was nothing to stop these properties being demolished as there was no force of law. Planning Law was specific and this was why the Council had Planning Policies.

Members speaking in support of the motion did so as they felt that pubco were sacrificing community assets in place of financial reward and considered it more viable to demolish instead of developing a more sound business model. The CAMRA Public House Viability Test looked beyond the current financial business case and Members felt that it would be a useful tool for the Planning

Committee. They commended Councillor Hay for challenging the status quo that nothing could be done.

Councillor Hay felt that there had been a lot of discussion of the issue which he had imagined would have been done outside of the meeting, perhaps by a working group. He was happy to amend the motion so that council resolves to;

**Investigate the adoption the Public House Viability Test developed by CAMRA (Campaign for Real Ale) and develop policies which further protect local Public Houses and other community assets.**

He reiterated that the pubco business models didn't work and seemingly had one thing in mind, realising their market value.

**Upon a vote the substantive motion was CARRIED with 2 Against.**

**16. TO RECEIVE PETITIONS**

No petitions had been received since the last meeting.

Councillor Regan presented a petition with approximately 1020 signatures on behalf of local residents adjacent to Weavers Field;

"We the undersigned are very much against the current preliminary proposal which could see up to 88 allotments on part of Weavers Field. The council say that only 3.1 acres of the 8.1 acre field would be turned into allotments – however this does not take into account the creation of a large allotment car park area in order to cope with a significant number of vehicles. This area is the only open green space in this locality and the preliminary proposal is not acceptable".

The Mayor explained that a letter confirming how and when the petition would be dealt with by the Council would be sent to the petition organiser in due course.

**17. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION**

There were no urgent items for discussion.

Barbara Driver  
**Chair**

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## Cheltenham Borough Council

**Council – 14 May 2012**

### Gloucestershire Police and Crime Panel

<b>Accountable member</b>	Cabinet Member Corporate Services
<b>Accountable officer</b>	Director of Commissioning, Jane Griffiths
<b>Accountable scrutiny committee</b>	Overview and Scrutiny Committee
<b>Ward(s) affected</b>	All
<b>Significant Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The Police Reform and Social Responsibility Act 2011 requires each police area in England to establish a Police and Crime Panel. The Panel will publicly scrutinise the Police and Crime Commissioner who themselves will hold the Chief Constable of their force to account. In Gloucestershire, the Panel will be a joint scrutiny committee of the seven councils.</p> <p>Each borough council is being asked to appoint a Member and a Deputy Member to the Gloucestershire Police &amp; Crime Panel, and to adopt the terms of reference and panel arrangements.</p>
<b>Recommendations</b>	<p>Council is asked to <b>RESOLVE</b> that</p> <ol style="list-style-type: none"> <li><b>(1) One Member and one Deputy Member be appointed to the Gloucestershire Police &amp; Crime Panel.</b></li> <li><b>(2) The terms of reference attached at Appendix 1 and the panels arrangements attached at Appendix 2 be adopted.</b></li> <li><b>(3) That the Chair of the Panel receive a special responsibility allowance of £5,808 and that Members of the Panel be able to claim travel, subsistence and carers' allowances from Gloucestershire County Council.</b></li> <li><b>(4) Gloucestershire County Council be the host authority in establishing the Panel and providing the necessary officer support.</b></li> <li><b>(5) The Council's Constitution be amended accordingly.</b></li> </ol>

<b>Financial implications</b>	<p>The Home Office have indicated that they will be providing funds to cover members' allowances and support to the Panel from October 2012. There are no direct financial implications for this Council as it is proposed that the County Council receive the funding and provide the necessary officer support to the Panel and payment of any members allowances or expenses.</p> <p><b>Contact officer: Mark Sheldon, Director of Resources</b> <b>mark.sheldon@cheltenham.gov.uk, 01242 264123</b></p>
<b>Legal implications</b>	<p>The Police Reform and Social Responsibility Act 2011 requires all local authorities in a police area to establish a police and crime panel. The panel exercises scrutiny functions and, in a multi-authority area, is a joint committee. The Act contains detailed provisions which, amongst other things, set out the basic terms of reference for a panel and require the local authorities to agree the panel arrangements or modifications thereof which, once agreed, must be complied with by both the local authorities and members of the panel. The panel must make its own rules of procedure.</p> <p><b>Contact officer: peter.lewis@tewkesbury.gov.uk, 01684 272012</b></p>
<b>HR implications (including learning and organisational development)</b>	<p><i>There are no HR implications arising directly from this report as Gloucestershire County Council will be providing officer support to the Panel.</i></p> <p><b>Contact officer: , @cheltenham.gov.uk, 01242</b></p>
<b>Key risks</b>	See Appendix 1
<b>Corporate and community plan Implications</b>	<p>Establishment of a Police &amp; Crime Panel is a statutory requirement of the Police and Social Responsibility Act 2011 intended to benefit all of the County's residents by securing efficient and effective policing.</p> <p>The Police &amp; Crime Panel publicly scrutinise the Police &amp; Crime Commissioner who themselves will hold the Chief Constable of their force to account. The Police &amp; Crime Commissioner will be charged with efficient and effective policing in Gloucestershire.</p>
<b>Environmental and climate change implications</b>	There are no sustainability implications arising directly from this report.

## 1. Background

- 1.1 The Police Reform and Social Responsibility Act 2011 requires each police area in England to establish a Police and Crime Panel. The Panel will publicly scrutinise the Police and Crime Commissioner who themselves will hold the Chief Constable of their force to account. In Gloucestershire, the Panel will be a joint scrutiny committee of the seven councils.
- 1.2 At a Leadership Gloucestershire meeting held in November 2011, the Leaders of the seven councils (or their representatives) agreed in principle that:
- Gloucestershire County Council should act as the host authority in establishing the Panel and providing the necessary officer support.
  - The Panel should be made up of 10 non-executive councillors and two independent non-elected Members (although at a later meeting a request was made that local authorities should not be restricted in who they choose to sit on the Panel).
  - The elected membership should be made up of six district councillors and four county councillors.
- 1.3 There already exists in the county well established joint scrutiny arrangements for community safety and Members of that body have been closely involved in developing the working arrangements for the Panel. In addition, presentations on the role of the Panel have been made at each council and at meetings of the Gloucestershire Scrutiny Group which includes Members and officers from the seven councils. This early engagement of Members has allowed concerns to be addressed and for the working arrangements to be shaped to meet local needs.
- 1.4 The Act requires that the Panel is politically balanced as far as reasonably practicable across the 320 district and county councillors in Gloucestershire. If the initial appointments by the seven councils do not result in political balance then it is proposed that a minimum number of 'top up' Members be appointed by the Panel to achieve this. The responsibility for recommending the appointment of 'top up' Members will lie with the Leader of Gloucestershire County Council, and consultation will take place with the Leaders of the relevant political group before making a recommendation.
- 1.5 The Panel arrangements do not require the Council to appoint a non-executive Member. The appointment of executive Members could, however, result in a potential conflict of interest as the commissioner will need to have a working relationship with Cabinet Members. It is also important for the new Cheltenham BC O&S committee to be able to feed issues through to the Panel and receive feedback and this process would be facilitated if the appointment was a scrutiny member. If an executive Member was appointed then consideration would need to be given as to how this 2 way communication would take place.
- 1.6 The Home Office have indicated that they will be providing funds to cover Members' allowances and support to the Panel from October 2012. The special responsibility allowances for the Panel have been assessed by the Independent Remuneration Panel at the County Council and a recommendation has been made that the Chair should receive a special responsibility allowance of £5,808 each year. This is in line with the special responsibility allowances paid to the Chairs of the scrutiny committees at the County Council and payments will be made by the County Council. The Chair of the Panel could be either a County Councillor or a District Councillor. Members of the Panel will be able to claim travel, subsistence and carers' allowances from the County Council.
- 1.7 The County Council have assigned an officer from Democratic Services to support the Police and Crime Panel.

1.8 Following the appointment of Members and adoption of the terms of reference and Panel arrangements by each of the seven local authorities, it is intended that the first meeting of the Panel will be held in June to allow it to consider its role and develop a work plan.

**2. Reasons for recommendations**

2.1 To comply with the provisions of the Police Reform and Social Responsibility Act 2011, which require the local authorities of each police area in England to establish a Police and Crime Panel. In Gloucestershire. The Panel will be a joint scrutiny committee of the seven councils and this Council is asked to appoint one Member and one Deputy Member to the Panel and to adopt the terms of reference and Panel arrangements.

**3. Alternative options considered**

3.1 The original proposal for the Panel’s membership was that it be formed of non-executive councillors only. This was rejected as being unnecessarily restrictive.

**4. Consultation and feedback**

4.1 Consultation has taken place with Leadership Gloucestershire and the Gloucestershire Scrutiny network. Officers from the county scrutiny team have also attended a scrutiny workshop at each district council to brief members and get feedback on the new arrangements.

**5. Performance management –monitoring and review**

5.1 Will be monitored by the County Council Scrutiny committee and the Cheltenham BC overview and scrutiny committee will receive regular updates.

<b>Report author</b>	<b>Contact officer: Rosalind Reeves, Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk,  01242 77 4937</b>
<b>Appendices</b>	1. Risk Assessment  2. Terms of Reference  3. Panel Arrangements
<b>Background information</b>	1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If a Cabinet Member is appointed to the panel there could be a potential conflict as the Police Commissioner will need to have a working relationship with some Cabinet Members		18/04/2012	2	4	8	Reduce	Consider a non-exec appointment Advise members accordingly			
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

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## **GLOUCESTERSHIRE POLICE AND CRIME PANEL**

### **TERMS OF REFERENCE**

The functions of the panel are to be exercised with a view to supporting the effective exercise of the functions of the Police and Crime Commissioner. The panel is under a duty to support, as well as challenge, the commissioner.

- 1) To review the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner. The panel must make a report or recommendations to the commissioner.
- 2) To review the annual report and make a report or recommendations to the commissioner. The panel is to ask the commissioner questions, as appropriate, on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation of proposed senior appointments made by the Police and Crime Commissioner, this includes:
  - a) The commissioner's chief executive
  - b) The commissioner's chief finance officer
  - c) A deputy police and crime commissioner

The panel has the power to veto the appointment of the Chief Constable.

- 4) To review and make a report and recommendation (as necessary) on the proposed precept. The panel has the power to veto the proposed precept.
- 5) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 6) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
- 7) To appoint an Acting Police and Crime Commissioner if necessary.

## **GLOUCESTERSHIRE POLICE AND CRIME PANEL**

### **PANEL ARRANGEMENTS**

#### **1 OPERATING ARRANGEMENTS**

- 1.1 Gloucestershire County Council shall act as the host authority in establishing the Police and Crime Panel and provide the necessary officer support.
- 1.2 The panel shall be made up of a minimum of 10 councillors and two independent members.
- 1.3 The elected membership shall be made up of a minimum of six district councillors and a minimum of four county councillors. Each council will appoint deputies equivalent to the number of members it has appointed to the panel.
- 1.4 Gloucestershire County Council as host authority shall promote the role of the police and crime panel through meetings held in public.
- 1.5 Any funding provided by the Home Office to meet the costs of establishing, supporting and running the panel will be managed by Gloucestershire County Council as host authority.

#### **2 ELECTED MEMBERSHIP**

- 2.1 All county councillors and district councillors in the county of Gloucestershire are eligible to be members of the panel.
- 2.2 Included in the panel's membership will be one councillor from each district council.
- 2.3 The 10 elected members of the panel will be appointed in May 2012 at the annual meeting of each council. Named deputies will be appointed for each member.
- 2.4 Future appointments will be made at each annual meeting or at the annual meeting following an election. Terms of office may not be for more than four years, but members may subsequently be appointed for more than one term.
- 2.5 The panel membership shall, as far as is reasonably practicable, meet the balanced appointment objective as set out in the Police Reform and Social Responsibility Act 2011.



- 2.6 The panel may resolve to co-opt additional elected members if, for example, the appointments made by each council do not meet the balanced appointment objective across the whole panel. The co-opted elected members may be drawn from the county council or the district councils and will be recommended to the panel by the Leader of Gloucestershire County Council following consultation with Leadership Gloucestershire. The appointment of co-opted elected members will be reviewed annually.
- 2.7 In accordance with the Police Reform and Social Responsibility Act 2011, any increase in the size of the panel as a result of the co-option of elected members will be subject to the approval of the Home Secretary. The maximum number of members of the panel including co-opted members shall not exceed 20.
- 2.8 All elected members, including co-optees, of the panel may vote in proceedings of the panel.

### **3 CASUAL VACANCIES**

- 3.1 A vacancy on the panel arises when a county councillor, a district councillor or an independent member resigns from the membership of the panel.
- 3.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for co-opted elected members and independent members will be filled in accordance with the selection processes outlined in sections 2.6 and 4.

### **4 INDEPENDENT MEMBERS**

- 4.1 The panel shall co-opt two independent non-elected members onto the panel for a term of four years, starting in July 2012.
- 4.2 The selection process for co-opting independent members should include a reasonable period of advertising for the positions. A closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.
- 4.3 Information packs should be prepared and sent to those requesting application forms.
- 4.4 The applications will be considered against agreed eligibility criteria and then the chairman and vice-chairman of the panel will be invited to meet to consider applications and interview candidates. At all times consideration should be given to the balanced appointment objective.

- 4.5 The 'balanced appointment objective' referred is the objective that local authority members of a police and crime panel (when taken together):
- a) represent the political make-up of the relevant local authorities;
  - b) represent all parts of the relevant police area;
  - c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.
- 4.6 Following the interviews, the chairman and vice-chairman will make recommendations to the panel about membership for the panel to confirm.
- 4.7 Independent members may vote in all proceedings of the panel.

## **5 REMOVAL OF MEMBERS**

- 5.1 An Authority may decide in accordance with their procedures to remove their appointed member from the panel at any point and on doing so shall give notice to the Chief Executive of Gloucestershire County Council as host authority.
- 5.2 An appointed member may resign from the panel by giving written notice to the Chief Executive of Gloucestershire County Council as host authority and the Authority they represent on the panel.
- 5.3 In the event that any appointed member resigns from the panel, or is removed from the panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative member to the panel. The validity of the proceedings of the panel is not affected by a vacancy in the membership.

## **6. ALLOWANCES**

Allowances will be assessed by the Independent Remuneration Panel at Gloucestershire County Council.

**Cheltenham Borough Council**  
**Council – 14<sup>th</sup> May 2012**  
**Localism Act 2011 – New Standards Regime**

<b>Accountable members</b>	Cabinet Member Corporate Services
<b>Accountable officers</b>	Borough Solicitor & Monitoring Officer
<b>Ward(s) affected</b>	None directly
<b>Significant Decision</b>	No
<b>Executive summary</b>	To provide an overview of the new Regime for the maintenance of high standards of conduct by Members as set out in the Localism Act 2011 and to consider and approve arrangements for the appointment of one or more Independent Persons in accordance with Section 28 of the Act. The current arrangements in relation to Standards, under the Local Government Act 2000, are expected, subject to Regulations yet to be made, to cease on 30 June and new arrangements, under the Localism Act 2011, need to be in place to commence on 1 July 2012. One aspect of the new Regime is the appointment of at least one Independent Person and therefore arrangements need to be put in place to enable the Council to make such appointment(s) at its meeting on 25 June 2012.
<b>Recommendations</b>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li><b>1. That up to three Independent Persons be appointed under Section 28 of the Localism Act 2011.</b></li> <li><b>2. That an allowance of £300pa, plus travel expenses, be paid to each Independent Person.</b></li> <li><b>3. That the opportunity to apply be advertised on the Council's website and the Person Specification and Job Description, as attached at Appendices 2 &amp; 3, be APPROVED.</b></li> <li><b>4. That an Interviewing Panel, comprising the Group Leaders (or their nominated representatives) and the Monitoring Officer, make recommendations to Council at its meeting on 25 June on the appointment of up to 3 Independent Persons.</b></li> </ol>

<b>Financial implications</b>	<p>The appointment of independent persons could cost the council £300 per person each year.</p> <p>The existing standards committee, which includes 5 independent members at a cost of £1,500, is likely to be replaced by a future Standards Committee made up of borough councillors once new regulations are in force resulting in a potential saving of up to £1,500.</p> <p>As such the cost of the independent person can be met from within the existing member's allowances budget.</p> <p><b>Contact officer: Mark Sheldon,</b> <a href="mailto:mark.sheldon@cheltenham.gov.uk">mark.sheldon@cheltenham.gov.uk</a>, 01242 264123</p>
<b>Legal implications</b>	<p>Contained within the report.</p> <p><b>Contact officer: Sara Freckleton ,</b> <a href="mailto:sara.freckleton@tewkesbury.gov.uk">sara.freckleton@tewkesbury.gov.uk</a>, 01684 272011</p>
<b>HR implications (including learning and organisational development)</b>	<p>No direct HR implications arising from this report.</p> <p><b>Contact officer: Amanda Attfield ,</b> <a href="mailto:amanda.attfield@cheltenham.gov.uk">amanda.attfield@cheltenham.gov.uk</a>, 01242 264186</p>
<b>Key risks</b>	

## 1. Background

1. In his Annual Report to the Council in March, the Chairman of the Standards Committee drew Members' attention to the fact that the current Standards/Code of Conduct arrangements based on the Local Government Act 2000 are due to cease to have effect on 30 June 2012. The new arrangements, as defined in the Localism Act 2011, are likely to apply from 1 July 2012 with the exception of the abolition of Standards for England which took effect from 1 April 2012.

## 2. The Standards Regime & The Localism Act 2011

- 2.1 The new arrangements include a requirement to promote and maintain high standards of conduct, the adoption of a local Code of Conduct, a requirement to register pecuniary and other interests, the creation of a new criminal offence of failing to register relevant interests and a process for dealing with complaints of non-compliance with the new Code in respect of Borough Councillors and Parish and Co-opted Councillors within the Borough Council's area. Regulations are still awaited which will set the implementation date (anticipated to be 1 July 2012) and will provide detail on interests. Therefore it is the intention to bring a report on the full implications, together with proposals as to how the new requirements should be met, to the Council meeting on 25 June. Prior to this, it is suggested that the Constitution Working Group looks in more detail at the requirements and engages with all Members in order to make a recommendation to the Council.

## 3. Independent Person

- 3.1 The arrangements to be made under the new Standards Regime must also include provision for the appointment of at least one Independent Person whose views are to be sought, and taken into account, before a decision is made on an allegation which has been investigated by the

Authority. The views of that person may also be sought by the Authority in other circumstances or by a Member whose behaviour is the subject of an allegation. The likely extent of involvement by the Authority will depend on the detailed process for handling allegations, but it might be useful for the Monitoring Officer to be able to consult the Independent Person as and when deemed to be appropriate.

- 3.2** The Act states that the Independent Person cannot be, or have been within the five years prior to their appointment, a Member, Co-opted Member or Officer of the Council or any of the Parish Councils in the Borough, or a relative or close friend of any such person. One effect of this provision is to exclude anyone who is, or has been during the last five years, an Independent member of the Standards Committee from being appointed as the Independent Person. However, following representations from various Local Government sources, it is anticipated that transitional measures will be put in place which will permit the appointment of such individuals.
- 3.3** The appointment of the Independent Person must follow public advertisement in such manner as the Authority considers likely to bring it to the attention of the public. An application by the person and the approval of the appointment by the Council are required.

## **4. The Next Steps**

- 4.1** In order to comply with the Legislation (assuming the implementation date to be 1 July 2012), the appointment of the Independent Person/Persons will need to be made at Council on 25 June. Therefore approval is sought for the arrangements and process for this to be achieved.
- 4.2** The current Standards Committee has five Independent members. It is suggested that the Council should appoint up to three Independent Persons under the new regime. This number would provide the necessary flexibility to cover for unavailability. Any appointments made by the Council would, it is suggested, be subject to review after one year of operation of the new regime.
- 4.3** The Act does not prescribe the method of advertising and therefore it would be the intention for an advertisement for Independent Persons to be placed on the Council's website and supported by media releases. An application form would be available together with a person specification and role description, the suggested form of which is as attached at Appendices 2, 3 & 4. The suggested forms provide sufficient scope to allow the Council full flexibility as to the arrangements which it puts in place to meet the legislative requirements.
- 4.4** As the Independent Person/Persons are not Members or Co-opted Members of a Council Committee they are not covered by the Allowances Scheme or the statutory requirements of that Scheme. It is therefore for the Council to decide what, if any, allowance should be paid. The 5 Independent Co-opted Members of the Standards Committee receive an allowance of £302pa plus travel expenses. It is suggested that, as the level and extent of involvement of the Independent Person is unknown, an allowance of £300pa plus travelling expenses be offered and that this be reviewed as part of the overall review of the new regime after one year of operation.
- 4.5** In terms of arrangements for selecting applicants for consideration by the Council, it is proposed to set up a small Panel which would make recommendations to the Council. It is suggested that the Panel comprise the three Group Leaders (or their nominated representative), a Parish Council representative, to be nominated by the Monitoring Officer from the three Parish Council Members on the existing Standards Committee, and the Monitoring Officer.

## **5. Alternative options considered**

- 5.1** Consideration was given to only appointing one Independent Person but it was felt that this would give rise to a number of problems in respect of availability and the ability of the Council to operate under this regime.

**6. Consultation and feedback**

**6.1** The wider Standards Regime will be subject to consultation with the Constitution Working Group, Members and Parish Councils. The post of Independent Person will be subject to advertisement on the Council's website.

<b>Report authors</b>	<b>Contact officers:</b>  <b>Sara Freckleton, sara.freckleton@tewkesbury.gov.uk, 01684 272011</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Application Form</li> <li>3. Person Specification</li> <li>4. Role Description</li> </ol>
<b>Background information</b>	The Localism Act 2011

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	No suitable applicants come forward for the position of Independent Member	Borough Solicitor & Monitoring Officer	09/05/12	3	3	9	Reduce	Issue press release and Local Advertisement (website). Ensure that job description and person specification are as comprehensive as possible.	30/06/12	Borough Solicitor & Monitoring Officer	

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**CHELTENHAM BOROUGH COUNCIL****APPLICATION FOR THE POSITION OF INDEPENDENT PERSON UNDER SECTION  
28 OF THE LOCALISM ACT 2011**

Individuals who wish to be considered for the appointment as an Independent Person for Cheltenham Borough Council are requested to provide the following information to support their application. All information provided will only be used for the purposes of selecting one or more Independent Person(s). Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

**1. PERSONAL DETAILS:**

Name:

Address:

Postcode:

Contact Details:

Daytime Telephone Number:

Mobile:

Email address:

**2. QUALIFICATIONS**

(Please give details of any of your qualifications which you think are relevant to the position of Independent Person)

**3. SUMMARY OF EXPERIENCE**

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation).

**4. RELEVANT EXPERIENCE/SKILLS**

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the selection criteria for the position).

**5. Why do you wish to be considered for the position of Independent Person and what particular attributes do you believe you would bring to the work of the role?**

**6. Please provide any additional information you may wish to give in support of your application.**

**7. References will be taken up for all applicants who are invited for interview.**

1. Name

Address:

Tel No:

2. Name

Address:

Tel No:

I wish to apply to be an Independent Person for Cheltenham Borough Council.

In submitting this application, I declare that I am not, and have not during the past five years been:

- (i) a Member, Co-opted Member (other than as an independent co-opted member of Cheltenham Borough Council's Standards Committee), or Officer of Cheltenham Borough Council;
- (ii) a Member, Co-opted Member or Officer of a Parish Council within the Borough Council's area; or
- (iii) a relative, or close friend, of such a person

**Signed:**

**Date:**

Please return this application form **by 1<sup>st</sup> June 2012** to:

Sara Freckleton  
Monitoring Officer  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

**NOTE:**

**Interviews are likely to be held during the w/c 11<sup>th</sup> June 2012. Please advise of any times that you are not available during that period.**

1. Meetings with Officers (e.g. the Monitoring Officer), Members and complainants may need to be held at short notice and at any time during the working day, or early evening.
2. If you are required to attend a Standards Committee meeting, it will normally be held in the daytime, but occasionally may be held in the early evening and/or at short notice.
3. The successful appointees will therefore need to be flexible in being able to attend such hearings and meetings, on occasion at short notice.

**NOTE: ELIGIBILITY FOR APPOINTMENT**

4. A person is not an Independent Person if the person is currently, or has been at any time during the 5 years ending with the appointment:
  - (i) a Member, Co-opted Member (other than as an independent co-opted member of Cheltenham Borough Council's Standards Committee), or Officer of Cheltenham Borough Council;
  - (ii) a Member, Co-opted Member or Officer of a Parish Council within the Borough Council's area; or
  - (iii) a relative, or close friend, of such a person.

A relative is defined by the Act as:

- One's spouse, civil partner, or partner one lives with.
- One's grandparent, or Lineal Descendant of a grandparent.
- A parent, sibling, or child of one's own, or of one's partner or spouse.
- The spouse or civil partner of: your grandparent, or of a Lineal Descendant of your grandparent, or of your parent, sibling or child.

A Lineal Descendant is a child, grandchild, great grandchild and so on.

**PERSONS WHO ARE NOT ELIGIBLE TO BE INDEPENDENT PERSONS AS A RESULT OF ANY OF THE ABOVE SHOULD NOT APPLY.**

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**CHELTENHAM BOROUGH COUNCIL**

**INDEPENDENT PERSON UNDER SECTION 28 OF THE LOCALISM ACT 2011**

**PERSON SPECIFICATION**

A candidate for the position of Independent Person will ideally have:

1. A broad range of experience, preferably in public, private, voluntary or charitable sector employment or service including self-employed, employed and voluntary positions.
2. Good analytical skills and be able to demonstrate clarity of thought. The ability to assimilate complex information and issues quickly and arrive at balanced judgements.
3. Demonstrable organisational skills.
4. Independence of mind, objectivity and impartiality.
5. A commitment to the general principles governing the conduct of Councillors generally and matters of probity and integrity in particular.
6. Good interpersonal skills, including good communication skills, both written and oral, and the ability to co-operate with others in a formal setting. Tact and diplomacy in handling sensitive matters.
7. In addition, candidates should preferably live or work in the Borough or surrounding locality.

Desirable additional criteria are:

8. Experience of dealing with matters relating to Member conduct.
9. Working knowledge/experience of Local Government or some other aspects of the public service and/or of large, complex organisations at a senior level and substantial awareness and understanding of the political process.
10. Legal or judicial experience or expertise.
11. Knowledge/experience of Local Authority procedures.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by assessment of application form and by interview.

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**CHELTENHAM BOROUGH COUNCIL****INDEPENDENT PERSON UNDER SECTION 28 OF THE LOCALISM ACT 2011****ROLE DESCRIPTION**

1. Up to three Independent Persons will be appointed by the Council under Section 28 of the Act.
2. The Independent Persons will be responsible to the Council.
3. Under the Act, where an allegation has been made that one of the Council's Members, or one of the Members of the Parish Councils ("the Parish Councils") in the Council's administrative area, has breached the relevant Council's Code of Conduct and it has been decided to investigate the matter, the Independent Person will be consulted, and their views will be taken into account, before a decision is made on the allegation.
4. Where a Member of the Council, or of one of the Parish Councils, is the subject of an allegation of a breach of a Code of Conduct, the Member may seek the views of the Independent Person.
5. The Council may also seek the views of the Independent Person about any other aspect of an allegation, whether or not it is decided to investigate. In that respect, the views of the Independent Person may be sought as follows where:
  - (i) the Monitoring Officer (or authorised representative) wishes to decide whether or not to take any action on an allegation of a breach of a Code of Conduct, including taking no action; seeking to resolve a matter informally and arranging an investigation; and where the Monitoring Officer wishes to exercise the discretion to refer a decision on whether or not to investigate a complaint to the Committee of the Council responsible for dealing with conduct complaints (hereinafter called the "Committee").
  - (ii) an investigation finds no evidence of failure to comply with a Code, and the Monitoring Officer (or authorised representative) wishes to close the matter, but with discretion to refer such a decision to the Committee.
  - (iii) an investigation finds evidence of a failure to comply with a Code, and the Monitoring Officer (or authorised representative), wishes to seek a local resolution of the matter to the complainant's satisfaction, where appropriate, and where not appropriate or possible, to refer the investigation findings to the Committee.
  - (iv) the Committee wishes to take decisions in cases where a Member is found, as a result of a hearing, to have failed to comply with a Code of Conduct.

6. Where the Monitoring Officer wishes to grant dispensations (to Members with disclosable pecuniary interests) there is the discretion to refer any such request for determination by the Committee, and again this will be in consultation with the Independent Person, and also where the Committee is considering appeals against a refusal to grant a dispensation.
7. In addition, the Monitoring Officer (or authorised representative) may wish to consult the Independent Person about any other aspect of standards of conduct affecting Members of the Council and of the Parish Councils.
8. It is envisaged that the views of the Independent Person will normally be sought by the Council (through the Monitoring Officer or authorised representative) in writing, either by letter or email, and that the Independent Person's response will usually be provided in the same way. However, advice may be sought by telephone or at a meeting.
9. Without prejudice to the preceding Paragraph 7, Independent Persons should not give advice to Members of the Council, or of the Parish Councils, in circumstances where no complaint about a Member's conduct has been received. Where such advice is required, it should be sought by the Members of the Council, or of the Parish Councils, from, or via, the Monitoring Officer or his/her authorised representative.
10. Independent Persons are encouraged to familiarise themselves with the work of the Council, and of its Parish Councils, and with the procedures which they operate, and to attend meetings where this would be helpful in that regard. Independent Persons will be kept informed of key developments in relation to the Council and the Parish Councils, and will be invited to any Council or Committee meetings concerned with the general duty on the Council to promote and maintain high standards of conduct. Independent Persons have a freestanding remit to offer comment to the Council on its performance of this general duty.
11. Independent Persons will be supported by the Council's Monitoring Officer, who will arrange any necessary training, and the provision of all information which may be necessary, to enable the Independent Persons to perform their role effectively.