

Standards Committee

Tuesday, 3rd September, 2013
2.00 - 2.45 pm

Attendees	
Borough Councillors:	Wendy Flynn (Chair), Anne Regan (Vice-Chair), Les Godwin, Garth Barnes and Jacky Fletcher
Independent Members:	Martin Jauch, Duncan Chittenden
Also in attendance:	Peter Lewis

Minutes

1. APOLOGIES

Apologies were received from Councillors Fisher and Wheeler who had absented themselves from the meeting following discussions with the Head of Legal Services having both submitted dispensations for consideration at this meeting.

2. DECLARATIONS OF INTEREST

None declared.

3. CBC CODE OF MEMBERS' CONDUCT – APPLICATIONS FOR DISPENSATIONS IN RESPECT OF INTERESTS

The Head of Legal Services introduced the report which had been circulated with the agenda. The report was seeking determination by this committee of applications made by Members of the Borough Council who were also Gloucestershire County Councillors in order that they if could participate in the business to be conducted at the special meeting of the Council on 5 September 2013. The special meeting would be considering a report recommending approval of a draft Joint Core Strategy (JCS) for the purpose of public consultation. The plan included provision for housing and employment land some of which was currently owned by Gloucestershire County Council.

The Democratic Services Manager confirmed that all dual members had been contacted by e-mail by the Borough Solicitor and five dispensation requests had been received. Those for Councillor Tim Harman and Councillor Bernard Fisher had been circulated with the agenda and three more for Councillors Klara Sudbury, Simon Wheeler and Colin Hay had been circulated at the start of the meeting. Councillors Paul McLain and Suzanne Williams had given their apologies for the Council meeting on Thursday and no response had been received from Councillors David Prince or Chris Coleman. She agreed to follow this up with those councillors to ensure they had received the email and were aware of the timescales for submitting their requests.

The Head of Legal Services referred members to the potential grounds for granting dispensation which were set out in paragraph 2.1 of the report. He confirmed that all the dispensations being considered by the committee today

were on the basis of 2.1c) i.e granting the dispensation is in the interests of persons living in the authority's area.

He emphasised that the Standards Committee had absolute discretion but should be able to justify any decision they made. Should they be minded to grant dispensations, they were also required to determine the period for which the dispensation has affect. As set out in paragraph 3.2, the period specified may not exceed four years. He advised members that as the JCS progresses, the context of members potential interests may change and therefore the committee may want to take this into account when setting the period. He suggested that three to four months may be suitable. The committee may also wish to consider tying in any grant of dispensation to this stage of the JCS process.

Regarding any possible late applications, he invited members to consider delegating authority to the Borough Solicitor and Monitoring Officer for granting dispensations to any other county council members submitting a late application provided it was on the same principles agreed today.

A Member referred to a plot of land in Leckhampton owned by the County Council with significant value to developers. They questioned whether it was appropriate for members of the County Council to sit on a Borough Council committee making decisions about this land.

The Head of Legal Services referred members to paragraph 3.3 of the report. Regarding members of the County Council, it was likely that following the usual principles of Executive Arrangements, county Cabinet Members would be more likely to have a direct involvement in financial decisions in respect of the county council being a landholder than non-Executive members.

A member suggested that there was an apparent contradiction in the requests for dispensation. If the county council was the landowner for any potential development, then there must be an element of financial implications for the county council if that development was approved. Therefore he questioned how this committee could grant dispensations which would permit the county councillors in question to participate in the debate.

In response the Head of Legal Services advised that if the committee were minded to grant dispensations they would effectively be saying that despite the county council being a landowner, the members in question should not be prevented from representing their views and those of their constituents at the Council Meeting as at this stage this would not be in the wider interests of the Cheltenham borough.

He further advised members that along with many other councils, the Borough Council had adopted its local scheme based on the statutory code put in place by Parliament for pecuniary interests.

A member asked whether the location of a member's ward in relation to the county land in question was something that should be taken into account when granting dispensations. In response the Head of Legal Services advised that the potential interest arose due to the member's membership of the body of the

County Council and the location of the ward was not a relevant factor when considering potential dispensations.

The Independent Member, Martin Jauch, considered that the JCS was a very significant and controversial matter and there would need to be a very strong argument for disqualifying councillors from discussing it at Council. Other members supported this view that it was in the interests of the town for all members to be able to take part in this important debate at Council.

The chair invited members to discuss the proposal for delegating authority to an officer to consider any further applications on the same basis.

The Independent Member, Duncan Chittenden, asked about the position of dual members who had not applied to this committee for a dispensation. If the committee decided not to grant the dispensation, these members could still potentially take part in the debate. The Head of Legal Services stressed that it was always down to the individual member to decide whether they should declare an interest or not. The important factor was that all members were given consistent advice by officers which they had been in this case. If members had not applied for dispensation and decided to take part in the debate, there could potentially be grounds for a formal complaint against that member.

Upon a vote it was resolved unanimously that

- 1. The applications for dispensation for Councillors Fisher, Harman, Hay, Sudbury and Wheeler should be granted to enable them to participate in the matter of the draft Joint Core Strategy for consultation which will be considered at a special meeting of the Council on 5 September 2013.**
- 2. Authority be delegated to the Borough Solicitor and Monitoring Officer to determine any similar applications for dispensations**

The chair invited members to consider the period of the dispensation. A member suggested that it should be granted until the end of 2013. Another member referred to the timeframe for the JCS and highlighted that the timetable referred to the consideration of representations between November 2013 and February 2014. On that basis they suggested that the dispensation period should be extended rather than have to come back to this committee for further decisions. It was noted that a further meetings of the Standards Committee was scheduled for 11 October 2013 and the next meeting would be 14 March 2014. A further special meeting of Council to consider the JCS was scheduled for 6 March 2014.

After further consideration it was agreed that the dispensation should be until the end of 2013. Having considered the matter at this meeting, it would be relatively easy for this committee to reconsider the matter again if required.

Upon a vote it was resolved that the dispensations should be granted for a period until the end of 2013.

Voting; For 4 with 1 against.

4. DATE OF NEXT MEETING

The next meeting would be held at 2 pm on Friday 11 October 2013.

Chairman