

Standards Committee

Monday, 27th June, 2016

1.00 - 1.35 pm

Attendees	
Borough Councillors:	Max Wilkinson (Chair), Tim Harman (Vice-Chair), Helena McCloskey and John Payne
Independent Members:	Mr Martin Jauch

Minutes

1. APOLOGIES

Apologies were received from Councillors Fisher, Hay, Williams and Mr Duncan Chittenden.

2. DECLARATIONS OF INTEREST

Councillors Harman and Wilkinson declared an interest in as far as they had applied for dispensations for the Extraordinary JCS Council meeting to be held on 30 June.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 7 July 2015 were approved and signed as a correct record.

4. CBC CODE OF MEMBERS' CONDUCT - APPLICATION FOR DISPENSATIONS IN RESPECT OF INTERESTS

The Borough Solicitor and Monitoring Officer introduced the report which had been circulated with the agenda. The report was seeking determination by the Standards Committee of applications made by Members of the Borough Council in order that they could participate in the business to be conducted at the Extraordinary meeting of the Council on 30 June 2016. The Extraordinary meeting would be considering the Inspector's Interim Report on the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). She emphasised that this was not a formal stage in the JCS process but would provide officers with Members' views regarding the Inspector's report before the next formal stage of the process in September. The Monitoring Officer confirmed that she had provided advice to all Members of the Council to enable them to consider whether they had any interests which may, in accordance with the Cheltenham Borough Council Code of Members' Conduct, preclude their participation at the Council meeting. She asked Members of the Standards Committee to consider, when granting dispensations, the duration of the dispensation.

The Borough Solicitor and Monitoring Officer highlighted the significance to the future of the Borough of the JCS in terms of housing, employment, transport and infrastructure and therefore there was an expectation that Councillors would undertake a representational role. She referred Members to Section 2 of the report which set out the grounds upon which dispensations may be granted and Members were asked to consider whether the applications submitted met

one of these criteria. The Borough Solicitor and Monitoring Officer referred Members to Appendix B of the Code – “Other Interests” and said these categories had been adopted locally but were not statutory. She highlighted that these were interests in which members of the public were often exercised. However, it was discretionary and Members should not be constrained unnecessarily.

In terms of the duration of any dispensations the Borough Solicitor and Monitoring Officer suggested that the JCS would be subject to further discussion over the coming months. As there would be statutory stages for the adoption of the plan next year she asked members to consider granting dispensations for a two year period up until the May 2018 election. She highlighted however that any dispensation granted would only relate to those interests claimed in the current application. If interests changed or new ones emerged which would affect participation, these would need to be the matter of further advice/application for dispensation as necessary.

When asked what the process was for ensuring that any changes to members’ interests were registered, the Borough Solicitor and Monitoring Officer said the responsibility lay with each individual Councillor. Members were sent a reminder every two months to update their Register of Interests which was intended to act as a trigger to register any new ones. However, prior to a significant item being considered by the Council, such as those on the JCS, current practice is to send advice to Members to remind them of the need to specifically consider any interest which could impact upon their ability to participate in the debate. A Member asked for more clarity with regard to the recent advice from the Borough Solicitor and Monitoring Officer for Members and, in particular, asked what the difference was between pre-determination and a members’ representational role given their mandate from residents. In response the Borough Solicitor and Monitoring Officer explained that the law recognises that Members have multiple roles. A Councillor was required to approach the debate with an ‘open mind’ not an ‘empty mind’ therefore it was a matter for the judgment of the Councillor as to whether they have predetermined a matter. Campaigning on behalf of local residents was something which people expected but a Member should come to the meeting being prepared to listen to views expressed at the meeting including any officer advice before deciding which way they would cast their vote.

The Committee considered the applications for dispensation as follows:

County Councillors (Fisher, Harman, Hay, Sudbury and Williams)—The Borough Solicitor and Monitoring Officer explained that the County Council held land holdings in the JCS area so a decision could affect the financial position of the authority. She highlighted that there were no dual hatted Borough Councillors who held a Cabinet portfolio at the County Council. She asked the Committee to consider, in making its decision, whether it was in the interest of the public that their elected Councillor should be able to participate in the debate

Councillor Savage—Membership of CPRE- the Borough Solicitor and Monitoring Officer explained that a dispensation would not be required as CPRE was an interest group which would not be deriving any financial advantage or detriment from the decision on the JCS.

Councillor Bickerton- in his application he had asked the Standards Committee to consider potential bias/pre-determination but this was not in the Committee's remit. It was suggested by the Borough Solicitor and Monitoring Officer that Member of the Leckhampton with Warden Hill Parish Council, Chair of Neighbourhood Forum, Chair of LEGLAG and Member of the Cheltenham Alliance did not require a dispensation as the JCS would not have any direct financial impact upon them.

Councillor Wilkinson- he had applied for a dispensation as an employee of a consultancy provisionally acting on behalf of a landowner who may be affected by the JCS. Members of the Standards Committee were asked to consider the public interest in providing the potential for him to participate in the debate. It was confirmed that Councillor Wilkinson's consultancy had not yet contracted work with the organisation and he was in any case not directly involved in the team working with them. He did know however that the contract would be limited in time.

When asked why two County Councillors (Councillors Coleman and Wheeler) had to date not submitted their request for a dispensation the Borough Solicitor and Monitoring Officer explained that she had advised all Councillors and a reminder had also been issued. It was ultimately a Councillor's responsibility and judgment as to whether they wished or needed to apply for dispensation. Members were invited to consider delegating authority to the Borough Solicitor and Monitoring Officer granting dispensations to any county council member submitting a late application provided it was on the same principles agreed today.

In terms of the applications for dispensation from Councillors Bickerton and Savage the Committee believed that dispensations were not required. The Borough Solicitor and Monitoring Officer undertook to write to them to state that a dispensation was not required on the basis of the application made but should there be any change in circumstance then they would have to reapply.

Upon a vote it was resolved unanimously that

1. **The Dispensation be granted for Councillors Coleman, Fisher, Harman, Hay, Sudbury, Wheeler and Williams and Wilkinson to enable them to participate in the matter of the consideration by the Council of the Joint Core Strategy at any meeting of the Council or a Committee which takes place between now and 3 May 2018.**
2. **Authority be delegated to the Borough Solicitor and Monitoring Officer to determine any similar applications for dispensations for the same period.**

5. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION 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 paragraph 1, Part 1. Schedule 12 A(as amended) Local Government Act 1972, namely :

Paragraph 1 : Information relating to any individual

6. EXEMPT MINUTES

The exempt minutes of the meeting held on 7 July were approved and signed as a correct record.

7. DATE OF NEXT MEETING

Wednesday 13 July 2016-this would be potentially a training session

Chairman