



CHELtenham

BOROUGH COUNCIL

Notice of a meeting of Standards Committee

**Monday, 3 February 2020
1.00 pm
Pittville Room - Municipal Offices**

Membership	
Borough Councillors:	Max Wilkinson (Chair), Louis Savage, Karl Hobley, Martin Horwood, Jo Stafford, Klara Sudbury and John Payne
Independent Members:	Mr Martin Jauch, Mr Duncan Chittenden

Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES OF THE LAST MEETING** (Pages 3 - 6)
Minutes of the meeting held on 10 July 2019
- 4. CODE OF MEMBERS' CONDUCT - "OTHER INTERESTS"-
RESTRICTION ON PARTICIPATION IN DECISIONS** (Pages 7 - 28)
Report of the Borough Solicitor and Monitoring Officer
- 5. 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 1 and 2, Part 1, Schedule 12A (as amended) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

6. **REPORT OF DECISIONS TAKEN BY THE MONITORING OFFICER** (Pages 29 - 30)
Report of the Monitoring Officer
7. **ANY OTHER BUSINESS**
8. **DATE OF NEXT MEETING**
8 July 2020

Contact Officer: Saira Malin, Democracy Officer, 01242 264246
Email: democratic.services@cheltenham.gov.uk

Standards Committee

**Wednesday, 10th July, 2019
2.00 - 3.05 pm**

Attendees	
Borough Councillors:	Max Wilkinson (Chair), Karl Hobley, Klara Sudbury and John Payne
Independent Members:	Duncan Chittenden and Martin Jauch
Also in attendance:	Sara Freckleton (Monitoring Officer)

Minutes

1. APOLOGIES

Councillors Stafford, Horwood and Savage had given their apologies.

2. DECLARATIONS OF INTEREST

None were declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting (16 April 2018) were not circulated with the agenda, though they were summarised in Agenda Item 4. They would be circulated for approval with the next agenda.

4. REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

The Monitoring Officer introduced the report which summarised the outcome of the review undertaken by the Committee for Standards in Public Life (CSPL) in 2018, into Local Government Ethical Standards. The CSPL published its report in January 2019 and whilst seemingly satisfied that the current arrangements were working and on the whole, standards of conduct were high, they felt that arrangements needed to be strengthened to deal with the minority of councillors who did not adhere to the required standards of conduct. The CSPL had made 26 recommendations in total, to Government and other bodies, e.g. Local Government Association (LGA). The Monitoring Officer noted that there were no timescales for any of the Government actions at this time and suggested that it would be likely that a consultation paper would be produced which would be brought before the committee for comment. There was no guarantee that the Government would take all of the recommendations forward.

Personally, the Monitoring Officer thought that the data protection issues would be quite challenging in terms of wording the recommended amendments. In addition to the recommendations CSPL had also provided best practice recommendations which were directed at local authorities and the Monitoring Officer had provided comment to each of these at 2.3 of the report.

The Monitoring Officer gave the following responses to member questions:

- Findings should be published to comply with best practice, though this was not routine within the complaints procedure and as such she would

need to give further consideration to how to do this because it was unlikely that both parties would always be happy with the outcome and therefore the content of any findings. She suggested that a lack of sanctions had resulted in repeat offenders (though not at CBC) and that this recommendation attempted to resolve that issue.

- Only details of formal written complaints or informal complaints which resulted in a written response would be published; which would allow for misunderstandings to be resolved at an early stage. Vexatious complaints would not be published.
- Allegations were filtered against a public interest test but these details were not published at present which should be addressed in a review of the complaints procedure.

The committee agreed that the Monitoring Officer would, as proposed, review the complaints process and to consider what further steps were needed to enable the Council to comply with best practice. The committee would consider all recommendations at the next scheduled meeting (16 October).

Upon a vote it was unanimously

RESOLVED that the report be noted and the Monitoring Officer bring forward proposed responses to the best practice recommendations at the next meeting of the Standards Committee.

5. PLANNING CODE OF CONDUCT

The Chairman explained that members had been invited to a planning consultation by the Oakley Farm developer, and as this was on the edge of his ward, he had hoped to attend, but the invitation was followed by an email from the Head of Planning stating strictly that no members should attend. A number of members had raised concerns in response and the Chairman had felt it would be useful for this committee to consider this element of the Planning Code of Conduct. The Chairman had subsequently discussed this with the Monitoring Officer and established that the advice from the Head of Planning centred on members of the Planning Committee not being seen to have 'behind closed doors' meetings with developers.

The Monitoring Officer stressed that there was no problem with any member attending a public event held by developers, the issue arose when developers held 'private/member only' briefings and invited members of the Planning Committee, in terms of public perception, whereby information was being passed to Members in a way that was not demonstrably transparent. Members would be aware that Planning was a sensitive area, particularly for those parties who may be unhappy with a particular decision and therefore it was a sound principle for Planning Committee members to abide by to ensure transparency.

The Monitoring Officer gave the following responses to member questions:

- The circulation of late information by developers did constitute lobbying and whilst this was permitted, it was not necessarily something that members of the public were experienced in.
- In instances where the Planning Committee have concerns pertaining to highways related issues, the committee were advised to seek independent highway advice as the danger was that at appeal it would

not be possible to successfully defend a decision or any application for costs. This would be reflected in any legal advice to the Committee.

- She felt that the distinction between resident association meetings was that they probably wouldn't prevent an applicant/developer from attending. The danger for a Planning Committee member was that they could take into account, when voting on an application, something said at a private meeting, which was not repeated at a public meeting.
- There was no question of the integrity of members being challenged; it was fundamentally about public perception. Even if meetings were recorded, this could result in the public perception being that information was shared that was not included on the recording.

The suggestion by members was that the Head of Planning should, if not already in hand, be providing a clear message to members that attendance at public meetings or public consultation events on development matters was not barred by the code of conduct, in addition to giving consideration to actively discouraging developers from inviting Planning Committee members to member only briefings.

The Monitoring Officer confirmed that the Code is fairly wordy and would benefit from a refresh, but stressed that the principles were there to protect both individual members as well as the Council. She would review the document and consult Planning Committee members before bringing any proposed amendments to a future meeting of this committee.

6. ANY OTHER BUSINESS

There was none.

7. DATE OF NEXT MEETING

The next meeting was scheduled for 16 October 2019.

Councillor Max Wilkinson
Chairman

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Cheltenham Borough Council

Standards Committee

3rd February 2020

Code of Members' Conduct – "Other Interests" – Restrictions on Participation in Decisions

Accountable member	Cabinet Member, Corporate Services, Councillor Alex Hegenbarth
Accountable officer	Borough Solicitor and Monitoring Officer
Key Decision	No
Executive summary	This report considers the Code of Conduct and Council Procedure Rules and to restrictions on the participation by Members in matters in which they have an "other" interest as described in the Code of Conduct (attached) Clause 10 and Appendix B. These include a requirement that Councillors who are appointed by the Council to Companies and Trusts, and who are required to act in the interests of those bodies, do not participate in the discussion or decision and they must leave the meeting during that discussion. The Committee is being asked to consider whether it wishes to remove the requirement for Members who are nominated to Companies and Trusts to leave the meeting while the item in which they have an interest is discussed. The report sets out the circumstances in which Members can currently participate, namely during the public participation slot or by seeking dispensation. The report also refers to changes in the conduct regime which have been recommended by the Committee for Standards in Public Life, one of which is that a Model Code is expected to be produced for consideration in July this year.
Recommendations	To determine whether the Committee wishes to recommend to the Council any amendments to the Cheltenham Borough Council Code of Members' Conduct

Financial implications	There are no financial implications from this report. Contact officer: Paul Jones, Executive Director Email: paul.jones@cheltenham.gcsx.gov.uk, Tel No: 01242 775154
Legal implications	Any legal implications are set out in the report. Contact officer: Sara Freckleton, Borough Solicitor and Monitoring Officer Email: sara.freckleton@tewkesbury.gov.uk, Tel No: 01684 272011

**HR implications
(including learning and
organisational
development)**

There are no HR implications arising from the content of this report.

Contact officer: Julie McCarthy, HR Manager, Publica Group Ltd

Email: julie.mcarthy@cheltenham.gov.uk, Tel No: 07917534487

1. Background **Code of Conduct**

- 1.1 Cheltenham Borough Council's Code of Members Conduct (attached) includes rules on the registration and declaration of interests. Clause 10 and Appendix B of the Code provide that a member has an "other interest" if they hold a position of general control or management on any body (e.g. a Company / Trust) to which they have been appointed or nominated by the Council. Examples relevant to CBC are Gloucestershire Airport, Cheltenham Borough Homes, Publica, The Cheltenham Trust to which Councillors are nominated by the Council to serve as Directors / Trustees.
- 1.2 The Code further requires that if a Member who has such an interest is present at a meeting where an item of business is being considered which affects the financial position of the body giving rise to the interest and where a member of the public, knowing the facts, would reasonably regard it as so significant that it would prejudice the Member's judgment of the public interest, the Member must leave the meeting and not participate in the debate / decision on that item.
- 1.3 Members with such an interest may, however, make submissions, answer questions or give evidence in relation to that item of business provided that members of the public could also attend to make such submissions, but, unlike members of the public, the Member with the interest must withdraw from the meeting immediately after making their submission.
- 1.4 A Member may apply for a Dispensation to speak and vote on the item in which they have an interest.

Members of the Council as Company Directors / Trustees

- 1.5 The law places a duty on Company Directors to "act honestly and in good faith and in the best interests of the company as a whole". Trustees have a similar fiduciary responsibility to their Trust.
- 1.6 It is irrelevant, as far as the above duty is concerned, that the Director / Trustee is nominated by the Council. A common misnomer is that Members appointed to these bodies are there to "keep an eye on it from a Council perspective" but this is incorrect; the role of the Council is that it has nomination rights and, once appointed, the Directors / Trustees are members of that outside organisation with the responsibilities described above.
- 1.7 Members of the Council are required to make decisions in the public interest.

Council Constitution

- 1.8 The Council's Rules of Procedure set out at Rule 14A

"A Member must withdraw from a meeting (including from the public area / gallery) during the whole of the consideration of any item of business in which the Member has a Disclosable Pecuniary Interest, or in which the Member has an "other" interest where, as a consequence of Paragraph 10(4) of the Council's Code of Conduct, the Member is required to leave the meeting and not participate or vote on the matter, unless the Member is permitted to remain through the granting of a dispensation."

2. Matter for consideration

- 2.1 The Standards Committee has been asked to consider whether there should be an amendment to the Code of Conduct to allow a Member who has an "other" interest in an item of business as described above, to remain in the meeting whilst the item of business is discussed and determined.
- 2.2 The request arose from advice provided at a Council meeting which confirmed the position set out in 1.1–1.2 above. The view of some Councillors is that the requirements of the Code of Conduct are too onerous and that it would be appropriate to make an amendment to allow Members with "other

interests”, such as those described above, to remain in the meeting when these items are discussed. The requirement for the member to refrain from participation and not to vote would remain.

- 2.3 In the event that the Committee wishes to make the amendment suggested, the changes to the Code of Conduct together with the consequential change to the Constitution are decisions to be taken by the Council.

3. Consideration of the Request

- 3.1 As Members may recall, there was, prior to the Localism Act 2011, a mandatory Code of Conduct which applied to all Local Authority Members. The Localism Act, instead, required that Councils adopt their own Code of Conduct which is consistent with the 7 Principles of Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership). Any Code of Conduct which is adopted by a Local Authority must include appropriate provisions in respect of the registration and disclosure of interests which are prescribed by statute, Disclosable Pecuniary Interests (set out in Appendix A of the CBC Code attached) and “Other Interests” (set out in Appendix B and Clause 10 of the CBC Code attached). The statutory position in respect of Pecuniary interests is that Members cannot participate in any discussion on an item in which they have such an interest and neither can they vote. The Localism Act goes on to provide that “Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which the member would be prevented from voting due to their interest”. Prior to the Localism Act, case law had established that Members with a Code of Conduct interest should leave the meeting during discussion and decision on that matter and further that it was not sufficient for them to retire to the back of the room or to the public gallery. The rationale was that remaining in the meeting at which their colleagues were debating and deciding that matter, created the perception that they were seeking improperly to influence the decision.
- 3.2 When CBC adopted its Code of Conduct in 2012, it included a requirement that Members leave the meeting whilst any item in which they have a Code of Conduct interest which precludes them participating. This requirement is also included in the Council’s Rules of Procedure within the Constitution. However, any member with an “other interest” is permitted to address the meeting in the same way as a member of the public, provided that the member leaves the meeting whilst the item of business is discussed / decided. Further a member may seek dispensation to speak and vote on the matter. The statutory grounds upon which dispensation can be granted are that
- the number of members precluded from participating would impede the transaction of the business (i.e. the meeting would not be quorate)
 - the political representation would be so upset that it would alter the likely outcome of any vote on the business
 - granting the dispensation is in the interests of persons living in the area
 - it is otherwise appropriate to grant a dispensation

This approach is taken by many other Local Authorities, with Members declaring interests, being required to withdraw from the meeting. It is the case in 5 of the 6 Gloucestershire District Councils.

- 3.3 The Standards Committee constantly monitors the operation of the Code of Conduct by reviewing all complaints (Borough Councillors and Parish Councillors) which have been received and determined by the Monitoring Officer. There have been no changes recommended to the Code since its adoption and with the numbers of complaints since 2012 being relatively low, the Code appears to have worked well.
- 3.4 During 2018 the Committee for Standards in Public Life reviewed the current Conduct regime and issued a report in January 2019 making a number of recommendations. This report was considered by the Committee at its meeting in July 2019. The review recognised that there are now many

different Codes of Conduct in place within local authorities and that this might, particularly where there are different codes in place in the same geographic area, be confusing to the public. The Committee recommended that a Model Code be produced for Local Authorities to consider. The LGA has been tasked with drafting a model Code and it is understood that this is intended to be available by July this year. The Standards Committee will, of course, be considering this model code in due course and, if deemed necessary and appropriate, will be recommending changes to the Council

- 3.5 In the meantime, the Committee is being asked to consider the request and determine whether it wishes to recommend any amendments to the requirement for members with interests to withdraw from the meeting whilst that item is decided.
- 3.6 Whilst it is not mandatory to retain the provision, the Monitoring Officer's advice is that there are risks in removing the requirement. Members have apparently accepted that Members with such interests could not appropriately take part in a debate or vote on a matter (other than using the public session or with the benefit of a dispensation) and therefore there does not appear to be any particular purpose to be served by the Member remaining in the meeting. Furthermore, it may be considered to lack transparency, particularly where an item is taken in exempt session to which the public are not admitted and it would not be webcast so that there could be no assurance that the Member did not, by word or action, improperly influence the vote. Furthermore, in the event that the code requirements are relaxed as requested and at a meeting at which a Member is present (despite having an interest) was to receive confidential financial or legal advice in respect of a company / trust, it would be inappropriate for a Director / Trustee of the body to be privy to that advice.
- 3.7 It would, in the Monitoring Officer's view, be preferable to await the deliberations of the LGA on the model form of code before making any amendments to the Code of Conduct.

4. Recommendation

- 4.1 The Committee is asked to determine whether it wishes to recommend that the Council make any amendment to the Code of Members' Conduct

5. Consultation and Feedback

- 5.1 The Constitution Working Group is considering the matter at its meeting on the 27th January and its views will be fed back to the Committee at the meeting

Report author	Contact officer: sara.freckleton@tewkesbury.gov.uk 01684 272011
Appendices	Cheltenham Borough Council Code of Members' Conduct
Background information	None

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CHELTENHAM BOROUGH COUNCIL

CODE OF MEMBERS' CONDUCT

**Adopted on the 25th June 2012 taking effect on the
1st July 2012**

Contents and Definitions

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I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Authority's duty to promote and maintain high standards of conduct by Members of the Council.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

2. The Code applies to Members whenever acting in their official capacity as a Member of Cheltenham Borough Council, including
 - (a) when engaged in the business of Cheltenham Borough Council including Ward business or representing the Council externally;
 - (b) when behaving so as to give a reasonable person the impression of acting as a representative of Cheltenham Borough Council.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Authority and any Protocols and Policies which may be adopted from time to time by the Authority.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.¹

¹ Section 34 Localism Act 2011

III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

General Requirements

- (1) **Do** treat others with respect.
- (2) **Do not** bully any person.
- (3) **Do not** do anything which may cause your Authority to breach any of the equality enactments.
- (4) **Do not** use your position improperly, to confer on or secure for yourself or any other person, an advantage or disadvantage.

- (5) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, your Authority.
- (6) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Authority.
 - (v) before making any disclosure under the provision and (iv) above, the written advice of the Borough Solicitor must be sought and considered.
- (7) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (8) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.

When using the resources of the Authority, or authorising the use of those resources by others:

- (9) **Do** act in accordance with the Authority's reasonable requirements including the requirements of the Authority's IT Policy;
- (10) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- (11) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- (12) **Do not** improperly use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When making decisions on behalf of, or as part of, the Authority:

- (13) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (14) **Do** have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
- (15) **Do** be as open as possible about your own decisions and actions and those of your authority and be prepared to give reasons for those decisions and actions.
- (16) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

V. Registration of Interests

- 8. Members shall observe the following rules when registering their interests.
 - (1) **Do**, within 28 days of the adoption of this Code by the Council or within 28 days of taking office as a Member (or co-opted Member), whichever is sooner, notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other interest as defined in Appendix B.
 - (2) **Do**, within 28 days of re-election as a Member or re-appointment as a co-opted Member, notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other interest as defined in Appendix B which has not already been entered in the Authority's register in accordance with (1) above.

- (3) **Do**, within 28 days of the date of a disclosure referred to in paragraph 9(1) of this Code, notify the Monitoring Officer of the interest (unless it is the subject of a pending notification).
- (4) **Do** notify the Monitoring Officer of any changes to interests required within 28 days of the date of that change to be registered under Appendix B.
- (5) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of interests and Restrictions on Participation

Members should observe the following rules:-

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** ensure, that if your interest is not entered in the Authority's Register, you disclose the interest to the meeting (unless the Authority's Monitoring Officer considers that it is a sensitive interest in which case you do not need to disclose the nature of the interest); and that you notify the Monitoring Officer of the interest within 28 days in accordance with paragraph 8(3) of this Code.

- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted).

10. Other Interests

Where a matter, in which

either you have an interest as specified in Appendix B (other interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent that it would affect the majority of other council taxpayers, ratepayers or inhabitants of the ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (3) **Do** ensure that you disclose the interest to the meeting.
- (4) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
- (a) it affects your financial position or the financial position of an interest specified in Appendix B (other interests) or the member of your family or person with whom you have a close association described above or who has a contractual relationship as described above

or

- (b) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in paragraph 10(4) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

VII. Duties in respect of the Standards Committee

11. Members shall observe the following:-

- (1) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Authority pursuant to the Act² .
- (2) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an

² Section 28(b) of the Localism Act 2011

allegation that a Member has failed to comply with his or her Authority's Code of Conduct.

VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in paragraph 10 of this Code, the Member may apply to the Borough Solicitor for a dispensation.

13. The Authority may grant a Member a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in paragraph 10 of this Code.

IX. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. "The Act" is the Localism Act 2011.

2. "The Authority" is Cheltenham Borough Council.

3. "Meeting" is a meeting of the Authority, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority.

4. "Committee" includes the Cabinet of the Authority.

5. "Standards Committee" is the Standards Committee of Cheltenham Borough Council.

6. "Member" is an elected Member or a co-opted Member of the Authority.
7. "Co-opted Member" is a person who is not a Member of the Council but who is either a Member of any Committee or Sub-Committee of the Council, or a Member of, and represents the Council on any joint Committee or joint Sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
8. "Monitoring Officer" is the Monitoring Officer to Cheltenham Borough Council.
9. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Authority's register in consequence of that notification.
10. "Member of your family" means:
 - Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
 - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons.
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
11. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage.
12. "well-being" means general sense of contentment and quality of life.

13. Excepted functions are functions of the Authority in respect of
- (i) housing, where the Member is a tenant of your authority provided that those functions do not relate particularly to the Member's tenancy or lease;
 - (ii) an allowance, payment or indemnity given to members;
 - (iii) any ceremonial honour given to members; and
 - (iv) setting council tax or a precept under the Local Government Finance Act 1992.

Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member or of any of the following**:

- the Member’s spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
Employment, Office, Trade, Profession or Vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

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- Licences Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
- Corporate Tenancies Any tenancy where (to M's knowledge) –
(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.
- Securities Any beneficial interest in securities of a body where –
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;

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- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

Other Interests

The interests set out below are "other interests" which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management and to which he/she is appointed or nominated by the Council.
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union). of which the Member of the Council is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.

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