



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Standards Committee

Thursday, 4 August 2022

6.00 pm

Council Chamber - Municipal Offices

****the meeting will be preceded by training at 5.30 pm****

Membership	
Borough Councillors:	Garth Barnes, Ian Bassett-Smith, Martin Horwood, Peter Jeffries, Tony Oliver, Louis Savage and Izaak Tailford
Independent Members:	Mr Martin Jauch, Mr Duncan Chittenden

The Council has a substitution process and any substitutions will be announced at the meeting.

Important Notice

Filming, recording and broadcasting of council meetings

This meeting will be recorded by the council for live broadcast online at <http://www.cheltenham.gov.uk> and www.youtube.com/user/cheltenhamborough.

The Chair will confirm this at the start of the meeting.

Agenda

- 1. ELECTION OF CHAIR AND VICE-CHAIR**
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST**
- 4. MINUTES OF THE LAST MEETING** (Pages 3 - 8)
- 5. A UNIFIED CODE OF CONDUCT** (Pages 9 - 30)
Report of the Interim Monitoring Officer
- 6. HEARING PROCESS FOR COMPLAINTS** (Pages 31 - 32)
Report of the Interim Monitoring Officer
- 7. ANY OTHER BUSINESS**
- 8. DATE OF NEXT MEETING**
26 October 2022

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Standards Committee**Wednesday, 8th December, 2021****7.00 - 8.20 pm**

Attendees	
Borough Councillors:	Martin Horwood (Vice-Chair), Garth Barnes, Peter Jeffries, Alisha Lewis and Louis Savage
Independent Members:	Mr Duncan Chittenden
Also in attendance:	Harry Mayo, Howard Norris and Bev Thomas

Minutes**1. APOLOGIES**

Apologies were received from Cllrs. Bassett-Smith and Wilkinson, as well as from Martin Jauch (Independent Member).

In the absence of the Chair (Cllr. Wilkinson), the Vice-Chair (Cllr. Horwood) chaired the meeting.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting were approved and signed as a correct record.

4. CHELTENHAM BOROUGH COUNCIL CODE OF MEMBERS' CONDUCT- COMPLAINT AGAINST COUNCILLOR SANDRA HOLLIDAY

In introducing the item, the Vice-Chair acknowledged that an email had been circulated on the 5th December from Cllr. Holliday which cast doubt on some factual elements on the report, and that he had looked into this. He confirmed that she was correct in one respect, namely that her six month suspension was not from the Liberal Democrat party, but rather from the Liberal Democrat group on Cheltenham Borough Council. Her suggestion that she had resigned rather than been suspended was technically correct, but this had happened immediately after the Party Panel determined she could not remain a member of the group, so the difference was semantic rather than substantial. She had also suggested that the sanctions referred to in May's Council meeting were confidential and should have remained in limited circulation. The Vice-Chair clarified that while the report in detail remained confidential, the sanction was public. He had not seen the report, nor had any member of the Liberal Democrat group besides the Leader. Finally, she had suggested that Cllr. Flynn's Council speech had not been recorded in full at Appendix 1. This had been checked against the meeting recording, and he confirmed that the speech was included verbatim.

The Interim Monitoring Officer introduced the report, noting that section 1 outlined the background information. This was a contextualisation of the complaint and had no part or bearing on the decision, but aimed to help members understand how the speeches were made in way they were at the Annual Council meeting. Section 2 outlined the basis of the complaint made by Cllr. Flynn, itemising matters in which she felt a departure from the Members' Code of Conduct had taken place.

The next section set out the rules and regulations regarding the consideration and determination of complaints. Part 2.2 explained the test which needed to be considered prior to the matter moving forward. In discussions with the Independent Member, it had been deemed that there was a viable issue which required consideration by the committee.

Members needed to consider the speech delivered at Annual Council, and test it against the code and requirements outlined in the report. The report identified the Seven Principles of Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership), while part 4.2 identified the parts from section 7 of the Code of Conduct which may be considered while testing the speech (to treat others with respect, not to bully a person, and to promote and support high standards of conduct when serving in public office by leadership and example).

An attempt had been made to mediate the matter, but that was not successful so it was necessary to bring it before the committee for consideration. He noted that the lack of a mediated settlement did not mean that members were required to decide that there had been a departure from the code. It was for the parties involved to determine whether they wished to seek a mediation.

Members were required to take a two-stage approach to the matter: firstly, to consider the speech against the requirements of the Code of Conduct and determine whether there was a departure from it. If they determined there was no departure, then the matter was concluded. However, if they did determine there was a departure, then they needed to move to the second stage, which was deciding what sanctions needed to be taken in response to it.

He emphasised that it was entirely for members to decide whether or not a departure had taken place, and noted that although the complaint had been submitted four months after the event, there was no time limit on when it could be considered. In the interests of expeditiousness, members could decide that future complaints needed to be submitted within a certain window of the event.

The Vice-Chair thanked the Interim Monitoring Officer for his introduction and asked Members if they were happy with the process in place.

A Member expressed concern about the process which he had the opportunity of raising with the Monitoring Officer in advance of this meeting. This related to the consideration of the complaint being taken in public, as he was not fully comfortable talking about complaints between councillors in a public forum.

Concern was also expressed by a Member about the focus on internal Liberal Democrat party processes and the confidential findings of an investigation of which members had not had sight. He had also not seen the email which was

allegedly the genesis of the process. In addition consideration of a complaint from one councillor towards another, rather than from a member of the public, did not appear, in his view, to be the correct function of the committee.

The Monitoring Officer confirmed that it was an individual complaint from one councillor about another, and that it was within the jurisdiction of the committee. Regarding the meeting taking place in public, he explained that it related to both an open Council meeting and a previous open meeting of the Standards Committee, so public session was appropriate.

The Vice-Chair moved onto the debate, reminding members that they would follow a two-stage process to first determine whether a departure from the code had taken place, and then, if appropriate, to determine what sanctions should be applied.

The timing of the complaint, which was submitted four months after the meeting, was queried by Member. He suggested that any matter worthy of sanction should have been brought before the Monitoring Officer sooner. He had spoken during the item in question at Annual Council and had not felt that Cllr. Holliday had committed any breach at the time.

Another Member noted that seeing the speech written down brought a level of clarity that was needed due to the amount of time that had passed since the meeting. It had been a tense and emotional situation, and seeing the statements written down in black and white was beneficial. He was looking to find a balance on what was a difficult and uncomfortable issue.

One Member suggested that her recollection of the meeting was somewhat different, and was clearly worthy of consideration by the committee. Cllr. Holliday's conduct had fallen short of the standards expected of colleagues, and she had felt intimidated as a result. She disagreed with concerns expressed about the delay before the complaint was submitted, highlighting the need to mediate privately and see how things develop before escalating. She had previously made a complaint about a colleague in a different capacity almost a year after the event in question, and the time elapsed did not in any way affect its legitimacy.

A Member noted that it was an unedifying episode which had done no favours for the reputation of the council. Looking at the transcript, it seemed that the discomfort felt was not solely due to the comments made by Cllr. Holliday. He asked whether the committee was really in a position to decide whether the language used was correct or not without seeing the broader communications and interactions that the two members had. He suggested that the subjective feeling of intimidation did not correspond to the specific allegation before them. Blackmail and excusing or denying racism were serious allegations, and he did not see clear evidence to substantiate them. He felt that both members had conducted themselves inappropriately. The Standards process was not in place to settle a dispute between two members, and in his view this case was not worthy of punishment. The Vice-Chair clarified that Cllr. Flynn's speech had been provided as context to Cllr. Holliday's response but was not itself the subject of this committee.

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A Member felt strongly that the speeches should be viewed in context, and emphasised that the Standards Committee should not be used as an alternative to mediation. Another Member agreed that the tone of the interaction had fallen short of the desired standards, but the tone was not the main focus of the committee. They were considering a speech containing allegations of intimidation, blackmail and bullying, which are very serious allegations and would themselves breach the Code of Conduct if they were true.

A Member suggested that the committee needed to avoid setting a precedent wherein the committee could end up as a forum for councillors to complain about each other, with the advantage going to whoever submitted their complaint first. Robust and confrontational speeches were part of political debate. It would set a dangerous precedent for future meetings if members were afraid to speak their mind for fear of ending up before the Standards Committee.

It was noted that language was always open to interpretation and could have a serious impact on people, but members needed to be able to describe how they felt without fear of censure.

It was acknowledged by a Member that the majority of the speech was not relevant to the committee, but noted that the specific allegations of intimidation, blackmail and bullying made by Cllr. Holliday were not simply a matter of free speech.

The Independent Member, noted that his role was not to make a judgement, but rather to help inform the decisions of councillors. He had been involved with the committee for 15 years and in that time it had never reached a point where a councillor-versus-councillor series of complaints were taking place. He stressed that the factor of timing raised by Members had no impact on how the case was approached. The context of the situation did matter, though, particularly in terms of whether it was a scripted statement or an emotional response in the moment.

The Vice-Chair echoed the earlier point that the Standards Committee must not become a vehicle to resolve differences between members at Council meetings, but reminded members that the proper process had been followed in the lead up to the meeting. He acknowledged that there would always be internal and contextual factors that they would not know, and emphasised that robust debate and passion could not be avoided in the political sphere. The crucial question was whether the content in this case stepped over the line and deviated from the Code of Conduct. The accusation of blackmail was a serious one, and members should have exercised more restraint in the way they addressed each other.

The Vice-Chair moved to the vote on whether a departure from the Code of Conduct had taken place.

YES – 2

NO – 3

RESOLVED THAT

a breach of the Code of Conduct had not taken place, and that the second stage of the process regarding sanctions therefore did not apply.

The Vice-Chair thanked members for their contributions to a considerate and thoughtful debate on a sensitive subject.

5. ANY OTHER BUSINESS

The question of timeliness, which had been raised during the debate was queried. The Monitoring Officer explained that the Code of Conduct could be amended to reflect these concerns, and it was solely a matter for members to consider. It was acknowledged that it depended on circumstances, and that the complaints procedure did take time. However, if someone took an inordinate amount of time to submit a complaint, then they should be required to provide some reasoning for the delay. He felt this would be preferable to a specific time limit, which would not take context into account.

Members felt some kind of backstop was needed, since an open-ended process that took a long time could affect the clarity of the issue.

One Member emphasised that a complainant should not be discredited because of the time they took to submit their complaint. In the example she had related earlier, the reason for her delay was the risk of professional recrimination. She agreed with the need for some kind of backstop, and suggested that the end of the councillor's term might be a suitable end point.

The Independent Member noted that the Monitoring Officer addressed complaints as soon as they were received, and sought to informally reach a conclusion without it becoming a formal process. The process took place for a long time behind the scenes without necessarily coming to committee. He warned that the practicalities of a backstop might be more difficult to enforce than they seemed.

It was noted that it was important to safeguard the process from abuse in any case, and to prevent it being used to continue political disagreements.

The Vice-Chair summarised the view of the committee as being reluctant to impose a specific time limit, but willing to polish the process to discourage either very long or vexatious matters. It was agreed that, in consultation with the Monitoring Officer, the Chair would look at possible amendments to the Code of Conduct to take this forward.

6. DATE OF NEXT MEETING

9th February 2022 (if necessary)

Chairman

Cheltenham Borough Council
Standards Committee
4th August 2022

Report of Interim Monitoring Officer
A unified Code of Conduct

Report Summary	This report informs the Committee of a proposal to introduce a unified Code of Conduct for all Councils within Gloucestershire
Recommendation	The Committee is asked to note the report and 1. consider the proposed Code and if appropriate 2. support a recommendation for its adoption by the Council

Introduction

1. In 2019, a national review by the Committee on Standards in Public Life (CSPL) noted a wide disparity in the style and content of local Codes of Conduct and recommended that the LGA develop a Model Code of Conduct that Councils could choose to adopt and/or adapt to suit their circumstances. The LGA accepted this recommendation, and completed work on a Model Code of Conduct in December 2020, which has since been modified to correct a number of minor anomalies. The current version of the LGA Code is available on the LGA website at <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>.
2. It is the case that, despite the LGA model, many Councils operate a Code of Conduct which does not wholly conform to the model Code. This could be for a number of different and local reasons and, in Gloucestershire, there are different Codes in use in the individual Councils. As a result of this some consideration has been given to the prospect of adopting a unified Code for all the Councils and Parish Councils within the Gloucestershire group or ensuring they are strongly aligned as to content and requirements.

Development of a Gloucestershire Code of Conduct for Councillors

3. The group of Monitoring Officers for the Gloucestershire Councils have been involved in discussing and drafting a proposed Code taking into account the LGA model and their experiences of operating the present Codes in the individual Councils and have reached a point where the Monitoring Officers of all 7 councils are happy to recommend to their authorities the present draft as the basis for further consultation and consideration. This present draft is attached to this report.
4. It is important to note the realities existing as regards the present situation amongst the Gloucestershire group. Some Councils had already adopted the LGA model code in its entirety whilst others were happy with their existing code and had no plans to change it. However, the potential benefits of having a shared code have created a strong case for convergence and alignment into a Code which, subject to a few minor local variations, is both uniform and consistent.
5. These potential benefits have been strengthened by the involvement of Gloucestershire Association of Parish and Town Councils (GAPTC) in the monitoring officer group discussions. While individual parishes are under no obligation to adopt a common Gloucestershire Code, GAPTC is extremely supportive of them doing so, as it will enable them to provide better advice, support and training.
6. While the content of the draft Code is fully consistent with that of the LGA model code, its style and layout is different. As part of the process of moving towards a standard model it has been recognised that some aspects of the LGA code would not have gained support in the individual Councils. However it can be said that while the precise wording may be different, the standards described in the draft Gloucestershire Code are the same as those in the LGA Model Code, meaning that Gloucestershire Councils can still benefit from the training that the LGA offers on Code of Conduct issues.
7. There will, inevitably, be some minor differences between the codes adopted by each of the Councils examples of which include:-
 - Since Stroud District Council has adopted the committee system of governance, the sections on executive decision making will not feature in their version
 - District versions of the Code will include additional advice for Parish and Town Councils, in the expectation that it will also be adopted by many of them. It is not necessary to include that in the County version, given that it has no direct responsibility for standards issues involving parish councillors.
 - There may also be some ancillary differences over such issues as the value over which gifts and hospitality must be declared.
8. Nevertheless, in all other respects, it is intended that the wording of the Codes of the seven Gloucestershire principal councils should be identical.

Next steps

9. It is proposed that the draft Code of Conduct is now used as the basis for each Council to consider whether it meets their requirements recognising each Council will determine how best to proceed. In the case of Cheltenham this report proposes that the Standards Committee receives and comments on the draft Code and considers it for further recommendation to the Councils Constitutional Working Group which next meets in early September. Subject to these considerations the Code could either be further reviewed by the monitoring officer group or sent forward for ratification by the Council.

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Draft 18 July 2022

[] Council

CODE OF MEMBERS' CONDUCT

**Adopted on [] taking effect on
[]**

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Appendix A – Disclosable Pecuniary Interests

Appendix B – Other Registrable Interests

I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Council'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 [name/or the] Council, including;
 - (a) when engaged in the business of [name/or the] 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 [name /or the] 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 Council and any Protocols and Policies which may be adopted from time to time by the Council.
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 a breach 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 everyone with respect.
- (2) **Do not** bully any person.
- (3) **Do not** harass any person
- (4) **Do** promote equalities and **do not** discriminate unlawfully against any person.

- (5) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.
- (6) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- (7) **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, unless–
- (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 Council.
- Before making any disclosure under (iv) above, the written advice of the Monitoring Officer must be sought and considered.
- (8) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (9) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (10) **Do** not behave in a manner which brings your role or the Council into disrepute.
- (11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

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

- (12) **Do** act in accordance with the Council's requirements including the requirements of the Council's ICT Policy.
- (13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or to the office to which you have been elected or appointed.
- (14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

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

- (15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (16) **Do** have regard to advice provided to you by the Council's Officers, particularly that provided by the Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- (17) **Do** be as open as possible about your own decisions and actions and those of the Council and be prepared to give reasons for those decisions and actions.
- (18) **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 taking office as a Member (or Co-opted Member), notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.
 - (2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Monitoring Officer of the interest.
 - (3) **Do** notify the Monitoring Officer of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.
 - (4) **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 must 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** disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (2) **Do** ensure that, if your interest is not entered in the Council's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph 8(2) of this Code.
- (3) **Do** withdraw from 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.
- (4) **Do not**, as a member of the Council's executive, exercise any executive functions in respect of any matter in which you have a disclosable pecuniary interest (Appendix A). You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

10. Other Interests (Other Registrable Interests Appendix B and Non - registrable Interests)

Where a matter, in which

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

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than 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:-

- (1) **Do** ensure that you disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.

- (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 or it is an excepted function), if,
 - (a) it affects the financial position of an interest specified in Appendix B (other registrable interests)

 - (b) it affects your financial position or well-being or that 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 associateor
 - (c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) 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(2) 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.

- (3) **Do not**, as a member of the Council's executive, exercise any executive functions in respect of any matter in which you have an interest as described in 10(2) above. You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

VII. Duties in respect of the Code of Conduct

11. Members shall observe the following:-

- (1) **Do** undertake training on the Code of Conduct as required by the Council.
- (2) **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 Council.
- (3) **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 allegation that a Member has failed to comply with his or her Council's Code of Conduct.

- (4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the 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 Monitoring Officer for a dispensation.
13. A Member may be granted 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 other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

IX. Gifts and Hospitality

14. When offered gifts or hospitality in your capacity as a Member of the Council, the following rules must be observed.
- (1) **Do not** accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or to a reasonable suspicion of influence to show favour, from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- (2) **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least **£50** within 28 days of its receipt. (Appendix B).

- (3) **Do** register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.

X. Definitions

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

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
2. "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 ("close association" shall be construed accordingly).
3. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence
4. "Meeting" is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Council.
5. "Member" is an elected Member or a Co-opted Member of the Council.
"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.
6. "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; and the partners of any of these persons;
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; and the partners of any of these persons.
7. "Monitoring Officer" is the Monitoring Officer to [name or / the] Council.
 8. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Council's Register in consequence of that notification.
 9. Respect means politeness and courtesy in behaviour, speech, and in the written word.
 10. "The Act" is the Localism Act 2011.
 11. "The Council" is [name].
 12. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
 13. "Well-being" means general sense of contentment and quality of life.
 14. Excepted functions are functions of the Council in respect of

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- (i) housing, where the Member is a tenant of the Council 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 (M) 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.

- 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;

- (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 Registrable Interests

The interests set out below are “other registrable 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 (including where you have been 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.

**Cheltenham Borough Council
Standards Committee
4th August 2022**

**Report of Interim Monitoring Officer
Hearing process for Complaints**

Recommendation:-

That the Committee considers its present procedure for hearings and provides its view as to any potential changes that may assist in discharging its role

Background

1. The Committee has recently considered a complaint against a Member of the Council. Reflecting on the hearing there may be changes to the process that would assist the Committee both in understanding the nature and extent of the complaint and also in ensuring any relevant ancillary information is fully understood. This would include ensuring, where appropriate, such relevant information is factored into any decision of the Committee.
2. It is important to note that formal hearings before the Standards Committee are relatively infrequent. However it is essential to ensure that, in reaching decisions both in respect of the allegation and the tariff to be applied as regards a sanction for the failing the Committee should have access to all the relevant information.
3. In this regard valuable feedback has been received from one of the Independent Persons as to their perceptions and observations in respect of the hearing and these have informed some initial proposals for the Committee.
4. Having regard to future hearings it may be appropriate for the Committee to receive a short precis of the opinion of the Independent Persons as to their specific view on an allegation. Although their views form a part of the report submitted for the hearing, receiving their opinion on the case first hand may improve the understanding of the thought processes of the independent Persons in coming to their overall view on a complaint. This could be dealt with by being provided as an ancillary document to the main Report.
5. In addition, where external organisations have dealt with the same issue albeit under their processes, the Committee should seek to receive a formal note of the decision and any reasons for findings made in the matter. Naturally, in providing a detailed note of these external proceedings some dependence will rest on the body that decided on those matters being willing or able to share the full details of those proceedings.
6. The Committee is asked to consider these matters and any other steps that they feel may assist in the efficient and effective conduct of hearings for allegations of misconduct by Councillors.

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