

**Cheltenham Borough Council**  
**Standards Committee – 11 July 2014**  
**Review of Protocols**

<b>Accountable member</b>	<b>Cabinet Member, Corporate Services, Councillor Jon Walklett</b>
<b>Accountable officer</b>	<b>Monitoring Officer, Sara Freckleton</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	This report seeks the agreement of the Committee to the methodology and timescale for the review of the “Probity in Licensing” Protocol which was adopted by the Council in October 2006.
<b>Recommendations</b>	<b>That a “task and finish” working group of members and officers is established to review “Probity in Licensing” and prepare a revised version for consideration by the Standards Committee. The composition and terms of reference of the working group will be as set out at paragraph 3.3 of this report.</b>

<b>Financial implications</b>	No significant financial implications arising from the content of this report.  <b>Contact officer: <a href="mailto:paul.jones@cheltenham.gov.uk">paul.jones@cheltenham.gov.uk</a>, 01242 775154</b>
<b>Legal implications</b>	None arising from the review.  <b>Contact officer: <a href="mailto:sara.freckleton@teWKesbury.gov.uk">sara.freckleton@teWKesbury.gov.uk</a>, 01684 272011</b>
<b>HR implications (including learning and organisational development)</b>	No significant HR implications arising from the content of this report.  <b>Contact officer: <a href="mailto:amanda.attfield@cheltenham.gov.uk">amanda.attfield@cheltenham.gov.uk</a>, 01242 264355</b>

## **1. Background**

- 1.1 The Committee's Terms of Reference include the requirement to "Prepare, monitor and review Codes and Protocols to support the Code of Conduct and recommend to Council accordingly"
- 1.2 The Council has adopted a number of Codes and Protocols which are complementary to the Cheltenham Borough Council Code of Members' Conduct. These have not been reviewed since the changes to the Code of Conduct regime in 2012, although the general tenor and thrust of the advice contained in those Codes / Protocols and the expected behaviours remain relevant and should continue to be observed pending full revision.
- 1.3 The task of reviewing the Planning Code of Conduct has already been commenced. Membership of the Working Group set up to undertake the review and report to the Standards Committee is currently being reviewed consequent upon Council membership changes following the May elections. It is anticipated that the Working Group will be in a position to recommend a revised Protocol to the next meeting of the Standards Committee.

## **2. Proposed Review of Protocols**

- 2.1 In addition to the Planning Code of Conduct referred to above, the Council has the following Protocols:-
  - Probity in Licensing - adopted in December 2004
  - Protocol for Member / Officer Relations – last refreshed 2010
  - Protocol for Gifts and Hospitality – adopted in 2003
- 2.2 With regard to "Probity in Licensing", there have been changes in legislation and in licensing practices since the adoption of the Protocol in 2004 and it would therefore be recommended that a review be commenced as soon as possible.
- 2.3 Once the review of the Planning Code and Probity in Licensing have been completed a further report will be brought to the Committee to agree the process and timescale for the review of the two remaining Protocols listed in 2.1 above.

## **3. Proposed methodology and timescale for review of the "Probity in Licensing" Protocol**

- 3.1 To enable an effective review to be undertaken which takes into account both the licensing and conduct requirements it is suggested that a "task and finish" working group of members and officers be set up to review "Probity in Licensing" and to recommend changes for the approval of the Standards Committee. It will be necessary for the working group to review recent best practice and all relevant guidance from the Government and from other public and professional bodies.
- 3.2 The review, to include consultation with members both formally and informally and with officers, could commence in September / October 2014 and is likely to take approximately 3 – 4 months to complete.
- 3.3 It is proposed that the composition of the Working Group should be 3 Standards Committee Members, 3 Licensing Committee Members and 3 Officers (2 Licensing and 1 One Legal). Terms of reference are suggested as follows:-

"To review "Probity in Licensing" and prepare a revised version for consideration by the Standards Committee. The review will include consideration of any recent best practice and guidance from the Home Office and other relevant professional and public bodies. The review will

include consultation, as appropriate, with Members and Officers”

#### **4. Reasons for Recommendations**

**4.1** To ensure that the “Probity in Licensing” Protocol is up to date and fit for purpose.

#### **5. Consultation and feedback**

**5.1** The Licensing and Business Support Team Leader has been consulted on the proposed review and agrees with the need for the review and to the timescale and methodology proposed in this report which will provide the opportunity to undertake relevant consultation.

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<b>Appendices</b>	None
<b>Background information</b>	Cheltenham Borough Council Code of Members’ Conduct Cheltenham Borough Council Probity in Licensing Cheltenham Borough Council Protocol for Member / Officer Relations Cheltenham Borough Council Gifts and Hospitality Protocol