



GENERAL PURPOSES COMMITTEE

MEETING : Monday, 19th June 2023

PRESENT : Cllrs. Taylor (Chair), Hilton, Williams and Campbell

Others in Attendance

Managing Director
Monitoring Officer
Democratic Services and Elections Officer

APOLOGIES : Cllrs. Kubaszczyk, Hudson, Pullen, Wilson and Evans

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee noted the appointments made by Annual Council of Councillor Taylor as Chair and Councillor Kubaszczyk as Vice-Chair of the Committee.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the meeting held on 12 January 2023 were confirmed as a correct record and signed by the Chair.

4. PUBLIC QUESTION TIME (15 MINUTES)

There were no public questions.

5. PETITIONS AND DEPUTATIONS (15 MINUTES)

There were no petitions and deputations.

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6. CONSTITUTIONAL CHANGES

The Committee considered the report of the Head of Paid Service concerning the various proposed changes to the Council's Constitution.

The Monitoring Officer presented the report and referred to the Unified Gloucestershire Code of Conduct, the amended arrangements for dealing with Standards Allegations, the new Member/Officer Protocol, the Scheme of Delegation, amendments to the Overview and Scrutiny Procedure Rules and references to the Council Solicitor.

She advised that the Monitoring Officers for the seven principal local authorities had worked together to draft a Gloucestershire wide Member Code of Conduct, for adoption by all the Gloucestershire Councils. The Code had been based on the requirements of the seven Nolan principles in public life.

The main benefits for adopting the new Code of Conduct would provide more clarity on the role of a Member and ensure a consistent approach is taken for setting behaviour expectations. The Unified Code of Conduct would also ensure that if a Member was both a City and County Councillor, the same set of rules would be applied so that they could operate within the one Code.

The Monitoring Officer referred to Appendix A of the report and outlined the proposed amendments. It had been noted that if a Member was found to have breached the Code of Conduct following a formal investigation, a copy of the formal decision notice would be published on the Council's website.

Councillor Hilton commented that if a Member had made an apology to the complainant which had been mutually accepted by the individual, this should be reasonable and not require the nature of the complaint to be published on the website or for the individual to be named.

The Managing Director explained that Members would be encouraged to offer an apology to the complainant in the first instance to seek to resolve the complaint informally. If the apology had not been accepted by the individual and the Member had breached the Code of Conduct, the decision notice would be published. If there had been no breach, then the identity of the Member would not be disclosed.

The Monitoring Officer stated that a decision would only be made at the end of the investigation process and that it would not be in the public interest to take forward a complaint if all other options had been explored. The Monitoring Officer would speak to the Group Leader of the relevant political party regarding a Members behaviour.

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In response to a question from the Chair relating to the number of complaints received, the Monitoring Officer advised that the County Council had not received any formal complaints since 2011 and that four complaints had been received within the last six months at the Council.

The Managing Director commented that the proposal was not unique as previously if Members had been found in breach of the Code they would have been reported to the Standards Board. The proposed amendments to the Code of Conduct were to ensure processes were in place for good behaviour from Members and ensure that the Council aligned itself with the other Gloucestershire Councils who had already adopted the Unified Gloucestershire Code of Conduct.

Following discussions the Committee recognised the need to have a robust Code in place.

The Monitoring Officer referred to the Member/Officer Protocol, previously known as Employee/Member Protocol, which reflected changes following the LGA Peer Review to ensure good practice and clarification the roles and responsibilities of Officers and Members to work together.

Members were made aware of the proposed changes to the Scheme of Delegation to allow the Managing Director to make any necessary decisions in the absence of the relevant officer.

Members noted the proposed amendment to the Overview and Scrutiny Procedure Rules clarifying that only a decision could be called in and not a recommendation made by the Cabinet/Cabinet Member or a Committee. Councillor Hilton referred to recent events where it had been appropriate to call in a decision because the decision-making process had not been followed correctly.

General Purposes Committee **RESOLVED TO RECOMMEND** the proposed changes to Council for approval that:

- 1) The Unified Gloucestershire Code of Conduct as set out in Appendix 1 to the report is adopted.
- 2) The amended Arrangements for dealing with Standards Allegations under the Localism Act 2011 as set out in Appendix 2 is adopted.
- 3) The new Member/Officer Protocol as set out in Appendix 3 is adopted.
- 4) The Scheme of Delegation in Part 3 of the Constitution is amended in accordance with paragraph 3.8 of this report.
- 5) Rule 14 of the Overview and Scrutiny Procedure Rules is amended in accordance with paragraph 3.9 of this report.

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- 6) Authority is delegated to the Monitoring Officer and Managing Director to correct references to the Council Solicitor throughout the Constitution to either the Director, One Legal or Monitoring Officer as appropriate and to make any other minor and consequential amendments arising from this decision.

Time of commencement: 6.00 pm hours

Time of conclusion: 6.37 pm hours

Chair