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## Cherwell District Council

### Standards Committee

Minutes of a meeting of the Standards Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 10 May 2012 at 6.30 pm

Present: Dr Sadie Reynolds (Chairman)  
Derek Bacon (Vice-Chairman)

Councillor Andrew Beere  
Councillor Fred Blackwell  
Councillor Chris Heath  
Councillor Russell Hurle  
Councillor Douglas Williamson  
Kenneth Hawtin  
Councillor John Coley

Substitute Members: Councillor Ken Atack (In place of Councillor Timothy Hallchurch MBE)

Apologies for absence: Councillor Timothy Hallchurch MBE  
Councillor James Macnamara  
Councillor Rose Stratford  
Councillor David Carr

Officers: Kevin Lane, Head of Law and Governance / Monitoring Officer  
Natasha Clark, Team Leader, Democratic and Elections

#### 12 **Declarations of Interest**

There were no declarations of interest.

#### 13 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

#### 14 **Urgent Business**

There was no urgent business.

#### 15 **Minutes**

The minutes of the meeting held on 7 March 2012 were agreed as a correct record and signed by the Chairman.

## **The New Standards Regime - Proposed Arrangements**

The Head of Law and Governance submitted a report which enabled the Committee to finalise its recommendations to Council on 16 May 2012 on the form of a code of conduct for members to be adopted with effect from the relevant legislative date (currently anticipated to be 1 July 2012) and on the nature, composition and terms of reference of the elected member body to be responsible for the arrangements that were statutorily required to ensure that the Council could investigate allegations of misconduct by district and parish councillors and determine an appropriate outcome. The report further sought to enable the Committee to recommend to Council the number of independent persons to be appointed, the appointment and remuneration process and the delegation of authority to the Monitoring Officer to enable the necessary legal arrangements to be introduced.

### **Code of Conduct**

The Chairman reminded the Committee that at their March meeting, members had endorsed the proposed approach of the Monitoring Officers in Oxfordshire to seek to ensure, as far as practicable, the adoption of a common code at County, District and Parish levels.

In considering the proposed Oxfordshire Code of Conduct, some Members commented that it seemed relatively vague with no definition of exactly what pertained to breaking the Code. Other Members of the Committee countered that the Oxfordshire Code was very concise and was preferable to the LGA promoted Code. The Head of Law and Governance confirmed that the Code was currently being presented to all other Oxfordshire district councils and the county council for approval.

The Committee agreed that Council should be recommended to adopt the Oxfordshire Code of Conduct and that it be endorsed for adoption by Town and Parish Councils in the district.

### **Nature and Composition of Elected Member Body**

The Committee was reminded that at their March meeting Members had indicated support for a free standing Standards Committee rather than the previously supported view that the role be subsumed by the Accounts, Audit and Risk Committee. The Committee noted that the draft Terms of Reference submitted by the Head of Law and Governance could apply to either a free standing committee or be added to the remit of the Accounts, Audit and Risk Committee.

In considering the nature and composition of the elected member body, the Committee reaffirmed their preference for a free standing Standards Committee comprising 8 members. The previously held view to transfer responsibilities to the Accounts, Audit and Risk Committee had been reached when it was anticipated a Code of Conduct would not be mandatory. However as this was now mandatory under the Localism Act 2011, the Committee agreed that it was appropriate to have a separate Committee to demonstrate independence. Additionally, as the district council retained responsibility for town and parish councils, members agreed that the Committee should have the power to co-opt as it felt appropriate. Members noted that the Committee

would be a Local Government Act 1972 Committee and therefore subject to political balance rules.

The Committee agreed that Council should be recommended to establish a free standing Standards Committee comprising 8 members, with the power to co-opt and the proposed terms of reference to replace the current Standards Committee.

### **Independent Persons**

The Head of Law and Governance reminded the Committee that the Localism Act 2011 required that at least one independent person be appointed by full Council as part of the new arrangements. The independent person would not be a member of the new Standards Committee but could be invited to attend meetings.

The Committee had agreed at their March meeting that it would be appropriate to appoint two independent persons to avoid potential conflicts of interest and provide resilience.

In response to Members' questions, the Head of Law and Governance confirmed that it was anticipated that a transitional provision would be enacted whereby current independent members of Standards Committees would be able to apply to be independent persons if they resign before 30 June 2012. Independent Members would be advised accordingly if the provision was enacted.

The Committee endorsed the approach presented by the Head of Law and Governance and agreed Council should be recommended to appoint two independent persons at a future date based on the recommendation of a panel comprising two members of the new elected members body and the Head of Law and Governance. Additionally, authority should be delegated to the Head of Law and Governance in consultation with the Head of Finance and Procurement to fix an initial allowance for the independent persons. The Committee also agreed that it would be useful to provide Council with a summary of the role of the Independent Persons.

### **Register of Interests**

The Head of Law and Governance advised the Committee that as the Regulations dealing with disclosable pecuniary interests ("DPs") had not yet been enacted it was not possible for any further consideration to be given to the form and content of the future Register of Interests prior to the 16 May 2012 meeting of Council. The Committee was therefore requested to recommend delegated authority to the Monitoring Officer to take the appropriate steps to establish the register and advise district, town and parish councillors accordingly.

The Committee stressed the importance of ensuring all councillors were aware of the new requirements and agreed to recommend to Council that authority be delegated to the Head of Law and Governance / Monitoring Officer to take the necessary steps to establish a register of interests and the required arrangements pending formal consideration by the elected member body in due course.

**Resolved**

- (1) That Council be recommended to adopt the Oxfordshire Code of Conduct (set out in the annex to these minutes as set out in the minute book) with effect from 1 July 2012 or such other date as is legislatively required ("the effective date") and that it be endorsed for adoption by the Town and Parish Councils in Cherwell District.
- (2) That Council be recommended to agree to establish a free standing Standards Committee comprising eight elected members, with the power to co-opt members as it sees fit, for the purpose of hearing and determining complaints of Councillor misconduct with the terms of reference set out at the annex to these minutes (as set out in the minute book) from the effective date to replace the current Standards Committee.
- (3) That Council be recommended to agree that two independent persons be appointed by Council at a future date on the recommendation of a panel comprising two members of the new Committee plus the Head of Law and Governance and to delegate authority to fix an initial allowance payment for such persons to the Head of Law and Governance in consultation with the Head of Finance and Procurement.
- (4) That Council be recommended to agree to delegate authority to the Head of Law and Governance/Monitoring Officer to take the necessary steps to establish a register of interests for District, Town and Parish Councillors and the required arrangements (including a complaints procedure and a hearing procedure) pending formal consideration by the new Committee in due course.

The meeting ended at 7.05 pm

Chairman:

Date:

## Oxfordshire Version

1. This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members<sup>1</sup> of the council.
2. This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.

### Selflessness

3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

### Objectivity

4. In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### Accountability

5. You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

### Openness

6. You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.

### Honesty and integrity

7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

### Leadership

8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

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<sup>1</sup> A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the council but who

- a) is a member of any committee or sub-committee of the council, or
- b) is 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".

## **GENERAL OBLIGATIONS**

9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law;
10. You must not bully any person.
11. You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.
12. You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, 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;
    - b) made in good faith and in compliance with the reasonable requirements of the council.
13. You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
14. When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.
15. When using or authorising the use by others of the resources of the council:
  - (i) you must act in accordance with the council's reasonable requirements;
  - (ii) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

## **REGISTERING AND DECLARING INTERESTS**

16. You must, within 28 days of taking office as a member or co-opted member, notify the council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

17. You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'<sup>2</sup>.
18. Following any disclosure of an interest not on the council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
19. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

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<sup>2</sup> A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

### **Proposed Terms of Reference**

The promotion and maintenance of high standards of conduct by members and co-opted members of the Council and the Town and Parish Councils in the Cherwell district.

The making of recommendations to Council on the adoption, revision or replacement of a code of conduct for members and co-opted members.

The approval and administration of arrangements under which allegations of breach of the code of conduct for members and co-opted members can be investigated and decisions on such allegations can be made.

The determination of items (if any) that must be entered in the Council's register of members' interests over and above any that are legally required.

The approval and administration of arrangements for the granting of dispensations to members and co-opted members so as to permit their participation in meetings despite the existence of a disclosable pecuniary interest.