

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 ("DPIs") 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: