

## URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

**Council**

**15 October 2012**

Agenda Item Number	Page	Title	Officer Responsible	Reason Not Included with Original Agenda
8.	(Pages 1 - 6)	Minutes of Standards Committee held on 10 October 2012	Head of Law and Governance / Monitoring Officer	Meeting of Standards Committee held after agenda dispatch
11.	(Pages 7 - 10)	Recommendations from Standards Committee	Head of Law and Governance / Monitoring Officer	Meeting of Standards Committee held after agenda dispatch

*If you need any further information about the meeting please contact James Doble, Democratic and Elections james.doble@cherwellandsouthnorthants.gov.uk, 01295 221587*

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# Agenda Item 8

## Cherwell District Council

### The Standards Committee

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

Present: Councillor Fred Blackwell (Chairman)  
Councillor Mike Kerford-Byrnes (Vice-Chairman)

Councillor Timothy Hallchurch MBE  
Councillor Chris Heath  
Councillor Russell Hurle  
Councillor Rose Stratford

Substitute Members: Councillor Lawrie Stratford (In place of Councillor James Macnamara)

Also Present: Councillor P A O'Sullivan

Apologies for absence: Councillor Andrew Beere  
Councillor James Macnamara

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

#### 1 **Appointment of Chairman for the Municipal Year 2012-2013**

##### **Resolved**

That Councillor Blackwell be appointed Chairman of the Standards Committee for the Municipal Year 2012-2013.

#### 2 **Appointment of Vice-Chairman for the Municipal Year 2012-2013**

##### **Resolved**

That Councillor Kerford-Byrnes be appointed Vice-Chairman of the Standards Committee for the Municipal Year 2012-2013.

#### 3 **Declarations of Interest**

There were no declarations on interest.

4 **Requests to Address the Meeting**

There were no requests to address the meeting.

5 **Urgent Business**

There was no urgent business.

6 **Minutes**

The Minutes of the meeting of the former Standards Committee held on 10 May 2012 were agreed as a correct record and signed by the Chairman.

7 **Co-option of Town/Parish Council Members**

The Head of Law and Governance / Monitoring Officer submitted a report which enabled the Committee to consider whether it wishes to go through a process of co-opting Town/Parish Council members to the Committee.

In introducing the report, the Head of Law and Governance / Monitoring Officer explained that under the previous Standards regime it was legally necessary to appoint Town/Parish Councillors to be full members of the former Standards Committee with voting rights.

The new regime under the Localism Act 2011 removed this provision and it is no longer legally necessary or possible for Town/Parish Councillors to be full members of the Committee. However, the Committee could decide in its discretion to co-opt Town/Parish Councillors onto the Committee on a non-voting basis. At the full Council on 16 May 2012 it was resolved that the question of whether or not to exercise this discretion should be left to the new Standards Committee.

The Head of Law and Governance / Monitoring Officer reported the comments of Councillor Macnamara, who had submitted apologies for the meeting, to the Committee. It was highlighted that parish and town councils were already represented as several members of the Committee were long standing Town/Parish Councillors. Additionally consideration should be given as to whether the time and expense of recruiting co-opted members would represent value to the authority.

In considering the report, some Members of the Committee stressed the value of having parish/town council co-optees who were not associated with the district council as it would provide a voice for parishes and enable the Committee to have a greater understanding of parish matters.

Other Members of the Committee concurred with the comments submitted by Councillor Macnamara and reiterated that the members of the Committee had a wealth of knowledge and experience of town/parish matters through their own membership and/or being involved as the local district/county councillor.

Members further commented that determining not to co-opt Town/Parish Councillors would not preclude the Committee from involving Town/Parish Councillors at a future time dependent on the business of the Committee.

### **Resolved**

- (1) That Town/Parish Council members not be co-opted to the Standards Committee.

Councillor Lawrie Stratford requested that his vote against the motion not to co-opt Town/Parish Council members to the Standards Committee be recorded.

## **8 Appointment of Independent Persons - Update**

The Head of Law and Governance / Monitoring Officer submitted a report which enabled the Committee to receive a verbal update on the latest position with regard to the appointment of Statutory Independent Persons so that recommendations could be made to the full Council meeting on 15 October 2012.

The Committee was reminded that it was a legal requirement of the new Standards regime for at least one independent person to be appointed by the Council. At the 16 May 2012 full Council meeting, Members had resolved that two Independent Persons be appointed by the Council at a future date on the recommendation of a panel comprising two members of the new Standards Committee, plus the Head of Law and Governance/Monitoring Officer.

The panel, comprising Councillors Fred Blackwell and Rose Stratford and the Head of Law and Governance / Monitoring Officer, had met on Tuesday 2 October to consider the applications that had been received by the Council pursuant to the vacancies being advertised. The Panel Members reported that the applications received had been of a very high calibre and after a lengthy deliberation, they had agreed to recommend the appointment of Dr Sadie Reynolds and Mr Thomas Edwards.

The Committee noted that under the provisions of the Localism Act 2011, individuals who had held the position of Independent Member under the previous standards regime could only be appointed to 30 June 2013. Notwithstanding, Members considered that recommending the appointment of Dr Reynolds, a former Independent Member, would assist the transition between the two standards regimes.

To avoid a period with potentially no Independent Persons being in position, it was agreed that all other appointments should be tied in to the municipal year to enable future appointments to be made at Annual Council as required. Accordingly the term of office for Mr Edwards should expire at the end of the 2015/16 Municipal Year.

### **Resolved**

- (1) That the verbal update on the appointment of Independent Persons be noted.
- (2) That Full Council be recommended to appoint Dr Sadie Reynolds as an Independent Person for a term of office to expire on 30 June 2013.
- (3) That Full Council be recommended to appoint Mr Thomas Edwards as an Independent Person for a term of office to expire at the end of the Municipal Year 2015/2016.

## **9 Arrangements for Dealing with Complaints of Councillor Misconduct**

The Head of Law and Governance / Monitoring Officer submitted a report which enabled the Committee to endorse, or amend as it saw fit, the arrangements for dealing with complaints of Councillor misconduct introduced with effect from 1 July 2012 by the Head of Law and Governance/Monitoring Officer under the delegated authority given by full Council in May 2012.

In considering the report Members commented that it was important that the same Code of Conduct had been broadly adopted across the county at all tiers of local government. The Committee agreed that it was favourable that the Head of Law and Governance / Monitoring Officer, in consultation with the Independent Persons, could deal with complaints in the first instance as this would ensure that trivial and vexatious complaints were dealt with promptly.

### **Resolved**

- (1) That the arrangements for dealing with complaints of Member misconduct and the standard complaints form be endorsed.

## **10 Determination of Dispensation Requests**

The Head of Law and Governance / Monitoring Officer submitted a report which enabled the Committee to agree a method for dealing with applications for dispensation which were received from members of Cherwell District Council.

The Committee was advised that under the provisions of the Localism Act 2011, as incorporated in the Council's Adopted Code of Conduct, a Councillor with a Disclosable Pecuniary Interest must refrain from participation in the discussion and vote on any matter to which the Interest applies. It was, however, possible for a Councillor to seek a dispensation from either or both of these restrictions on certain grounds. Dispensation applications from CDC Councillors would be determined by the Standards Committee while applications from Town and Parish Councillors would be determined by the relevant Town and Parish concerned.

The Head of Law and Governance / Monitoring Officer reported the comments of Councillor Macnamara, who had submitted apologies for the meeting, to

the Committee whereby it was suggested there should be appeal mechanism for dispensation requests that were refused under the proposed delegated authority.

In considering the report and comments of Councillor Macnamara, the Committee considered that authority should only be delegated to the Head of Law and Governance / Monitoring Officer, in consultation with an Independent Person, to approve dispensation requests. If the Head of Law and Governance / Monitoring Officer were contemplating refusing a dispensation request, the request should be referred to the Standards Committee for determination.

### **Resolved**

- (2) That authority be delegated to the Head of Law and Governance/Monitoring Officer in consultation with an Independent Person to approve (not refuse) requests for dispensation that are received from members of Cherwell District Council.
- (3) That any requests that the Head of Law and Governance/Monitoring Officer may consider refusing be referred to the Standards Committee for determination.

## **11 Exclusion of the Public and Press**

### **Resolved**

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A of that Act.

## **12 Application for Dispensation**

The Head of Law and Governance / Monitoring Officer submitted an exempt report which enabled the Committee to consider an application for dispensation pursuant to Section 33 of the Localism Act 2011.

### **Resolved**

- (1) That the application for dispensation received from Councillor George Reynolds be approved to enable him to speak and vote on items of business at future meetings of the Council, its Committees or the Executive relating to Parkwood Leisure Ltd notwithstanding the existence of his disclosable pecuniary interest in such items to expire with his current term of office.

The meeting ended at 7.40 pm

Chairman:

Date:



## Council

### Standards Committee – Appointment of Independent Persons

15 October 2012

### Report of Head of Law and Governance

#### PURPOSE OF REPORT

To enable Council to appoint statutory Independent Person pursuant to Section 28 (7) of the Localism Act 2011 upon the recommendation of the Standards Committee.

This report is public.

#### Recommendations

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Council is recommended:

- (1) To appoint Dr Sadie Reynolds and Thomas Edwards as statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011 with their terms of office expiring on 30 June 2013 and the date of the Annual Meeting in May 2016 respectively

#### Details

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- 1.1 On 16 May 2012 Council resolved that two statutory Independent Persons should be appointed pursuant to Section 28 (7) of the Localism Act 2011 and that a panel comprising two members of the Standards Committee and the Head of Law and Governance should consider applications and put forward recommendations for appointment to a future meeting of Council.
- 1.2 This panel duly met to consider the applications that were received but, as there was a meeting of the Standards Committee on 10 October 2012, the opportunity has been taken to seek the endorsement of the Standards Committee to the proposed appointments.
- 1.3 At the meeting of the Standards Committee on 10 October 2012 the Committee resolved to recommend the appointments set out above.

#### Conclusion

- 1.4 The Standards Committee has met to determine its recommendations on the identity of the Independent Persons to be appointed pursuant to Section 28 (7) of the Localism Act 2011 and their recommendations are set out above for Council's consideration.

## **Key Issues for Consideration/Reasons for Decision and Options**

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2.1 The following options have been identified. The approach in the recommendation is believed to be the best way forward.

- Option One** To accept the recommendation.
- Option Two** To appoint different Independent Persons to those recommended. This is not recommended as the proposed appointments have the support of the Standards Committee and consideration of alternative appointments would require a deferral of this matter to a future Council meeting, and the inability of the Head of Law and Governance to operate the Standards arrangements in the meantime.
- Option Three** Not to appoint independent Persons. This is not recommended because the Council has a legal obligation to appoint at least one Independent Person pursuant to Section 28 (7) of the Localism Act 2011 and it would accordingly be acting unlawfully in failing to make an appointment at all.

## **Consultations**

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Standards Committee

## **Implications**

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- Financial:** The Independent Persons will be entitled to receive an allowance payment of £708 per year. This reflects the allowance payments that were received by the former Independent External Members of the Standards Committee. There is accordingly budgetary provision for these payments.
- Comments checked by Karen Curtin, Head of Finance and Procurement,  
karen.curtin@cherwellandsouthnorthants.gov.uk
- Legal:** The legal implications are dealt with in the report.
- Comments checked by Kevin Lane, Head of Law and Governance,  
kevin.lane@cherwellandsouthnorthants.gov.uk
- Risk Management:** The Council is legally obliged to appoint at least one independent person. By appointing two independent persons the risk of a conflict of interest arising is significantly mitigated.
- Comments checked by Gavin Halligan-Davies, Interim Corporate Performance Manager, gavin.halligan-davies@cherwellandsouthnorthants.gov.uk

## Document Information

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<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
<b>Report Author</b>	Kevin Lane, Head of Law and Governance
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