

**Committee:** Standards Committee

**Date:** Thursday 18 March 2010

**Time:** 6.30 pm

**Venue** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

<b>Dr Sadie Reynolds (Chairman)</b>	<b>Jim McBeth (Vice-Chairman)</b>
<b>Councillor Fred Blackwell</b>	<b>Councillor Ann Bonner</b>
<b>Councillor Timothy Hallchurch MBE</b>	<b>Councillor Eric Heath</b>
<b>Councillor James Macnamara</b>	<b>Councillor George Parish</b>
<b>Councillor Rose Stratford</b>	<b>Councillor Douglas Williamson</b>
<b>Councillor Bernard Lane</b>	<b>Douglas Frewer</b>
<b>Kenneth Hawtin</b>	<b>Councillor Alan Greenslade-Hibbert</b>

**Substitutes** Councillor David Carr, Councillor John Coley, Councillor Ken Atack, Councillor Nick Cotter, Councillor Margaret Cullip, Councillor Mrs Diana Edwards, Councillor Russell Hurle, Councillor P A O'Sullivan, Councillor Leslie F Sibley and Councillor Lawrie Stratford

## **AGENDA**

**1. Apologies for Absence and Notification of Substitute Members**

**2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

**3. Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

**4. Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

**5. Minutes (Pages 1 - 4)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 21 January 2010.

**6. Minutes Standards Assessment Sub-Committee 25 February 2010 (Pages 5 - 6)**

To note the minutes of the Standards Assessment Sub Committee meeting held on 25 February 2010.

**7. Update on Complaints (Pages 7 - 8)**

Report of the Head of Legal and Democratic Services/Monitoring Officer

**Summary**

This report provides an update to members on complaints relating to alleged breaches of the code of conduct received since the last meeting of the committee.

**Recommendation**

(1) To note the contents of the report.

**8. Update from Standards for England (Pages 9 - 12)**

Report of the Head of Legal and Democratic Services/Monitoring Officer

**Summary**

To update members of the committee on new information from Standards for England regarding the proposed revised code of conduct and the local assessment framework.

**Recommendation**

(1) To note the contents of the report.

**9. Parish Council Visits (Pages 13 - 16)**

Report of the Chairman of the Standards Committee

**Summary**

To update the committee on the Chairman and Vice Chairman's proposed parish visits, discussed at the last meeting of the committee.

**Recommendation**

- (1) To note the contents of the report and confirm it is happy with the proposals.

**10. Committee Membership (Pages 17 - 28)**

Report of the Head of Legal and Democratic Services/Monitoring Officer

**Summary**

To consider the membership of the committee following the resignations of Mr Frewer (Independent Member) and Councillor Lane (Parish Representative.)

**Recommendation**

- (1) To recommend to Council that Cllr David Carr is appointed as Parish Representative to take effect following the parish elections in 2010.
- (2) To consider the recruitment of a further substitute parish representative following the parish elections in 2010.
- (3) To approve the role description, person specification and advert for the new independent member.
- (4) To consider where to publish the advert for the new independent member.
- (5) To thank Mr Frewer and Cllr Lane for all their hard work whilst on the committee.

**11. Draft Annual Return 2010 (Pages 29 - 38)**

Report of the Head of Legal and Democratic Services/Monitoring Officer

**Summary**

To consider Cherwell's response to the Standards for England 2010 Annual Return questionnaire.

**Recommendation**

- (1) To agree Cherwell's draft responses to the Annual Return

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or (01295) 221591 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in Part 5 Section A of the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

**Personal Interest:** Members must declare the interest but may stay in the room, debate and vote on the issue.

**Prejudicial Interest:** Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Queries Regarding this Agenda**

Please contact Alexa Coates, Legal and Democratic Services [alexa.coates@cherwell-dc.gov.uk](mailto:alexa.coates@cherwell-dc.gov.uk) (01295) 221591

**Mary Harpley**  
**Chief Executive**

Published on Wednesday 10 March 2010

# Agenda Item 5

## Cherwell District Council

### Standards Committee

Minutes of a meeting of the Standards Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 21 January 2010 at 6.30 pm

Present: Dr Sadie Reynolds (Chairman)  
Jim McBeth (Vice-Chairman)

Councillor Timothy Hallchurch MBE  
Councillor Eric Heath  
Councillor James Macnamara  
Councillor George Parish  
Councillor Douglas Williamson  
Douglas Frewer  
Kenneth Hawtin  
Councillor Alan Greenslade-Hibbert

Substitute Members: Councillor David Carr (In place of Councillor Bernard Lane)

Apologies for absence: Councillor Fred Blackwell □ Councillor Ann Bonner □ Councillor Rose Stratford □ Councillor Bernard Lane

Officers: Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer  
Nigel Bell, Solicitor  
Alexa Coates, Senior Democratic and Scrutiny Officer

#### 40 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

#### 42 **Urgent Business**

There was no urgent business.

43 **Minutes**

The minutes of the meeting held on 7 December 2009 were agreed as a correct record and signed by the Chairman.

44 **Minutes of the Standards Assessment Sub-Committee meeting 26 November 2009**

The minutes of the Standards Assessment Sub-Committee meeting held on 26 November 2009 were noted.

45 **Minutes of the Standards Assessment Sub-Committee meeting 17 December 2009**

The minutes of the Standards Assessment Sub-Committee meeting held on 17 December 2009 were noted.

46 **Update on Complaints**

The committee considered a report of the Head of Legal and Democratic Services/Monitoring Officer which updated members on complaints relating to alleged breaches of the code of conduct received since the last meeting of the committee. The committee were advised that a meeting between the parties involved in the Weston on the Green complaints had been arranged for the end of January. It was hoped that this meeting would resolve the issues surrounding the complaints.

**Resolved**

That the contents of the report is noted.

47 **Support to Parishes**

The committee considered a report of the Head of Legal and Democratic Services/Monitoring Officer which asked members to consider the support the committee gave to parish councils. The committee were advised of a proposed forum for new parish clerks supported by the Oxfordshire Association of Local Councils and District Councils in the area. The committee felt the forum would provide a valuable tool to clerks in the District especially as there seemed to be such a high turnover of parish clerks. Members also felt that the forum would be useful to all clerks and that committee members may find it useful to attend.

The committee discussed the support which they provided to parish councils and the possibility of the Chairman and Vice Chairman visiting parish councils in the District to offer support on the code of conduct and ethical framework. It was suggested that initially support, in the form of these visits, would be offered to parish councils who had indicated they would like extra support and training in their responses to the ethical framework questionnaire.

**Resolved**

- 1) That the parish councils who requested support and training in their response to the ethical framework questionnaire be offered assistance and guidance from the committee.
- 2) That the proposals for an Oxfordshire Parish Clerks Forum be noted.

48

**Nomination to Corporate Governance Panel**

The committee considered a report of the Head of Legal and Democratic Services/Monitoring Officer which sought the appointments of a member of the Standards Committee to the Corporate Governance Panel.

**Resolved**

That Councillor Timothy Hallchurch is appointed to the Corporate Governance Panel for 2010/11.

49

**Operation of The Ethical Framework - Analysis of Responses**

The committee considered a report of the Head of Legal and Democratic Services/Monitoring Officer updating members of the results of the Ethical Framework Survey. The committee noted the good level of respondents (57%). The committee felt that it was not appropriate to wait for a new code of conduct to be issued before code of conduct training was offered to parish councils. Training had been requested by a number of respondents. The committee suggested that code of conduct training is offered to parish councils and that there was a particular focus on the local assessment regime and guidance on declaring interests at meetings. The committee felt that visits to the parish councils who had requested further assistance by the Chairman and Vice Chairman of the committee would provide a valuable training tool.

**Resolved**

- 1) That the contents of the report is noted.
- 2) That training on the current code of conduct is provided to parish councils.

The meeting ended at 7.20 pm

Chairman:

Date:

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## Cherwell District Council

### Standards Assessment Sub-Committee

Minutes of a meeting of the Standards Assessment Sub-Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 25 February 2010 at 5.00 pm

Present:

Jim McBeth  
Councillor John Coley  
Councillor James Macnamara

Officers: Pam Wilkinson, Principal Solicitor  
Natasha Clark, Trainee Democratic and Scrutiny Officer

### 3 **Review of Complaint**

#### **Summary of Complaint**

The Assessment Sub-Committee considered a request submitted by Mr Stafford Allen to review the decision of the Standards Assessment Sub-Committee of 26 November 2009 concerning the alleged conduct of Councillor Hicks, a member of Weston on the Green Parish Council. The complaint is summarised below:-

The complaint alleges that Councillor Hicks had failed to observe the Parish Council's Code of Conduct by abusing his position as a Councillor by displaying a letter on a public notice board.

#### **The Main Points Considered by the Sub-Committee**

The Sub-Committee in considering the complaint had regard to:-

- (1) A copy of the letter requesting a review of the assessment subcommittee decision
- (2) A copy of the decision notice following the meeting of the assessment subcommittee held on 26 November 2009.
- (3) A copy of the original complaint letter submitted
- (4) A copy of the letter posted on the notice board
- (5) A copy of a letter from Cllr Hicks to the original assessment committee which was considered at the 26 November meeting

- (6) A copy of a letter for the Clerk to Weston on the Green Parish Council to the original assessment committee which was considered at the 26 November meeting
- (7) The approved Assessment Criteria
- (8) Section 2 of "The Code of Conduct Guide for members May 2007" which sets out matters relating to general obligations under the Code together with a copy of "The Ten General Principles of Public Life" which forms Table 1 of the Guide

The Assessment Sub-Committee confirmed, based on the Assessment Criteria, that the complaint fell within its remit and that one of the following initial assessment decisions could be made;

- (1) to refer the complaint to the Monitoring Officer for local investigation;
- (2) to ask the Monitoring Officer to consider alternative action;
- (3) to refer the complaint to the Standards Board;
- (4) to take no action.

The main points arising from the complaint were:-

### **Conclusions**

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the assessment sub-committee of the standards committee decided to take no further action.

The language used by Councillor Hicks in the third paragraph of the letter was considered to be unreasonable and a personal attack, therefore a breach of the code of conduct. However, the assessment sub-committee felt that the subject of the complaint was not sufficiently serious to warrant further action.

### **The Reasons**

The reasons for the Sub-Committee's conclusions were:-

that the subject of the complaint was not sufficiently serious to warrant further action.

The meeting ended at 5.30 pm

Chairman:

Date:

## Standards Committee

### Update on Complaints

18 March 2010

### Report of the Head of Legal and Democratic Services/Monitoring Officer

#### PURPOSE OF REPORT

This report provides an update to members on complaints relating to alleged breaches of the code of conduct received since the last meeting of the committee.

This report is public

#### Recommendations

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The meeting is recommended:

- (1) To note the contents of the report.

#### Executive Summary

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##### Introduction

- 1.1 Since the last meeting of the committee an assessment subcommittee considered a review of a complaint requested by Mr Stafford Allen. The original complaint alleged that Councillor Hicks, Chairman of Weston on the Green Parish Council had breached the code of conduct by abusing his position as a Councillor by displaying a letter, supporting another parish Councillor, on a public notice board.
- 1.2 The original assessment subcommittee who considered the complaint decided that the language used by Councillor Hicks in the third paragraph of the letter was unreasonable and a personal attack, therefore a breach of the code of conduct. However, the assessment subcommittee felt that the complaint was malicious and it would be inappropriate to take further action.
- 1.3 The assessment subcommittee considering the review also felt that the language used by Councillor Hicks in the third paragraph of the letter was unreasonable and a personal attack and a breach of the code of conduct. The subcommittee decided that the complaint was not sufficiently serious to warrant further action.

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

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3.1 To note the decision of the assessment subcommittee

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

**Option One** To agree the recommendation as set out

**Option Two** To amend the recommendation

## **Consultations**

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None

## **Implications**

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**Financial:** There are no financial implications.  
Comments checked by Denise Westlake, CSR Service Accountant, 01295 221982

**Legal:** The assessment subcommittee was convened and considered the complaint in accordance with the guidance from Standards for England  
Comments checked by Liz Howlett, Head of Legal and Democratic Services, 01295 221686

**Risk Management:** There are no risk implications  
Comments checked by Rosemary Watts, Risk Management & insurance Officer, 01295 221566

## **Wards Affected**

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All

## **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix	None
<b>Background Papers</b>	
None	
<b>Report Author</b>	Alexa Coates, Senior Democratic and Scrutiny Officer
<b>Contact Information</b>	01295 221591 alex.coates@Cherwell-dc.gov.uk

## Standards Committee

### Update from Standards for England

18 March 2010

### Report of the Head of Legal and Democratic Services/Monitoring Officer

#### PURPOSE OF REPORT

To update members of the committee on new information from Standards for England regarding the proposed revised code of conduct and the local assessment framework.

This report is public

#### Recommendations

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The meeting is recommended:

- (1) To note the contents of the report.

#### Executive Summary

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##### Introduction

- 1.1 The Monitoring Officer recently attended the LGG Monitoring Officer Conference where Standards for England gave an update on the proposed code of conduct and developments to the local assessment framework.

##### Proposals

- 1.2 Standards for England advised that, as expected, there is no parliamentary time for a new code of conduct to be considered by May 2010. The committee were originally consulted on a new code in November 2008. At the annual Standards conference in October 2009 attendees had been advised that a new code would be published by December for implementation in May 2010.
- 1.3 The original proposals the committee were consulted on have now been dropped and Standards for England are proposing complete changes to the system including new powers for Monitoring Officer to filter persistent and vexatious complaints and the possible removal of the right to review

assessment decisions. It appears, after much criticism, Standards for England have listened to committees and Monitoring Officers who feel the current system is not proportionate and can be costly and time consuming. Standards for England have accepted that the framework is too bureaucratic and are seeking to simplify the system. New proposals will be made to the incoming government after the general election.

- 1.4 Standards for England are also proposing a new risk management framework where authorities will be categorised as: green, amber or red depending on their perceived level of risk. Local authorities will be assigned a Standards for England relationship manager, the level of involvement the manager will have with the authority will depend on which colour category they sit in. Green authorities would receive a phone call from their relationship manager twice a year. Amber authorities would receive two phone calls plus an annual visit and red authorities will receive as much support as Standards for England feel appropriate.
- 1.5 The categories are based on risk as perceived by Standards for England and not the performance of the Council in dealing with Standards issues. For example, Cherwell would automatically be amber because it has responsibility for a “significant” (that is, more than 60) number of parish councils. The proposals were not well received at the conference. It was originally planned that the risk management framework would be implemented in April 2010 but this has been postponed by six months to allow for consultation.

## **Conclusion**

- 1.6 There could be some significant changes to the local assessment framework following the general election which will impact on the role of the committee.

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

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- 3.1 This report is for information and there are no key issues arising.

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

**Option One**                      Agree the recommendation as set out.

**Option Two**                      Amend the recommendation

## **Consultations**

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None

## Implications

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<b>Financial:</b>	There are no financial implications arising from this report. Comments checked by Denise Westlake, CSR Service Accountant, 01295 221982
<b>Legal:</b>	There are no legal implications arising from this report. Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686
<b>Risk Management:</b>	There are no risk implications arising from this report Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

## Wards Affected

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All

## Document Information

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Appendix No	Title
Appendix	None
Background Papers	
None	
Report Author	Alexa Coates, Senior Democratic and Scrutiny Officer
Contact Information	01295 221591 alex.coates@Cherwell-dc.gov.uk

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## Standards Committee

### Parish Council Visits

18 March 2010

### Report of the Chairman of the Standards Committee

#### PURPOSE OF REPORT

To update the committee on the Chairman and Vice Chairman's proposed parish visits, discussed at the last meeting of the committee.

This report is public

#### Recommendations

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The meeting is recommended:

- (1) To note the contents of the report and confirm it is happy with the proposals.

#### Executive Summary

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##### Introduction

- 1.1 At the last meeting of the committee the responses to the operation of the ethical framework were considered. The Chairman advised the committee that she and the Vice-Chairman would visit the parish councils who had specifically requested guidance on the code of conduct and related issues.

##### Proposals

- 1.3 I have separated the responses into those councils that commented they would find it helpful for someone from the Standards Committee to assist them in understanding and operation of the Code of Conduct.
- 1.4 Below you will find the names of the 17 Parish Councils that responded in this way and I should appreciate it if you would let me know if you have any preference as to which of these you consider a priority. I intend that the visits will commence in April and have written to each Parish Council to find out the dates/times and venues of their meetings. Where the parish is due an election in May we will not visit until after the parish election. As previously indicated to the Committee it is also my intention to visit two parishes each month. As

the vice-chairman Mr McBeth has agreed to assist, so between us we anticipate that four Parishes will therefore be visited every month.

As a matter of interest I shall be visiting Weston-on-the Green on 10 March and shall communicate with the Committee after that time.

Ardley with Fewcott  
Ambrosden  
Banbury Town  
Bodicote  
Begbroke  
Chesterton  
Drayton  
Finmere  
Fritwell  
Kidlington  
Launton  
Lower Heyford  
Newton Purcell with Shelswell  
North Newington  
Sibford Gower .  
South Newington  
Wardington

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

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3.1 The report is for information and there are no key issues arising

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

**Option One** Agree the recommendation as set out.

**Option Two** Amend the recommendation.

### **Consultations**

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None

### **Implications**

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**Financial:** There are no financial implications arising from this report.

**Legal:** There are no legal implications arising from this report.  
Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686

**Risk Management:** There are no risk implications arising from this report.  
Comments checked by Rosemary Watts, Risk  
Management & Insurance Officer, 01295 221566

**Wards Affected**

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All

**Document Information**

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Appendix No	Title
Appendix	None
Background Papers	
None	
Report Author	Alexa Coates, Democratic Services
Contact Information	01295 221591 alex.coates@Cherwell-dc.gov.uk

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## Standards Committee

### Committee Membership

18 March 2010

### Report of the Head of Legal and Democratic Services/Monitoring Officer

#### PURPOSE OF REPORT

To consider the membership of the committee following the resignations of Mr Frewer (Independent Member) and Councillor Lane (Parish Representative.)

This report is public

#### Recommendations

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The meeting is recommended:

- (1) To recommend to Council that Cllr David Carr is appointed as Parish Representative to take effect following the parish elections in 2010.
- (2) To consider the recruitment of a further substitute parish representative following the parish elections in 2010.
- (3) To approve the role description, person specification and advert for the new independent member.
- (4) To consider where to publish the advert for the new independent member.
- (5) To thank Mr Frewer and Cllr Lane for all their hard work whilst on the committee.

#### Executive Summary

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##### Introduction

- 1.1 Mr Frewer and Cllr Lane have both indicated that they will be stepping down from the committee. Mr Frewer's resignation takes immediate effect and is caused by Mr Frewer moving house with the distances involved in attending committees at Bodicote House being too great. Councillor Lane will be stepping down as a councillor at the forthcoming parish elections.
- 1.2 This will create two vacancies on the committee. It is important to appoint to

these vacancies as soon as possible as the committee will be below the minimum requirements for independent members and parish representatives.

### **Proposals**

- 1.3 A new independent member needs to be appointed to the committee. The Standards for England Guidance states that at least 25% of the committee's members should be independent; this means there is a requirement to have at least four independent members on the committee. It is also important to maintain this number as assessment subcommittee meetings must be chaired by an independent member of the committee.
- 1.4 The Chairman and Vice-Chairman have some potential candidates in mind for the position but it is a requirement that the post is advertised in at least one local newspaper and in other similar publications or websites as the committee considers appropriate. Traditionally, the advert has gone in the Banbury Guardian, Bicester Advertiser, the Oxford Times and has been published on the Council's website. A proposed role description, person specification and advert are attached as appendices to this report for the committee to consider.
- 1.5 The legal minimum number of parish representatives on the committee is two. As Councillor Bernard Lane will be stepping down at the next parish election the Council needs to appoint another parish representative. The committee currently has two substitute parish representatives Councillors Coley and Carr. Councillor Carr has indicated he would be happy to become a full member of the committee. If the committee recommends that Council appoint Councillor Carr as parish representative in place of Councillor Lane, and this is agreed, a further parish substitute will need to be appointed. The committee has the discretion to decide how it recruits parish representatives.
- 1.6 The parish representatives carry out an extremely important role on the committee and particularly on the assessment subcommittees. If the assessment subcommittee is considering a complaint relating to a parish council there must be a parish representative on the subcommittee. It is important to maintain this pool of trained parish representatives to attend subcommittee meetings especially as all complaints received in 2009/10 related to parish councils.
- 1.7 As parish elections are scheduled for May 2010 (the date may change depending on when the general election is called) it would be appropriate to wait until after the elections to recruit a further substitute parish representative. Following the election, a letter will be sent to parish councils in the district to ascertain interest in the position.

### **Conclusion**

- 1.8 Mr Frewer and Councillor Lane have made invaluable contributions to the work of the committee. Mr Frewer has served as Chairman of the committee and assisted in the implementation of the local assessment of complaints. The committee may wish to take this opportunity to thank Mr Frewer and

Councillor Lane for their hard work and wish them all the best in the future.

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

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- 3.1 It is a requirement that the Council must appoint a certain number of independent and parish representatives, as explained above.
- 3.2 The committee also needs to maintain a certain number of independent members and parish representatives to assist in the local assessment of complaints.

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

**Option One**                      Agree the recommendations as set out.

**Option Two**                      Amend the recommendations.

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**Consultations**

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None

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**Implications**

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**Financial:**                      There are no financial implications arising from this report.  
Comments checked by Denise Westlake, CSR Service Accountant, 01295 22221982

**Legal:**                              The committee has a responsibility to comply with the Standards for England guidance on committee membership. It is necessary to maintain a certain level of independent members and parish representatives to ensure the committee can carry out the local assessment of complaints.

Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686

**Risk Management:**              The Council has a requirement to follow the Standards for England guidance relating to Standards Committee membership, failure to comply with the guidance could result in intervention by Standards for England which would be damaging to the Council's reputation.

Comments not checked at time of despatch

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**Wards Affected**

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All

## Document Information

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Appendix No	Title
Appendix 1	Independent Member Role Description
Appendix 2	Independent Member Person Specification
Appendix 3	Independent Member Advert
<b>Background Papers</b>	
None	
<b>Report Author</b>	Alexa Coates, Senior Democratic and Scrutiny Officer
<b>Contact Information</b>	01295 221591 alex.coates@Cherwell-dc.gov.uk



	<b>JOB DESCRIPTION</b>	
	<b>Post title:</b>	Standards Committee – Independent Member

<b>Responsible to:</b>	The Standards Committee	<b>Department:</b>	Legal and Democratic Services

Key Objectives:			
1	To work with other Members of the Standards Committee to fulfil the roles and functions specified in the Council's Constitution, an extract from which is enclosed.		
2	The Council seeks Members who are likely to be able to serve an expected initial term of office until May 2014		
Responsibilities:			
1.	The work will involve attendance at Committee meetings, training and other sessions in order to carry out the tasks involved.		
2.	Each Member will be responsible to the Council for the Committee's work.		
This Job Description was created by		Liz Howlett	on 12 November 2009

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## PERSON SPECIFICATION

<b>Post Title</b>	<b>Standards Committee – Independent Member</b>
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	JOB REQUIREMENTS	
	ESSENTIAL	DESIRABLE
<b>Qualifications</b>		A resident and local government elector of the District
<b>Experience</b>	A person who can demonstrate an understanding of ethical issues	Membership or involvement in any organisational environment where decisions are taken in meetings
<b>Disqualification</b>	<p>By Law, any of the following disqualifications prevent a person from being an Independent Member of the Standards Committee</p> <p>Employment by or membership of the Cherwell District Council <b>in the last five years</b> or <b>current employment or membership of</b> any local authority</p> <p>Any bankrupt or person who has made a composition or arrangement with creditors which is extant</p> <p>Having, within five years of the appointment, a conviction for an offence resulting in a sentence of imprisonment (whether or not suspended) for a period of not less than three months without the option of a fine</p> <p>A disqualification for being elected or being a member of an authority under the Representation of the People Act 1983 (corrupt electoral practices) or under the Audit Commission Act 1998 (unlawful local authority expenditure)</p> <p>Being a relative or close friend of a member or officer of the District Council</p>	

<p><b>Skills, Knowledge, Abilities and Personal Qualities</b></p>	<p>A person who is an active and respected member of the community</p> <p>A person willing to serve the public interest and the local community</p> <p>A person who can demonstrate honesty and integrity which has never been impugned</p> <p>A person with the ability to look at issues objectively and make decisions on their merit</p> <p>A person who can put aside political affiliation when making decisions</p> <p>A person who understands the concept of accountability</p> <p>A person willing to give reasons for decisions or actions taken in a spirit of openness whilst respecting issues of confidentiality</p> <p>A person who can take account of the views of others but is able to reach their own conclusions on issues before them</p> <p>A person who can show respect for others and the impartiality and integrity required of Council Officers</p> <p>A person who can demonstrate an understanding of the duty to uphold the law and trust placed on them</p> <p>A person who can demonstrate stewardship and prudence</p> <p>A person with leadership qualities prepared to lead by example, always acting in a way that preserves public confidence</p> <p>A person who can demonstrate either experience of or an aptitude for participation in hearings into complaints of misconduct</p> <p>Note: These requirements are based on the General Principles of Conduct approved by the Secretary of State in accordance with the Local Government Act 2000</p>	<p>A person with some knowledge of Local Government</p>
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	<p>An ability to attend at least five meetings a year together with Panel hearings plus training events</p> <p>An ability to attend meetings in any part of the district and, if necessary, occasionally outside Cherwell</p>	
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## **Independent Member of Cherwell District Council's Standards Committee**

Cherwell District Council is recruiting a new Independent Member to serve on its' Standards Committee.

The committee is responsible for promoting and maintaining high standards of conduct by District and Parish Councillors in the area. The committee is made up of Independent Members, District Councillors and Parish Representatives and meets around 5 times a year.

The successful candidate will be expected to:

- Attend regular meetings of the committee, usually held at Bodicote House, Banbury at 6.30pm
- Take part in assessment subcommittee meetings to consider code of conduct complaints made against local councillors
- Undertake the relevant training associated with the role
- Act fairly and impartially

Independent members are eligible to claim an allowance and expenses as set out in the Council's Members' Allowance Scheme. The annual allowance is currently set at £831, which is paid monthly. The levels of the allowances are reviewed by the Council annually.

You will not be eligible for the role if:

- You have been a member or employee of Cherwell District Council within the past five years
- You are a member or officer of any other relevant authority
- A relative or close friend is a member or employee of Cherwell District Council

For further information and an informal discussion please contact Liz Howlett , Head of Legal and Democratic Services, Tel: 01295 221686  
Email: [Liz.Howlett@cherwell-dc.gov.uk](mailto:Liz.Howlett@cherwell-dc.gov.uk) or visit the website [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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## Standards Committee

**Annual Return 2010**

**18 March 2010**

### **Report of Head of Legal and Democratic Services**

#### **PURPOSE OF REPORT**

To consider Cherwell's response to the Standards for England 2010 Annual Return questionnaire.

This report is public
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#### **Recommendations**

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The meeting is recommended:

- (1) To agree Cherwell's draft responses to the Annual Return

#### **Executive Summary**

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##### **Introduction**

- 1.1 The Standards for England Annual Return questionnaire was launched in April 2009. The main purpose is to collect information from Monitoring Officers and Standards Committees on how they maintain high standards of ethical conduct within their authorities.

##### **Proposals**

- 1.2 The Annual return provides an opportunity for Monitoring Officers and Standards Committees to tell Standards for England in detail about the particular achievements, successes and difficulties they have in supporting and promoting the ethical framework.
- 1.3 Standards for England use these responses to build a bank of notable practice examples to share across the standards community. The information gathered will allow them to form a national overview of the local operation of the standards framework and help identify its strengths and weaknesses.

- 1.4 The Annual Return questionnaire consists of a series of questions about the following topics:
- Activities of Standards Committees
  - The role of leaders in promoting high standards training
  - Communicating the complaints process and outcomes
  - Member-Officer relations
  - Communicating the register of Member interests
  - Officer conduct
- 1.5 Responses to each question in the Annual Return questionnaire have been drafted and are detailed in Annex 1 for Members of the Committee to comment on.

### **Conclusion**

- 1.6 It is a requirement of the Council to complete the Annual Return questionnaire and Members are therefore recommended to consider these responses and amend as necessary. The Annual Return will be submitted early in April.

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

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- 3.1 It is important for the Committee to provide Standards for England with an overview of their experience of the ethical framework operation over the past year.

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

**Option One** To agree Cherwell's responses to the Annual Return

**Option Two** To amend the responses

### **Consultations**

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None

### **Implications**

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**Financial:** There are no financial implications  
Comments checked by Karen Curtin, Head of Finance  
01295 221551

**Legal:** It is a requirement on the Council to complete the Annual Return questionnaire

Comments checked by Liz Howlett, Head of Legal & Democratic Services 01295 221686

**Risk Management:** There are no risk implications

Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221556

#### **Wards Affected**

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All Wards

#### **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Annual Return 2010 – Questions & Draft Answers
<b>Background Papers</b>	
None	
<b>Report Author</b>	Michael Sands, Trainee Democratic & Scrutiny Officer
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## Annual Return 2010 – Questions & Draft Answers

### Part 1: Communication

Question	Cherwell's Response
1) Does the Standards Committee produce an annual report?	Yes
2) What does the report contain?	<ul style="list-style-type: none"> <li>• Information about the Members of the Standards Committee (new appointments only)</li> <li>• The role of the Standards Committee</li> <li>• Information about the Code of Conduct</li> <li>• Statistical information about complaints that have been received</li> <li>• A summary of complaints which have led to investigation, sanction, or other action</li> <li>• Details about training/events provided</li> <li>• Information on number of times Committee and Sub-Committee met</li> <li>• Information on complaints to Local Government Ombudsman</li> <li>• Information on how to access info on Member Expenses</li> </ul>
3) How is the Standards Committee annual report circulated?	<ul style="list-style-type: none"> <li>• Sent to all Members</li> <li>• Sent to parish/town councils</li> <li>• Available as a specific item on the authority website</li> <li>• Available in the Standards Committee papers published on the authority website</li> <li>• Included as a full authority meeting agenda item</li> </ul>
4) How can the public access information about how to make a complaint against a Member?	<ul style="list-style-type: none"> <li>• Through the Standards Committee section of the website</li> <li>• Complaints leaflet available from the authority</li> </ul>

5) How can the public access information about the outcome of initial assessment decisions?	<ul style="list-style-type: none"> <li>• Written summary available for public inspection</li> <li>• Assessment decisions published on the authority website</li> </ul>
6) How can the public access information about the outcome of investigations?	To date, Cherwell have had three investigations and these have been available on the website with the agenda for the Standards Committee meeting at which they were considered.
7) Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the Member, complainant and witnesses.	No formal mechanism though feedback is received.
9) What does the authority do to promote the work of the Standards Committee and Standards generally to the rest of the authority (i.e. internally)?	<ul style="list-style-type: none"> <li>• Standards Committee issues briefing notes</li> <li>• Articles in Member Weekly Bulletin</li> </ul>
10) How can the public access information about your Standards Committee	<ul style="list-style-type: none"> <li>• Standards Committee minutes, agendas, and reports are available to the public</li> <li>• Standards Committee meetings are observed by members of the public</li> </ul>
11) What else does the authority do to promote the work of the Standards Committee and Standards generally to the public and other partners?	<ul style="list-style-type: none"> <li>• Ethical Framework Questionnaire</li> <li>• Proposing to visit parishes who have asked specifically for more support</li> </ul>

## Part 2: Influence

12) How does the Standards Committee communicate ethical issues to the Senior figures within your authority (for example the Chief Executive and Leader of the authority, Party Leaders)?	Monitoring Officer attends Corporate Management Team meetings Independent members have lunch with the Chief Executive annually to discuss standards issues.
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13) How do the Senior figures in your authority demonstrate strong ethical values?	<ul style="list-style-type: none"> <li>• Demonstrating appropriate behaviours</li> <li>• Declaration of acceptance of Office</li> </ul>
14) Does your authority have a protocol for partnership working that outlines the Standards of behaviour expected of all those working in partnership?	<p>Yes</p> <p>(Cherwell is currently developing support to Members on Partnerships/Outside bodies. This is being led by a Portfolio Holder).</p>

### Part 3: Training & Support

16) Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority Members in relation to their responsibilities on Standards of Conduct?	Yes
18) If yes, what needs were identified?	<p>None</p> <p>(The Chairman has done a PDP which identified more to do with the role/structure of the Council and the decision making process)</p>
19) What training/support was provided during the period 1 April 2009 to 31 March 2010?	<ul style="list-style-type: none"> <li>• Introduction to the Code of Conduct</li> <li>• Elements of the Code of Conduct</li> <li>• Ethical governance/behaviour induction</li> <li>• Chairing and Meeting procedures training (open to Chairman/Vice-Chairman)</li> </ul>
20) Who received training/support?	<ul style="list-style-type: none"> <li>• Standards Committee Chair</li> <li>• Independent Members</li> <li>• Other Standards Committee Members</li> </ul>
21) What methods were employed to give training/support	<ul style="list-style-type: none"> <li>• Internal training</li> <li>• External trainer/speaker</li> <li>• Guidance notes/briefing materials/use of Standards for</li> </ul>

	England DVD
22) In which areas of the Code of Conduct has training/support been provided?	<ul style="list-style-type: none"> <li>• Personal/Prejudicial Interests</li> <li>• Predisposition, Pre-determination and bias</li> <li>• General Code of Conduct</li> <li>• Assessment of Complaints</li> </ul>
23) What other training/support has been provided on areas of an authority Member's role or activities they may engage in?	<ul style="list-style-type: none"> <li>• Chairing Skills</li> <li>• Pre-determination, Predisposition and bias</li> <li>• Freedom of Information (FOI)</li> <li>• Full training programme for Members of the authority</li> </ul>
24) In general, how well attended was the training provided?	50-75%
25) Please give a brief overview of how Standards issues are covered in your induction process for new Members of the authority?	<ul style="list-style-type: none"> <li>• Governance and Code of Conduct workshop led by Monitoring Officer and Section 151 Officer.</li> <li>• Part of the Planning Workshop focuses on predetermination, bias and declaration of interests.</li> <li>• Meeting procedure training also covers declarations of interest.</li> </ul>
26) In which areas of the role and responsibilities of the Standards Committee has training/support been provided for Standards Committee Members?	<ul style="list-style-type: none"> <li>• Initial Assessments</li> <li>• Other action/mediation</li> </ul> <p>(All of above plus Investigations, Hearings and Sanctions have been covered in County-wide training)</p>

#### Part 4: Investigations

27) How many investigations have been conducted during the period 1 April 2009 – 31 March 2010?	One
28) Of the investigations completed during the period, for how many have external investigators been used?	One



29) Overall, what was your principle reason for out-sourcing the investigation(s)?	The reason for outsourcing was lack of resource internally and as it was a district councillor being investigated (although at Town Council level) it was not thought appropriate for an officer of Cherwell to undertake the investigation.
30) What type of external investigator(s) did you use?	Employee of another authority
31) For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigators(s)?	£4813.20

### **Part 5: Relationships with Parish and Town Councils**

33) Has your authority provided training for parish councillors during the period 1 April 2009 to 31 March 2010?	Yes
34) If yes, what topics did the training cover?	<ul style="list-style-type: none"> <li>• Planning</li> <li>• The Code of Conduct generally</li> <li>• Chairing Skills</li> <li>• Meeting Procedures</li> <li>• Parish Liaison Meeting</li> <li>• Parish Clerks meeting (covering areas such as Minute writing, co-option, effective responses to planning applications)</li> </ul>
35) What methods were employed to give training/support?	<ul style="list-style-type: none"> <li>• Internal training</li> <li>• Part of wider Parish Liaison Meeting</li> </ul>
36) In general, how well attended was the training for parish councillors?	
37) Has your authority provided training for parish clerks during the period 1 April 2009 – 31 March 2010?	Yes (New clerks event). This is a new initiative starting in March 2010 to run for a two year period across Oxfordshire

38) What topics did the training for parish clerks cover?	<ul style="list-style-type: none"> <li>• Freedom of information</li> <li>• Working with confidential information</li> <li>• Minute taking</li> <li>• Planning</li> </ul> <p>These are the scheduled topics so far</p>
39) If yes, what methods were employed to give training/support to parish clerks?	Joint authority/Oxfordshire event
42) Describe the relationship between your authority and your County Association of Local Councils in relation to Standards. For example, how regularly do you interact with them? Are you involved in delivering joint training?	A representative from this authority attends the meeting with the OALC which takes place every six months. We discuss joint training and the new clerks event arose from agreement that the turnover of new clerks was too high.
43) Standards for England and Teesside University are currently researching the role of the Parish Liaison Officer. Teesside University have created a brief questionnaire to assess the organisational background, functions and skills needed to carry out the Parish Liaison role. Does your authority have a Parish Liaison Officer?	Yes
44) Does the Parish Liaison Officer (or the person who fulfils the same functions) consent for the University of Teesside to contact them to complete a brief questionnaire about their role?	Yes
45) What steps have you taken when dealing with Parishes which have had problems with Standards issues? For example, what preventative or capacity building work have you done with parishes?	In Cherwell's experience, code of conduct complaints concerning parish councils are rooted in governance issues. Cherwell recently undertook a review of a parish council, where officers reviewed their governance procedures and made recommendation as to how the council could operate better. This review was conducted in an attempt to prevent the governance issue escalating into a code of conduct complaint.