

Public Document Pack



Committee: **Standards Committee**

Date: **Thursday 8 July 2010**

Time: **6.30 pm**

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

Membership

Dr Sadie Reynolds (Chairman)	Jim McBeth (Vice-Chairman)
Councillor Fred Blackwell	Councillor Timothy Hallchurch MBE
Councillor Chris Heath	Councillor Russell Hurle
Councillor James Macnamara	Councillor George Parish
Councillor Rose Stratford	Councillor Douglas Williamson
Derek Bacon	Kenneth Hawtin
Councillor David Carr	Councillor Alan Greenslade-Hibbert

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

- 1. Appointment of Chairman**
- 2. Appointment of Vice-Chairman**
- 3. Apologies for Absence and Notification of Substitute Members**
- 4. 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.

5. Petitions and Requests to Address the Meeting

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

6. Urgent Business

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

7. Minutes (Pages 1 - 4)

To confirm as a correct record the Minutes of the meeting of the Committee held on 18 March 2010.

8. Minutes of meeting Tuesday, 8th June, 2010 of Standards Assessment Sub-Committee (Pages 5 - 6)

To note the Minutes of the Assessment Sub-Committee held on 8 June 2010.

9. Minutes of meeting Tuesday, 22nd June, 2010 of Standards Assessment Sub-Committee (Pages 7 - 10)

To note the Minutes of the Assessment Sub-Committee held on 22 June 2010.

10. Requests for Member Dispensations - Barford St John and St Michael Parish Council (Pages 11 - 14)

Report of Head of Legal and Democratic Services / Monitoring Officer

Summary

To consider a request from the seven members of Barford St John and St Michael Parish Council for dispensations to enable them to participate in meetings of the Parish Council when matters relating to Barford St Michael Village Hall are considered, despite having personal and prejudicial interests.

Recommendations

The Standards Committee is recommended to:

- (1) Approve that dispensations, limited to a period expiring on the date of the next Parish Council elections for Barford St John and St Michael in May 2014, be granted to the present Barford St John and St Michael Parish Councillors (namely Rodney Sylvester, Tracey Bullard, Sandi Turner, Robin George Woolgrove, Peter Leslie Eden, Sarah Louise Best and Lisa Jane Styles) to enable them to participate in meetings of the Parish Council when matters relating to Barford St Michael Village Hall are considered.

- (2) Approve that the dispensation mentioned in (1) above also be given to any new Parish Councillors joining the Parish Council in the meantime, subject to the Parish Clerk providing the relevant details to the Monitoring Officer.

11. Requests for Member Dispensation - Wroxton Parish Council (Pages 15 - 18)

Report of Head of Legal and Democratic Services / Monitoring Services

Summary

To consider a request from members of Wroxton Parish Council for dispensations to enable them to participate in meetings of the Parish Council when all matters relating to the proposed Sports Pavilion and Community Hall in Wroxton and the proposed Village Hall in Balscote, are considered despite having a personal and prejudicial interest.

Recommendations

The Standards Committee is recommended to:

- (1) Approve that dispensations, limited to a period expiring on the date of the next Parish Council elections for Wroxton in May 2014, be granted to the present Wroxton Parish Councillors (namely Barry Allen, David Edicott, Robert Jesson, David McNaught, Michael Roberts, Carl Nicholson and Michael Whelan) to enable them to participate in meetings of the Parish Council when matters relating to the proposed Sports Pavilion and Community Hall in Wroxton and the proposed Village Hall in Balscote are considered.
- (2) Approve that the dispensation mentioned in (1) above also be given to any new Parish Councillors joining the Parish Council in the meantime, subject to the Parish Clerk providing the relevant details to the Monitoring Officer.

12. Draft Standards Annual Report 2009/10 (Pages 19 - 28)

Report of Head of Legal and Democratic Services / Monitoring Officer

Summary

This report presents the draft annual report for 2009/10 for Members' consideration.

Recommendations

The Standards Committee is recommended to:

- (1) Approve the Annual Report 2009/10.
- (2) Approve the publicity arrangements for the Annual Report 2009/10 as set out in the report.
- (3) Recommend to Council that the Annual Report for 2009/10 from the Standards Committee be approved.

- (4) Delegate to the Head of Legal and Democratic Services authority to update the Standards Committee Annual Report 2009/10 in light of any announcements about the Standards Board regime by the Government prior to the publication of the Annual Report.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to 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 Natasha Clark, Legal and Democratic Services natasha.clark@cherwell-dc.gov.uk (01295) 221591

Mary Harpley
Chief Executive

Published on Wednesday 30 June 2010

Agenda Item 7

Cherwell District Council

Standards Committee

Minutes of a meeting of the Standards Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 March 2010 at 6.30 pm

Present: Jim McBeth (Vice-Chairman)

Councillor Timothy Hallchurch MBE
Councillor Eric Heath
Councillor George Parish
Councillor Bernard Lane
Kenneth Hawtin
Councillor Alan Greenslade-Hibbert

Substitute Members: Councillor David Carr
Councillor Russell Hurle (In place of Councillor Rose Stratford)

Apologies for absence: Dr Sadie Reynolds□Councillor Fred Blackwell□Councillor Ann Bonner□Councillor James Macnamara□Councillor Rose Stratford□Councillor Douglas Williamson

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

50 **Declarations of Interest**

Members declared interests with regard to the following agenda items:

10. Committee Membership

Councillor David Carr, Prejudicial, as the item was to consider his appointment to the committee as parish representative.

51 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

52 **Urgent Business**

There was no urgent business.

53 **Minutes**

The minutes of the meeting held on 21 January 2010 were agreed as a correct record and signed by the Chairman.

54 **Minutes Standards Assessment Sub-Committee 25 February 2010**

The minutes of the meeting of the Assessment Sub Committee held on 25 February 2010 were noted.

55 **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 code of conduct complaints received since the last meeting.

Resolved

That the content of the report is noted.

56 **Update from Standards for England**

The committee considered a report of the Head of Legal and Democratic Services/Monitoring Officer which updated members on new information from Standards for England regarding the proposed revised code of conduct and local assessment framework.

The committee questioned the risk management framework proposed by Standards for England and expressed concerns relating to the impact of rating local authorities as amber or red due to circumstances out of their control. The committee felt that the categories of red, amber and green were not helpful to local authorities, as red or amber might imply to residents that an authority was performing badly, when in fact the categories related to risk as perceived by Standards for England.

The committee discussed the role of the committee and the operation of the code of conduct in light of the fact that the proposals for a revised code had been dropped. The committee discussed whether it would be appropriate to publicise complaints received as they were considered by the assessment subcommittee. It was generally thought that this would be inappropriate as some complaints were malicious and allegations could be unfounded. The committee felt it was correct to consider the publication of complaints on a case by case basis. The committee were advised that legislative requirements for the publication of decision notices were always met.

Resolved

That the content of the report is noted.

57 **Parish Council Visits**

The committee considered a report of the Chairman of the Standards Committee updating the committee on the proposed visits to parish councils

who had requested further guidance on the code of conduct and related issues.

The Vice Chairman advised the committee that the visits would mainly focus on providing guidance on declarations of interests. The Monitoring Officer distributed a guidance note to the committee for Weston on the Green parish council on the complaint assessment process and declaring interests at meetings. The committee requested that the note be distributed to all parish councils.

Resolved

- 1) That the content of the report is noted.
- 2) That the parish visits proposal is noted.

58

Committee Membership

The committee considered a report of the Head of Legal and Democratic Services/Monitoring Officer which concerned committee membership.

The committee were informed that Douglas Frewer had resigned from the committee as independent member with immediate effect. Mr Frewer had recently moved out of the area and felt the journey to committee meetings was too great. Cllr Bernard Lane had also relinquished his position as parish representative as he would be standing down at the next parish council election.

The committee considered the recruitment of a new independent member and the appointment of a parish representative. Members of the committee requested that Officers prepare a press release to promote the role of the independent member to go alongside the advert.

Resolved

- (1) That it is recommended to Council that Cllr David Carr is appointed as Parish Representative to take effect following the parish elections in 2010.
- (2) That Officers make arrangements to recruit a further substitute parish representative following the parish elections in 2010 with the final appointment to be agreed by the committee.
- (3) That the role description, person specification and advert for the new independent member is approved
- (4) That the advert is published in the Banbury Guardian, Bicester Advertiser, Oxford Times and on the Council website and that Officers prepare a press release along with the advert.
- (5) That the Committee thank Mr Frewer and Cllr Lane for all their hard work whilst on the committee.

Councillor David Carr left the meeting room whilst the committee considered the appointment of the Parish Representative.

At the end of the item the Vice-Chairman congratulated Councillor Carr on his appointment to the Committee, subject to the agreement of Council.

The Vice Chairman thanked Mr Frewer and Councillor Lane for their contribution to the committee and also Councillor Eric Heath who would be stepping down as a District Councillor at the election in May.

59

Draft Annual Return 2010

The committee considered a report of the Head of Legal and Democratic Services/Monitoring Officer which sought approval of the draft responses to the Standards for England Annual Return 2010. The Monitoring Officer informed the committee of some additions suggested by Councillor Macnamara who was not able to attend the meeting.

The committee discussed question 36 which related to training for parish councillors and were advised that it was very difficult to give an accurate reflection of attendance by parish councillors at training events.

Resolved

That the draft Annual Return responses be approved subject to the following amendments:

- 1) Question 4 – Information on how to make a complaint against a member provided directly by elected Councillors
- 2) Question 13 – Leading by example e.g the number of declarations of interests made by Councillors at meetings.
- 3) Question 19 – Attendance at the Standards for England Conference, the inaugural meeting of the Independent Chairman and Vice Chairman Oxfordshire Forum.

The meeting ended at 7.30 pm

Chairman:

Date:

Agenda Item 8

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 8 June 2010 at 5.00 pm

Present: Dr Sadie Reynolds (Chairman)

Dr Sadie Reynolds
Councillor Fred Blackwell
Councillor Alan Greenslade-Hibbert

Also Present: Derek Bacon

Officers: Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer
Natasha Clark, Senior Democratic and Scrutiny Officer

1

Confidentiality of the Complainant

The Assessment Sub-Committee considered a request by the complainant for confidentiality. The Sub-Committee discussed the concerns of the complainant giving consideration as whether it would be possible to investigate the complaint without making the complainants identity known and the Standards Committee's policy of openness and transparency.

Resolved

- (1) That the complainants request for confidentiality be refused.
- (2) That the Monitoring Officer be requested to advise the complainant of the Assessment Sub-Committees decision and offer the complainant the option to withdraw the complaint, rather than proceed with their identity being disclosed.

The meeting was adjourned to Tuesday 22 June, 5.00pm, pending the decision of the complainant.

The meeting ended at 5.50 pm

Chairman:

Date:

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Agenda Item 9

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 22 June 2010 at 5.00 pm

Present: Dr Sadie Reynolds
Councillor Fred Blackwell
Councillor Alan Greenslade-Hibbert

Also Present:: Derek Bacon

Officers: Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer
Natasha Clark, Senior Democratic and Scrutiny Officer

2

Assessment of Complaint

The Chairman advised the Assessment Sub-Committee that the complainant had been advised of their decision to refuse the request for confidentiality. The complainant had advised the Monitoring Officer that he would not withdraw the complaint.

Summary of Complaint

The Assessment Sub-Committee considered a complaint submitted by Mr Harrigan concerning the alleged conduct of Councillor Coles, a member of Shenington with Alkerton Parish Council. The complaint is summarised below:

The complaint alleges that Councillor Coles has failed to observe that Parish Council's Code of Conduct by not declaring a prejudicial interest in agenda item 10 (c) Letter re Unauthorised Cutting of Hedge at the meeting of Shenington with Alkerton Parish Council on 14 April 2010 and has prevented the complainant from accessing information to which he is entitled by law. It is alleged that Councillor Coles has used her position improperly as she had a prejudicial interest in agenda item 10 (c) as was authored the original letter under a pseudonym and subsequently prevented the complainant from obtaining a copy of the letter.

The Main Points Considered by the Sub-Committee

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

- (1) A copy of an email sent by Mr Harrigan to the Monitoring Officer on 6 May 2010 seeking advice on the matter and subsequent communication between Mr Harrigan and the Monitoring Officer including Mr Harrigan's complaint submitted on 17 May 2010.
- (2) A copy of the agenda of the meeting of Shenington with Alkerton Parish Council held on 14 April 2010.
- (3) A copy of the minutes of the meeting of Shenington with Alkerton Parish Council held on 14 April 2010.
- (4) A copy of the letter re unauthorised cutting of hedge referred to at agenda item 10 (c).
- (5) A letter from the Parish Clerk of Shenington with Alkerton Parish Council dated 27 May 2010 and an extract of the Parish Clerks notes of the meeting of Shenington with Alkerton Parish Council held on 14 April 2010.
- (6) The approved Assessment Criteria
- (7) 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 Assessment Sub-Committee felt that it was not necessary for Councillor Coles to request that the letter be read at the Shenington with Alkerton Parish Council meeting of 14 April 2010. However no further action would be taken as the complaint was not considered sufficiently serious to warrant further action.

The Reasons

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

That the complaint was not considered sufficiently serious to warrant further action.

The meeting ended at 5.30 pm

Chairman:

Date:

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Standards Committee

Request for Member Dispensation – Barford St John and St Michael Parish Council

8 July 2010

Report of Head of Legal and Democratic Services / Monitoring Officer

PURPOSE OF REPORT

To consider a request from the seven members of Barford St John and St Michael Parish Council for dispensations to enable them to participate in meetings of the Parish Council when matters relating to Barford St Michael Village Hall are considered, despite having personal and prejudicial interests.

This report is public

Recommendations

The meeting is recommended:

- (1) To approve that dispensations, limited to a period expiring on the date of the next Parish Council elections for Barford St John and St Michael in May 2014, be granted to the present Barford St John and St Michael Parish Councillors (namely Rodney Silvester, Tracey Bullard, Sandi Turner, Robin George Woolgrove, Peter Leslie Eden, Sarah Louise Best and Lisa Jane Styles) to enable them to participate in meetings of the Parish Council when matters relating to Barford St Michael Village Hall are considered.
- (2) To approve that the dispensation mentioned in (1) above also be given to any new Parish Councillors joining the Parish Council in the meantime, subject to the Parish Clerk providing the relevant details to the Monitoring Officer.

Executive Summary

Introduction

- 1.1 The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 give the Committee discretion to grant dispensation to Members of the District Council or Parish Councils in the District to participate in specific matters of business despite having a prejudicial interest, provided the

number of Members of the particular authority that are prohibited from participating in the matter is more than 50% of those Members entitled or required to participate, or if the authority is unable to apply the rules of political proportionality (applicable to the District Council only).

Proposals

- 1.2 Barford St John and St Michael Parish Council is the sole Custodian Trustee of Barford St Michael. The Parish Council has in this respect, to make decisions on the running and on the income and expenditure alongside the Village Hall Management Committee. The Parish Council Councillors therefore have a prejudicial interest by virtue of the fact that they act as Custodian Trustees.
 - 1.3 The Standards Committee granted dispensations to all of the then Members of Barford St John and St Michael Parish Council at its meeting on 2 April 2008. The dispensations covered the period through to the Parish Council election in May 2010.
 - 1.4 The Regulations require that dispensation is given personally to individual councillors rather than to a Council and that each affected Councillor is required to submit a written request to the Standards Committee. The Parish Clerk has set out details of the seven Parish Councillors in her letter and has arranged for each of the Parish Councillors to countersign the formal letters of request. These are expected to be submitted before the Committee meeting.

Conclusion

- 1.5 It is clearly in the public interest to grant the request for dispensation. Dispensations can however only be granted for a maximum of four years. The next Parish Council election is in May 2014. In the meantime it will be necessary for dispensation to be granted to anyone becoming a Parish Councillor at a by-election or through co-option. The recommendations have therefore been worded accordingly.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 Unless dispensation is granted in this case, the Parish Council will be unable to properly consider matters relating to Barford St Michael Village Hall.

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

Option One To agree the recommendations as set out.

Option Two To amend the recommendation.

Implications

- Financial:** There are no specific financial implications associated with the granting of dispensation.
Comments checked by Denise Westlake, Service Accountant, 01295 221982
- Legal:** The Standards Committee has a responsibility to carry out its responsibilities in accordance with the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002.
Comments checked by Liz Howlett, Head of Legal and Democratic Services, 01295 221686
- Risk Management:** Without the dispensation, Barford St John and St Michael Parish Council will be unable to take decisions relating to this matter.
Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

Wards Affected

Deddington

Document Information

Appendix No	Title
None	
Background Papers	
Letter from the clerk to Barford St John and St Michael Parish Council	
Report Author	Natasha Clark, Senior Democratic and Scrutiny Officer
Contact Information	01295 221589 natasha.clark@cherwell-dc.gov.uk

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Standards Committee

Request for Member Dispensation – Wroxton Parish Council

8 July 2010

Report of Head of Legal and Democratic Services / Monitoring Officer

PURPOSE OF REPORT

To consider a request from seven members of Wroxton Parish Council for dispensations to enable them to participate in meetings of the Parish Council when all matters relating to the proposed Sports Pavilion and Community Hall in Wroxton and the proposed Village Hall in Balscote, are considered despite having a personal and prejudicial interest.

This report is public

Recommendations

The meeting is recommended:

- (1) To approve that dispensations, limited to a period expiring on the date of the next Parish Council elections for Wroxton in May 2014, be granted to the present Wroxton Parish Councillors (namely Barry Allen, David Edicott, Robert Jesson, David McNaught, Michael Roberts, Carl Nicholson and Michael Whelan) to enable them to participate in meetings of the Parish Council when matters relating to the proposed Sports Pavilion and Community Hall in Wroxton and the proposed Village Hall in Balscote are considered.
- (2) To approve that the dispensation mentioned in (1) above also be given to any new Parish Councillors joining the Parish Council in the meantime, subject to the Parish Clerk providing the relevant details to the Monitoring Officer.

Executive Summary

Introduction

- 1.1 The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 give Cherwell District Council's Standards Committee discretion to grant dispensation to Members of the particular authority that are prohibited from participating in the matter if more than 50% of those Members entitled or required to participate, or if the authority is unable to apply the rules of

political proportionality (applicable to the District Council only).

Proposals

- 1.2 Wroxton Parish Council is Trustee of the proposed Community Hall and Sports Pavilion which is to be built on the village playing field, Horley Path Road, Wroxton. It follows therefore that, technically at least, all of the Parish Councillors have a personal and prejudicial interest and should not therefore participate in any Parish Council meetings when the proposed new hall is discussed, unless they have received dispensation from the Standards Committee.
- 1.3 The second part of the request relates to an area of land at Balscote which is located in Wroxton Parish. The Parish Council is Custodian Trustee of the land on which it is proposed to build a new village hall; planning permission has been granted. Again a dispensation is sought to enable the Parish Council to consider matters relating to the new village hall. This should ensure that all of the Parish Councillors meet their obligations under the Code of Conduct.
- 1.4 The Standards Committee granted dispensations covering the two matters referred to above to all of the then Members of Wroxton Parish Council at its meeting on 25 July 2006. Dispensations were subsequently granted to two co-opted Members of the Parish Council on 3 July 2008. The dispensations covered the period through to the Parish Council election in May 2010.
- 1.5 The Regulations require that dispensation is given personally to individual councillors rather than to a Council and that each affected Councillor is required to submit a written request to the Standards Committee. The Parish Clerk has set out details of the seven Parish Councillors in her letter and each has countersigned the dispensation request.

Conclusion

- 1.6 It is clearly in the public interest to grant the request for dispensation. Dispensations can however only be granted for a maximum of four years. The next Parish Council election is in May 2014. In the meantime it will be necessary for dispensation to be granted to anyone becoming a Parish Councillor at a by-election or through co-option. The recommendations have therefore been worded accordingly.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 Unless dispensation is granted in this case, the Parish Council will be unable to properly consider matters relating to the proposed Sports Pavilion and Community Hall in Wroxton and the proposed Village Hall in Balscote.

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

Option One To agree the recommendations as set out.

Option Two To amend the recommendations.

Implications

Financial: There are no specific financial implications associated with the granting of dispensation.

Comments checked by Denise Westlake, Service Accountant, 01295 221982

Legal: The Standards Committee has a responsibility to carry out its responsibilities in accordance with the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002.

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

Risk Management: Without the dispensation, Wroxton Parish Council will be unable to take decisions relating to these matters.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

Wards Affected

Wroxton

Document Information

Appendix No	Title
None	
Background Papers	
Letter from the Clerk to Wroxton Parish Council	
Report Author	Natasha Clark, Senior Democratic and Scrutiny Officer
Contact Information	01295 221589 natasha.clark@cherwell-dc.gov.uk

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Standards Committee

Draft Standards Annual Report 2009/10

8 July 2010

Report of Head of Legal and Democratic Services / Monitoring Officer

PURPOSE OF REPORT

This report presents the draft Standards Annual Report for 2009/10 for Members' consideration.

This report is public

Recommendations

The meeting is recommended:

- (1) To approve the Annual Report 2009/10.
- (2) To approve the publicity arrangements for the Annual Report 2009/10 as set out in the report.
- (3) To recommend to Council that the Annual Report for 2009/10 from the Standards Committee be approved.
- (4) To delegate to the Head of Legal and Democratic Services authority to update the Standards Committee Annual Report 2009/10 in light of any announcements about the Standards Board regime by the Government prior to the publication of the Annual Report.

Executive Summary

- 1.1 The suggested content of the Annual Report is attached (Appendix 1). Once the content of the report is approved it will be formatted into the corporate style for distribution. A final draft of the report will be circulated to all Member of the Committee before it is published.
- 1.2 The Annual Report contains information relating to the work of the Standards Committee in monitoring the ethical framework.
- 1.3 Members are asked to confirm whether they are happy with the publicity arrangements undertaken for previous reports, namely, publication on the

Council's website and a hard copy sent to every Parish Council.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Standards Committee has an important role in seeking to ensure high standards of behaviour amongst Councillors in the District. It is important for this role to be understood by the public. This annual report is part of this engagement process.

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

Option One To agree the recommendations as set out in the report.

Option Two To amend the recommendations.

Implications

Financial: The cost of printing and distributing the Annual Report will be met from existing budgets.

Comments checked by Denise Westlake, Service Accountant, 01295 221982

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

All

Document Information

Appendix No	Title
Appendix 1	Draft Annual Standards Report 2009/10
Background Papers	
None	
Report Author	Natasha Clark, Senior Democratic and Scrutiny Officer
Contact Information	01295 221589 natasha.clark@cherwell-dc.gov.uk

The Cherwell Standard

A review of the work of Cherwell District Council's Standards Committee in 2009/10

The Local Government Act 2000 established standards committees in local authorities to promote good conduct by Councillors and Staff.

Local Assessment of Complaints

All cases involving misconduct allegations have been dealt with locally by the Standards Committee since 2008. The Standards Committee can investigate cases, refer cases to the Standards for England or resolve cases through other means such as mediation or training.

All code of conduct complaints must be sent to Liz Howlett, Monitoring Officer, Bodicote House, Bodicote, Banbury, OX15 4AA

Meetings of the Standards Committee 2009/10

Number of times a general meeting of the Standards Committee has been held	6
Number of times an Assessment Sub-Committee has met	3
Number of times a Review Sub-Committee has met	1
Number of Hearings	0

Appointments to the Standards Committee

At the end of 2009/10 Mr Douglas Frewer (Independent Member) and Cllr Bernard Lane (Parish Representative) both stepped down from the Standards Committee.

Standards for England Guidance states that at least 25% of a Standards Committee's members should be independent; for Cherwell District Council this means there must be at least four independent members on the committee. It is also important to have independent members there must be an independent member present for an Assessment Sub-Committee to consider a complaint. In May 2010 the Council appointed Derek Bacon to serve as the fourth independent member on the Standards Committee.

The legal minimum number of parish representatives on the committee is two. 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. Councillor David Carr, who was previously a substitute Parish Representative, was appointed by the Standards Committee and approved by Council in April 2010 to serve as a full member on the Committee. The Committee will be seeking to appoint a further parish substitute after the parish elections in May 2010.

Complaints

During 2009/10 we received 3 complaints. All of these complaints have been made against parish councillors and related to alleged breaches of the Weston-on-the-Green Parish Council's Code of Conduct. Standards Assessment Sub-Committee meetings were arranged to consider each complaint. The Sub-Committee felt that none of the complaints warranted further action.

Cost of Complaints

The cost of holding three Assessment Sub-Committees and one Review Sub-Committee in 2009/10 was £956. The cost of an investigation which was completed in 2008/09 was paid in 2009/10. This amounted to £4831.20. There is a lot of other work surrounding complaints not reflected in these figures and they do not take account of the time spent mediating Parish Councils.

There is no power in the legislation to recharge Parish Councils for the cost of investigating complaints about them. There is also little scope at present to reject repetitive complaints. Standards for England request that every complaint be looked at. They do recognise that dealing with repetitive complaints is a problem nationally and will be proposing to the new coalition government that the discretion of Monitoring Officers to reject repetitive or vexatious complaints should be increased.

Training

During 2009/10 the Standards Committee arranged training in a number of different areas.

Governance, Code of Conduct and Declaring Interests

In June 2009 Liz Howlett, Monitoring Officer held a training session for all Councillors providing guidance on the Code of Conduct and explaining what personal and prejudicial interests are and when they should be declared. The session also covered the role of the Standards Committee, Standards for England and the Corporate Governance framework. It also covered the Annual Governance Statement, the governance framework and how Standards Committee and Accounts, Audit and Risk Committee work together.

Planning Training

In order for Councillors to participate in planning decisions they must attend Planning Training. Planning training sessions were held in May and June 2009. The sessions aimed to explain and guide Councillors through the often complex planning system so that they can make sound decisions, and explain them to their constituents.

Standards for England DVD – 'Assessment Made Clear'

Standards for England produced a DVD 'Assessment Made Clear' to help Standards Committee members and local authority officers to understand the

local assessment of complaints. The Standards Committee viewed the DVD in January 2010 and it is available for all Councillors to borrow.

Standards for England Training

The County hosted an Oxfordshire wide training session on the Local Assessment of complaints, in March 2010, facilitated by Standards for England. This was an opportunity for members of the Standards Committee to take part in a training session on the local assessment of complaints.

Training for parish councils

At the November meeting of the Standards Committee members considered how the committee supports Parish Councils and how a more active role in promoting high ethical standards might be undertaken. Members of the committee felt it was important to meet with Parish Councils who had requested help to provide advice and guidance on the ethical framework. It was also noted that many Parish Councils were struggling to find experienced parish clerks and that clerks could also benefit from assistance and guidance from the committee. The independent members of the Standards Committee are arranging to visit a number of Parish Councils to provide support and information in the coming year.

The Oxfordshire Association of Local Councils is supporting the five district councils who have set up a training forum for new parish clerks. The aim of the forum is to provide training and guidance so new parish clerks are equipped to carry out their role with confidence. The first meeting of the forum was held at West Oxfordshire District Council on 9 March 2010 and was attended by over 20 parish clerks and councillors. Cherwell will host the second meeting of the forum on 8 July 2010 which will focus on data protection and freedom of information. The third meeting will be held at South Oxfordshire District Council on 12 October 2010 and will cover the Code of Conduct.

Standards for England

The Queen's Speech on the 25 May 2010 proposed the Decentralisation and Localism Bill covering the new Coalition Government's proposals to "devolve greater powers to councils and neighbourhoods" and includes a proposal to "abolish the Standards Board regime". It is not yet clear exactly what this will mean.

Standards for England (formerly known as the Standards Board for England) was established by the Local Government Act 2000. It is responsible for promoting high ethical standards in local democracy. It oversees the Code of Conduct, which covers elected and co-opted members who serve on a range of authorities. Standards for England maintains an independent national overview of local investigations into allegations that Members' conduct may have fallen short of the required standards.

The majority of investigations into complaints that Members of local authorities have breached their authority's Code of Conduct are conducted locally. However, in certain cases Standards for England investigates allegations itself. These are the most serious cases where the local Standards Committee believes it is not best placed to deal with the matter and refer it to Standards for England.

There are no clear details as yet about what is proposed for the future and for now the local standards framework remains in place pending legislative change. Standards for England have said that they are disappointed with the Government's decision and their current priorities are to fulfil their statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements.

Annual Assembly

The Eighth Annual Assembly of the Standards Committee was held on 12 and 13 October 2009. The theme of the Assembly was "Bringing Standards into Focus". Dr Reynolds and Mr McBeth, independent members of the committee, attended the conference. The 2010 Annual Assembly has been cancelled following the Government proposals in the Decentralisation and Localism Bill to "abolish the Standards Board regime".

Operation of Ethical Framework

38 of 66 Parish Councils in the District responded to the ethical framework questionnaire sent out in November 2009. The questionnaire was designed to judge how well the ethical framework is being applied across the District and provides Parish Councils with the opportunity to identify areas where they require help or assistance with matters relating to the Code of Conduct.

30 parishes felt the Code of Conduct helped the way they worked and 22 parishes provided new Parish Councillors with a copy of the Code. A number of Parish Councils indicated that they would be interested in receiving more training from the Standards Committee on the Code of Conduct, particularly registering and declaring interests.

General code of conduct training for parishes was delayed in 2009/10 as a revised code of conduct was expected imminently and it was seen to be more practical to wait for this before offering training to parish councils. Despite consultation on a new Code in November 2008 the revised Code has not been published by the Government. Training will be arranged for parishes a new Code is issued or the situation becomes clearer.

All 38 respondents stated that no annual allowances are paid to their Members, although 12 parishes pay a travel and subsistence allowance to their Members.

Public Perceptions of Ethics

Every two years Standards for England measures and monitors the public's perceptions of local councillors' ethical standards and their confidence in the redress mechanisms for shortcoming in individuals' behaviour. The latest findings were published in July 2009.

The Standards for England research suggests that the impact of the MPs expenses scandal was not as marked as expected on perceptions of local councillors. The evidence suggests that whilst there has been a negative impact on public perceptions of councillors, there has been a more marked effect on perceptions of MPs and government ministers. The extent to which it is perceived that local councillors tell the truth 'always' or 'most of the time has not changed significantly since 2007 (30% in 2007 and 28% in 2009.) The report states that although there has been a rise in the proportion of the public who think that the behaviour of local councillors has got worse this has not translated into a rise in the number of complaints the public say they have made against local councillors.

The report concludes that the perceptions of local councillors have for the most part held up against the recent expenses scandal. This would suggest the public have been able to distinguish between the behaviour of local and national politicians. Confidence in the ability of local authorities to address standards breaches is low with only 28% saying they would prefer the council to deal with a complaint. The report suggests that satisfaction levels with the performance of local authorities generally has dropped and that other factors such as experience of council services, the political party in control and identification with the local area can influence public perceptions.

The full report is available on Standards for England's website,
www.standardsforengland.gov.uk

Complaints to the Local Government Ombudsman

A total of 19 enquiries and complaints were received about the Council in 2009/2010.

- 10 related to Planning and Building Control, of which 6 were passed for investigation
- 2 related to housing, both of which were passed for investigation
- 1 related to local taxation and was referred for investigation
- 2 related to transport and highways, one of which was investigated
- 4 other contacts, of which one was about taxi licensing, were passed for investigation.

Of the 12 decisions taken during 2009/2010:

- In 9 cases the Ombudsman found no evidence of maladministration
- One complaint was resolved by way of a local settlement between the Council and the complainant
- One complaint was not pursued at the Ombudsman's discretion
- One complaint was outside of the Ombudsman's jurisdiction

The local settlement was in respect of a complaint about Planning received in 2009/10. The complaint was considered and the Council agreed that they and their agents were misled by the Council about the need for conservation consent for the demolition of a public house once the conservation area had been extended to include that location. They were led to believe that the conservation area consent for demolition was not required and proceeded on that basis. The complainants advised the Ombudsman that they incurred estimated losses of £78k wholly attributable to failings by the Council arising from the aborted sale of the pub and purchase of a new home. They also considered that the Council should compensate them for the loss of the value of the public house of £325k, being the difference between its value at the time of the abortive sale in 2007 when contracts were exchanged for £500,000 to its current value of £175,000).

Although officers agreed that an error had been made, they considered that the Council could only be held liable for losses incurred by the complainants which are directly attributable to the error. They argued and the Ombudsman agreed that the developer's breach of contract superseded the Council's officers' mistake and therefore they were responsible in law for all losses associated with the breach of contract. In the circumstances the Council admitted maladministration and paid £11,274.35 compensation to the complainants, made up of £8,774.35 in reimbursement of the complainants' costs together with £2500.00 for the stress and inconvenience caused.

Internal Audit Report: Assessment of Governance Arrangements

Governance is how we do things. It is very important that local authorities have effective governance arrangements to maintain public trust. As part of the Council's 2009/10 Internal Audit Plan, a review of the Council's governance arrangements was undertaken. In order to understand the design and effectiveness of governance arrangements at the Council, the Internal Auditors conducted a survey of all Councillors, Strategic Directors and Heads of Service.

The findings of the survey were very positive and highlighted that elected Members have a good understanding of their roles and responsibilities and that they demonstrated good leadership. Documents such as the Constitution and Code of Conduct were cited as key documents which help to define roles.

93% of officers and 95% of Members agreed with the statement "We promote values for the whole Council and demonstrate the values of good governance through behaviour." Positive comments were made around Members' awareness of the value of good governance and their willingness to keep their understanding up to date through regular reporting of standards, monitoring of performance and involvement in committee work. Again the Code of Conduct was mentioned as a key document which supports strong values.

Member Expenses

Each year the Council is required to publish information relating to allowances received and expenses claimed by Councillors. Since 2009 the information is published on the Council website (www.cherwell.gov.uk) and updated monthly making the information more accessible to members of the public. The levels of the allowance and expenses are set by an Independent Remuneration Panel who meet in the autumn and report to Council each year as part of the budget setting process.

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