

Meeting of Council

Monday 16 July 2012

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 16 July 2012 at 6.30 pm, and you are hereby summoned to attend.



Sue Smith
Chief Executive

Friday 6 July 2012

AGENDA

1 Apologies for Absence

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 Communications

To receive communications from the Chairman and/or the Leader of the Council.

4 Petitions and Requests to Address the Meeting

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

5 Urgent Business

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

6 Minutes of Council (Pages 1 - 14)

To confirm as a correct record the Minutes of Council held on 16 May 2012.

7 Minutes

- a) Minutes of Executive, Lead Member Decisions and Executive Decisions not included in the Forward Plan

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Lead Member Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting no decisions have been taken by the Executive which were not included in the Forward Plan.

- b) Minutes of Committees

The Leader of the Council to formally propose that the minutes of committees as set out in the Minute Book (circulated separately) be received.

8 Questions

- a) Written Questions

To receive any written questions and answers which have been submitted with advance notice in accordance with the constitution. A written response to the question will be circulated at the meeting.

- b) Questions to the Leader of the Council

The Chairman to invite questions to the Leader of the Council (including any matters arising from the minutes).

Following a response to their question being provided members will be entitled to a follow up or supplementary question.

- c) Questions to Committee Chairmen on the minutes

The Chairman to invite questions to Chairmen of Committees on any matter arising from the minutes of their committee (if any).

9 **Motions**

To debate any motions which have been submitted with advance notice, in accordance with the constitution.

Council Business Reports

10 **Chairman's Allowance**

The Resources and Performance Scrutiny Board is due to report back on proposals for a Chairman's Allowance following the referral of this matter to them at Annual Council. The Resources and Performance Scrutiny Board is not due to meet until after the publication of this agenda and their recommendations will be circulated as soon as they are available.

11 **Ratification of Standards Arrangements** (Pages 15 - 28)

Report of Head of Law and Governance

Summary

To enable Council to ensure compliance with the Localism Act 2011 by ratifying the code of conduct previously adopted at the May 2012 Council meeting. Also to take the opportunity to confirm the arrangements for the handling of complaints alleging misconduct by District, Town and Parish Councillors that have been prepared by the Head of Law and Governance pursuant to delegated authority previously granted.

Recommendations

Council is recommended to:

- (1) Approve the arrangements for dealing with complaints of Councillor misconduct appended to this report.
- (2) Ratify the adoption of the code of conduct at appendix 1 to the arrangements previously resolved at the May 2012 Council meeting.
- (3) Note the intention of the Head of Law and Governance to bring a report to the October meeting of Council to seek approval to the appointment of two independent persons to the Standards Committee and possible revisions to the adopted code of conduct.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221587 prior to the start of the meeting.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

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Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact James Doble, Democratic and Elections
james.doble@cherwellandsouthnorthants.gov.uk, 01295 221587

Agenda Item 6

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 May 2012 at 6.30 pm

Present: Councillor Colin Clarke (Chairman)
Councillor Lawrie Stratford (Vice-Chairman)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Patrick Cartledge
Councillor Margaret Cullip
Councillor Mrs Diana Edwards
Councillor Tim Emptage
Councillor Andrew Fulljames
Councillor Michael Gibbard
Councillor Timothy Hallchurch MBE
Councillor Alastair Milne Home
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Melanie Magee
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor P A O'Sullivan
Councillor George Parish
Councillor D M Pickford
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor G A Reynolds
Councillor Alaric Rose
Councillor Daniel Sames
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Douglas Webb
Councillor Douglas Williamson
Councillor Barry Wood

Apologies for Councillor Alyas Ahmed
Councillor Ann Bonner

absence: Councillor John Donaldson
Councillor Simon Holland
Councillor Victoria Irvine
Councillor Nicholas Turner

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections

1 **Declarations of Interest**

There were no declarations of interest.

2 **Urgent Business**

There were no items of urgent business.

3 **Minutes of Council**

The minutes of the meeting held on 27 February 2012 were agreed as a correct record and signed by the Chairman.

4 **Chairman's Announcements**

(The outgoing Chairman, Councillor Hallchurch, presided for the consideration of this matter.)

District Elections 2012

The Chairman extended the Council's thanks to former Councillors Atkinson, Mrs Fulljames, Tompson and Weir for their service to the district during their time as councillors.

On behalf of Council, the Chairman welcomed Councillors Dhesi, O'Neill, Randall and Woodcock to their first meeting and congratulated them and all other councillors who were returned at the recent election.

Councillor Simon Holland

The Chairman noted that Councillor Simon Holland was not at the meeting due to recent ill health. Members joined the Chairman in sending their best wishes to Councillor Holland and agreed that an attendance dispensation be granted with immediate effect to the next Council meeting on 16 July 2012.

Local Government Chronicle (LGC) Award for Innovation

The Chairman reported that Cherwell District Council won the LGC award for Innovation for the Miller Road Young Persons Scheme. The Council won the

award as the project demonstrated the leading role a local authority can play in providing young people, not in employment, education or training, with new opportunities and skills in delivering affordable housing.

The Chairman invited Martyn Swann, Strategic Housing Manager and Craig Knight, Strategic Housing Facilitator to the rostrum and explained that Helen Town, who was the project lead officer was unable to join the meeting. At the request of the Chairman the Strategic Housing Manager and Strategic Housing Facilitator provided an overview of the project to Council.

The Lead Member for Housing praised the Housing Team for their ongoing hard work and advised Council that the Team had also been highly commended at the Municipal Journal awards for the Miller Road project.

Members extended their congratulations to the Strategic Housing Team.

South Northamptonshire Council Local Government Chronicle (LGC) Award for Innovation

South Northamptonshire Council had also won an LGC award for Finance Team of the Year. Members congratulated colleagues at South Northamptonshire Council for winning the award.

Former Cllr Mrs Catherine Fulljames

The Chairman invited former Councillor Mrs Catherine Fulljames to the rostrum and presented her with flowers in recognition of 20 years of public service.

23 Pioneer Regiment RLC

The Chairman advised Council of the sad news that Corporal Andrew Roberts and Private Ratu Silibaravi of the 23 Pioneer Regiment Royal Logistic Corp, which is based in Bicester, had recently lost their lives in Afghanistan. Council joined the Chairman in sending condolences to their families and colleagues.

Councillor Paul Farrow, South Northamptonshire Council

The Chairman reported that he had received the sad news that Councillor Paul Farrow, Vice-Chairman of South Northamptonshire Council had passed away. Council joined the Chairman in sending condolences to her family and colleagues at South Northamptonshire Council.

The meeting held a one minutes silence in memory of Corporal Andrew Roberts, Private Ratu Silibarav and Councillor Paul Farrow of South Northamptonshire Council.

Resolved

- (1) That Councillor Simon Holland be granted an attendance dispensation with immediate effect to the next Council meeting on 16 July 2012.

5

Chairman's Allowance

(The outgoing Chairman, Councillor Hallchurch, presided for the consideration of this matter.)

The Head of Law and Governance submitted a report which sought consideration of a proposal to pay an allowance to the Chairman of Cherwell District Council.

Resolved

- (1) That consideration of the proposal to pay an allowance to the Chairman of the Council with effect from the municipal year 2012/13 be deferred to the July meeting of Council and that the Resources and Performance Scrutiny Board be requested to review the proposals and report back to Council.

6 Election of Chairman for the Municipal Year 2012/2013

(The outgoing Chairman, Councillor Hallchurch, presided for the consideration of this matter.)

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Colin Clarke be elected as Chairman for 2012/13. There were no other nominations.

Resolved

- (1) That Councillor Colin Clarke be elected Chairman of the Council for 2012/13.

7 Investiture of Chairman

Councillor Clarke, having made and signed the required Declaration of Acceptance of Office was invested with the Chairman's Chain and took the Chair.

8 Chairman's Address

Councillor Clarke thanked Members for his appointment and addressed the Council. He indicated that he was keen to raise awareness of the role of the Chairman through visits to schools across the district.

9 Vote of Thanks to Immediate Past Chairman

The Chairman of the Council presented Councillor Hallchurch with his past Chairman's badge as a token of the Council's appreciation of his term of office.

Councillor Wood, Leader of the Conservative Group, Councillor Cartledge, Leader of the Labour Group, and Councillor Emptage, Leader of the Liberal Democrat Group, paid tribute to Councillor Hallchurch and thanked him for the dedication he had shown representing the Council, the services he had rendered to the District and gracious way he had presided over the deliberations of Council during his year of office.

Councillor Hallchurch then addressed the Council to report on his term of office. He paid particular thanks to Dr Jan Stokes-Carter, his consort for the year and Liz Matthews, the Chairman's PA and presented them with a token of his appreciation.

10 **Past Chairman's Response**

Councillor Hallchurch addressed Council to report on his term of office. He paid particular thanks to Dr Jan Stokes-Carter, his consort for the year and Liz Matthews, the Chairman's PA and presented them with a token of his appreciation.

11 **Election of Vice-Chairman for the Municipal Year 2012/2013**

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Lawrie Stratford be elected as Vice-Chairman for 2012/13. There were no other nominations.

Resolved

- (1) That Councillor Lawrie Stratford be elected Vice-Chairman of the Council for 2012/13.

12 **Investiture of Vice-Chairman**

Councillor Lawrie Stratford, having made and signed the required Declaration of Acceptance of Office was invested with the Vice-Chairman's Chain and took the Vice-Chairman's seat.

13 **Annual Council Business Report**

The Chief Executive submitted a report which presented the results of the 3 May 2012 district elections, the constitution of Political Groups, the appointment of the Deputy Leader and Executive for the Municipal Year 2012/13 and sought agreement to the suggested constitution of Committees for the Municipal year 2012/2013. The report also sought nominations for representatives to the County Council Health Overview and Scrutiny Committee and Police and Crime Commissioner Scrutiny Panel.

The Chief Executive reported that there were district elections in 16 seats and Councillors were returned as follows:

Adderbury – Councillor Nigel Randall
Banbury Calthorpe – Councillor Alastair Milne Home
Banbury Easington – Councillor Fred Blackwell
Banbury Grimsbury and Castle – Councillor Ann Bonner
Banbury Hardwick - Councillor John Donaldson
Banbury Neithrop – Councillor Surinder Dhési

Banbury Ruscote – Councillor Sean Woodcock
Bicester East – Councillor Lawrie Stratford
Bicester North – Councillor Nick Mawer
Bicester South – Councillor Dan Sames
Bicester Town – Councillor Debbie Pickford
Bicester West – Councillor Russell Hurle
Bloxham and Bodicote – Councillor Lynda Thirzie Smart
Caversfield – Councillor Jon O’Neill
Kidlington South – Councillor Maurice Billington
Yarnton, Gosford and Water Eaton – Councillor Trevor Stevens

The Chief Executive reported that the constitution of the Council and political groups was now 41 Conservatives, 6 Labour and 3 Liberal Democrats.

The Group Leaders were: Councillor Barry Wood, Leader of the Conservative Group and Leader of the Council; Councillor Patrick Cartledge, Leader of the Labour Group and Leader of the Opposition and Councillor Tim Emptage, Leader of the Liberal Democrat Group.

The Leader of the Council reported that for the Municipal Year 2012/13 he had reappointed Councillor Reynolds as Deputy Leader of the Council. The Leader reported that Councillor Macnamara would be stepping down from the Executive in 2012/13 and thanked him for his hard work, dedication and excellent service as a member of the Executive.

For the Municipal Year 2012/13, the Executive would comprise:

Councillor Barry Wood – Leader of the Council
Councillor George Reynolds – Deputy Leader of the Council
Councillor Nigel Morris - Lead Member for Clean and Green
Councillor Ken Atack - Lead Member for Financial Management
Councillor Nigel Turner - Lead Member for Performance and Customers
Councillor John Donaldson - Lead Member for Banbury Brighter Futures
Councillor Tony Ilott - Lead Member for Public Protections
Councillor Michael Gibbard – Lead Member for Planning
Councillor Norman Bolster – Lead Member for Estates and the Economy
Councillor Debbie Pickford – Lead Member for Housing

Resolved

- (1) That the results of the District Elections held on 3 May 2012 be noted.
- (2) That the constitution of Political Groups and notification of Group Leaders: Conservative Group – Councillor Barry Wood; Labour Group – Councillor Patrick Cartledge; Liberal Democrat Group – Councillor Tim Emptage, be noted.
- (3) That the appointment of Councillor George Reynolds as Deputy Leader of the Council and the membership of the Executive and the Executive Portfolios for 2012/13 be noted.
- (4) That the allocation of seats on committees that were subject to the political balance requirements be agreed as set out below:

Allocation of Seats to Proportional Committees

	TOTAL	CON	LAB	LD
Overview & Scrutiny	12	10	1	1
Resources & Performance Scrutiny Board	12	9*	2*	1
Planning Committee	18	15	2	1
Personnel Committee	12	10	1	1
Licensing Committee	12	10	1	1
Appeals Panel	10	8	1	1
Accounts, Audit & Risk Committee	8	7	1	0
Joint Personnel Committee	5	4	1	0
Joint Appeals Panel	3	2	1	0
Proportional Total by Committee	92	76	10	6
Aggregate Entitlement	92	75	11	6
Adjustment Required		- 1	+ 1	-

The Leader of the Conservative Group has indicated to the Chief Executive that the seat to be nominated to the Labour Group is on the Resources and Performance Scrutiny Board. The figures above marked by an asterisk take account of this adjustment.

- (5) That the allocation of seats on committees not subject to political balance requirements be agreed as set out below:

Allocation of Seats to Non-Proportional Committees

	TOTAL	CON	LAB	LD
Standards Committee	8	6	1	1
Council and Employee Joint	12	10	1	1
Joint Arrangements Steering Group	5	4	1	0

- (6) That members (and where appropriate, substitute members) be appointed to serve on each of the committees and other bodies as set out below in accordance with the nominations to be made by political groups:

Overview and Scrutiny Committee

Membership (12 members with 3 named substitutes from each group)

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Ann Bonner	Cllr Les Sibley	Cllr Tim Emptage
Cllr Colin Clarke		
Cllr Chris Heath		
Cllr Melanie Magee		
Cllr Kieron Mallon		
Cllr Alastair Milne Home		
Cllr Jon O'Neill		
Cllr Nigel Randall		
Cllr Dan Sames		
Cllr Lawrie Stratford		

Substitutes

Conservative (3)	Labour (3)	Liberal Democrats (2)
Cllr Tim Hallchurch	Cllr Andy Beere	Cllr Alaric Rose
Cllr Lynn Pratt	Cllr Patrick Cartledge	Cllr Douglas Williamson
Cllr Rose Stratford	Cllr Sean Woodcock	

Resources and Performance Scrutiny Board

Membership (12 members, 2 named substitutes from each group)

Conservative (9)	Labour (2)	Liberal Democrats (1)
Cllr Alyas Ahmed	Cllr Patrick Cartledge	Cllr Douglas Williamson
Cllr Maurice Billington	Cllr Sean Woodcock	
Cllr Margaret Cullip		
Cllr Nick Mawer		
Cllr Jon O'Neill		
Cllr Neil Prestidge		
Cllr Nigel Randall		
Cllr Lawrie Stratford		
Cllr Douglas Webb		

Substitutes

Conservative (3)	Labour (2)	Liberal Democrats (2)
Cllr Diana Edwards	Cllr Andy Beere	Councillor Tim Emptage
Cllr David Hughes	Cllr Surinder Dhesi	Councillor Alaric Rose
Cllr Rose Stratford		

Planning Committee

Membership (18 members, 12 named substitutes)

Conservative (15)	Labour (2)	Liberal Democrats (1)
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Cllr Ken Atack
Cllr Fred Blackwell
Cllr Colin Clarke
Cllr Michael Gibbard
Cllr Chris Heath
Cllr David Hughes
Cllr Russell Hurle
Cllr Mike Kerford-Byrnes
Cllr James Macnamara
Cllr Alastair Milne Home
Cllr Debbie Pickford
Cllr George Reynolds
Cllr Trevor Stevens
Cllr Lawrie Stratford
Cllr Rose Stratford

Substitutes

Conservative (10)

Cllr Maurice Billington
Cllr Diana Edwards
Cllr Andrew Fulljames
Cllr Melanie Magee
Cllr Kieron Mallon
Cllr Jon O'Neill
Cllr Paul O'Sullivan
Cllr Lynn Pratt
Cllr Nigel Randall
Cllr Barry Wood

Labour (1)

Cllr Surinder Dhesi

Liberal Democrats (1)

Cllr Douglas Williamson

Personnel Committee

Membership (12 members, unnamed substitutes who shall not be members of the Appeals Panel)

Conservative (10)

Cllr Ken Atack
Cllr Norman Bolster
Cllr Mike Kerford-Byrnes
Cllr Melanie Magee
Cllr Lynn Pratt
Cllr George Reynolds
Cllr Lynda Thirzie-Smart
Cllr Lawrie Stratford

Labour (1)

Cllr Surinder Dhesi

Liberal Democrats (1)

Cllr Alaric Rose

Cllr Rose Stratford

Cllr Barry Wood

Licensing Committee

Membership (12 seats and 5 substitutes based on proportional representation with each represented party having at least 1 substitute)

Conservative (10)

Cllr Fred Blackwell

Cllr Diana Edwards

Cllr Michael Gibbard

Cllr Tim Hallchurch

Cllr Tony Illott

Cllr Kieron Mallon

Cllr Paul O'Sullivan

Cllr George Reynolds

Cllr Rose Stratford

Cllr Douglas Webb

Labour (1)

Cllr George Parish

Liberal Democrats (1)

Cllr Alaric Rose

Substitutes

Conservative (3)

Cllr Margaret Cullip

Cllr Debbie Pickford

Cllr Lynn Pratt

Labour (1)

Cllr Andy Beere

Liberal Democrats (1)

Cllr Tim Emptage

Appeals Panel

Membership (10 members with no substitutes)

Conservative (8)

Cllr Fred Blackwell

Cllr Colin Clarke

Cllr Diana Edwards

Cllr Tim Hallchurch

Cllr Simon Holland

Cllr Tony Illott

Cllr Paul O'Sullivan

Cllr Douglas Webb

Labour (1)

Cllr Sean Woodcock

Liberal Democrats (1)

Cllr Tim Emptage

Accounts, Audit and Risk Committee

Membership (8 members with unnamed substitutes)

Conservative (7)

Cllr Colin Clarke

Cllr Andrew Fulljames

Cllr Mike Kerford-Byrnes

Labour (1)

Cllr Andrew Beere

Liberal Democrats (0)

Cllr Trevor Stevens
Cllr Lawrie Stratford
Cllr Rose Stratford
Cllr Barry Wood

Joint Personnel Committee

Membership (5 members, 3 named substitutes)

Conservative (4) **Labour (1)** **Liberal Democrats (0)**

Cllr Ken Atack Cllr Les Sibley

Cllr Lynn Pratt

Cllr George Reynolds

Cllr Barry Wood

Substitutes

Conservative (2) **Labour (1)** **Liberal Democrats (0)**

Cllr Norman Bolster Cllr George Parish

Cllr Lawrie Stratford

Joint Appeals Panel

Membership (3 seats, 2 named substitutes)

Conservative (2) **Labour (1)** **Liberal Democrats (0)**

Cllr Fred Blackwell Cllr Sean Woodcock

Cllr James Macnamara

Substitutes

Conservative (1) **Labour (1)** **Liberal Democrats (0)**

Cllr Colin Clarke Cllr Patrick Cartledge

Standards Committee

Membership (8 members, up to 4 independent members, 2 parish council representatives; 8 substitute members)

Conservative (6) **Labour (1)** **Liberal Democrats (1)**

Cllr Fred Blackwell Cllr Andrew Beere Cllr Douglas Williamson

Cllr Tim Hallchurch

Cllr Chris Heath

Cllr Russell Hurle

Cllr Paul O'Sullivan

Cllr Lawrie Stratford

Substitutes

Conservative (6) **Labour (1)** **Liberal Democrats (1)**

Cllr Ken Atack Cllr Patrick Cartledge Cllr Tim Emptage

Cllr Colin Clarke

Cllr Margaret Cullip

Cllr Diana Edwards

Cllr James Macnamara

Cllr Rose Stratford

Council and Employee Joint Committee

Membership (12 seats)

Conservative (10)

Cllr Colin Clarke
Cllr Margaret Cullip
Cllr Russell Hurle
Cllr Tony Illott
Cllr Melanie Magee
Cllr Kieron Mallon
Cllr Nick Mawer
Cllr Lynn Pratt
Cllr Nigel Randall
Cllr Barry Wood

Labour (1)

Cllr Patrick Cartledge

Liberal Democrats (1)

Cllr Alaric Rose

Joint Arrangements Steering Group

Membership (5 members, 3 substitutes)

Conservative (4)

Cllr Ken Atack
Cllr Nigel Morris
Cllr Nicholas Turner
Cllr Barry Wood

Labour (1)

Cllr Les Sibley

Liberal Democrats (0)

Substitutes

Conservative (2)

Cllr Norman Bolster
Cllr Michael Gibbard

Labour (1)

Cllr Patrick Cartledge

Liberal Democrats (0)

- (7) That Councillor Rose Stratford be appointed as Cherwell District Council's representative to the County Council Health Overview and Scrutiny Committee.
- (8) That Councillor George Reynolds be appointed Cherwell District Council's representative to the Police and Crime Commissioner Scrutiny Panel.

14

Recommendations from Standards Committee

The Head of Law and Governance submitted a report which enabled Council to consider the recommendations of Standards Committee with regard to the code of conduct to be adopted, and the statutory arrangements to be introduced to investigate and decide on allegations of breach, pursuant to the Localism Act 2011.

Resolved

- (1) That the Oxfordshire Code of Conduct (set out in the annex to the minutes as set out in the minute book) with effect from 1 July 2012 or such other date as is legislatively required (“the effective date”) and that it be endorsed for adoption by the Town and Parish Councils in Cherwell District be adopted.
- (2) That a free standing Standards Committee from the effective date comprising 8 elected members (7 from the Conservative Group and 1 from the Labour Group with Group Leaders to confirm appointed and substitute members to the Head of Law and Governance prior to the effective date), with the power to co-opt town/parish council members as it sees fit, for the purpose of hearing and determining complaints of Councillor misconduct with the terms of reference (set out in the annex to the minutes as set out in the minute book) be established and that such Committee replace the current Standards Committee.
- (3) That it be agreed that two independent persons be appointed by Council at a future date on the recommendation of a panel comprising two members of the new Committee plus the Head of Law and Governance and that authority to fix an initial allowance payment for such persons be delegated to the Head of Law and Governance in consultation with the Head of Finance and Procurement.
- (4) That authority be delegated to the Head of Law and Governance to take the necessary steps to establish a register of interests for District, Town and Parish Councillors and the required arrangements (including a complaints procedure and a hearing procedure) pending formal consideration by the new Committee in due course.
- (5) That it be agreed that the terms of appointment of Dr Sadie Reynolds and Derek Bacon as independent members of the current Standards Committee be extended until the effective date.

15

Honorary Aldermen

The Chief Executive submitted a report which enabled members to consider whether they wished to adopt a scheme for the appointment of Honorary Aldermen/ Alderwomen and Freeman/ Freewomen.

Resolved

- (1) That the procedure of appointment for Honorary Aldermen/Alderwomen and Honorary Freeman/Freewomen and their associated roles and privileges be adopted.

16 **A Joint Performance Service, A Joint JMT (Joint Management Team) Support Service**

The Director of Resources and Head of Transformation submitted a report which proposed that the principle of sharing performance, information management and consultation services with South Northamptonshire Council and the principle of a joint JMT (Joint Management Team) support service be adopted as part of the Cherwell District Council policy framework.

Resolved

- (1) That the principle of establishing a shared Performance Management team and JMT support team with South Northamptonshire Council as part of the Council's policy framework be adopted.

17 **Developments in Elections and Electoral Registration**

The Chief Executive (as Returning Officer and Electoral Registration Officer) submitted a report which informed Members of the programme of elections to 2015, changes in electoral registration and the annual canvass and to seek delegated power for the Returning Officer to amend the Elections Fees and Charges schedule as a required in light of these developments.

Resolved

- (1) That the growth in the electoral and electoral registration programme to 2015 be noted and that officers be requested to submit future reports to Council as appropriate.
- (2) That authority be delegated to the Returning Officer to amend the elections fees and charges schedule in order to address operational requirements as required.

The meeting ended at 7.40 pm

Chairman:

Date:

Council

Ratification of Standards Arrangements

16 July 2012

Report of Head of Law and Governance

PURPOSE OF REPORT

To enable Council to ensure compliance with the Localism Act 2011 by ratifying the code of conduct previously adopted at the May 2012 Council meeting. Also to take the opportunity to confirm the arrangements for the handling of complaints alleging misconduct by District, Town and Parish Councillors that have been prepared by the Head of Law and Governance pursuant to delegated authority previously granted.

This report is public

Recommendations

Council is recommended to:

- (1) Approve the arrangements for dealing with complaints of Councillor misconduct appended to this report.
- (2) Ratify the adoption of the code of conduct at appendix 1 to the arrangements previously resolved at the May 2012 Council meeting.
- (3) Note the intention of the Head of Law and Governance to bring a report to the October meeting of Council to seek approval to the appointment of two independent persons to the Standards Committee and possible revisions to the adopted code of conduct.

Details

- 1.1 At its May meeting Council resolved to adopt a new code of conduct as required by the Localism Act 2011 to replace the previous mandatory code with effect from the effective date which was anticipated to be 1 July 2012. It also resolved to replace the previous Standards Committee with a new Committee comprising 5 elected members, to appoint two independent persons at a future meeting and to delegate authority to the Head of Law and Governance to prepare and introduce the necessary arrangements for the handling of complaints of Councillor misconduct.

- 1.2 Although it was considered prudent to adopt a new code at the May meeting, and indeed this was a course of action followed by all other principal authorities in Oxfordshire and a substantial number across the country, it became apparent when the statutory commencement order confirming the 1 July effective date was made on 8 June 2012 that it would unexpectedly be necessary for the Council to ratify its previous resolution to adopt the new code of conduct at its first available future meeting. Failure to do so would risk non-compliance with the statutory duty imposed on the Council by the 2011 Act and potentially make the new code of conduct unenforceable. Accordingly the principal purpose of this report is to seek the necessary ratification of the previous adoption resolution in order to ensure legal compliance by the Council.
- 1.3 The opportunity is also taken to bring before Members the detailed arrangements appended for the handling of complaints of Councillor misconduct that have been put into place by the Head of Law and Governance under the delegated authority previously given to him. The arrangements are based on a model document that is also being used by a substantial number of other Councils and, in particular, they seek to ensure that only the most serious complaints lead to the need for a formal Committee hearing. Council's approval to the arrangements is sought. The code of conduct previously adopted and which Council is requested to ratify is at appendix 1 of the arrangements.
- 1.4 No progress has yet been made with appointing the independent persons largely because of uncertainty until recently of the ability of the former independent members of the Standards Committee to apply for the role. It has recently been confirmed that they can but, in a letter to Council Leaders dated 28 June 2012 the Parliamentary Under Secretary of State has indicated that the Government proposes to legislate to limit their term of office, if appointed, until 1 July 2013 following which they would be unable to be appointed for a minimum of 5 years. The appointment process will shortly commence and it is intended to bring recommended appointments to the October meeting of Council.
- 1.5 It is also anticipated that it will be necessary to revise the adopted code of conduct now that the detail of Disclosable Pecuniary Interests is known. Consideration is to be given by the monitoring officers throughout Oxfordshire to the possible need to augment the code with further provisions e.g. categories of non-disclosable pecuniary interests/non pecuniary interests, provision for the notification of gifts and hospitality. Again the intention with any revised code would be to seek its adoption as a common form throughout the County at all three tiers of local authority. In this regard the Head of Law and Governance is not aware of any Town or Parish Councils in the Cherwell district who have adopted a code that is different to the one adopted by this Council.

Conclusion

1.6 Council is recommended to ratify its previous resolution to adopt the code of conduct contained in the appended arrangements, to approve the arrangements themselves and to note the intention to report back as necessary to the October meeting.

Key Issues for Consideration/Reasons for Decision and Options

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

- Option One** To accept the recommendations.
- Option Two** Not to ratify the previous resolution to adopt the code of conduct. This is not recommended as it would risk non compliance with the legislative requirements.
- Option Three** To amend the arrangements. This is not recommended as they follow a model that is being implemented by a large number of other Councils and they are considered to strike the right balance between the need to have a formal procedure to ensure consistency and fairness to Councillors and complainants while at the same avoiding an overly formalistic process.

Consultations

- Financial** There are no immediate financial implications at this stage. It is not envisaged at this stage that any allowance payments for independent persons will exceed the amounts currently paid to external members of the existing Committee.
Comments checked by Karen Curtin Head of Finance and Procurement
- Legal** These are dealt with in the report.
Comments checked by Kevin Lane Head of Law and Governance
- Risk Management** Without effective standards arrangements in place there is a risk to the council's reputation and the preferred recommendation outlined in the report mitigates reputational and legal risks.
Comments checked by Karen Curtin Head of Finance and Procurement

Document Information

Appendix No	Title
1	Arrangements for the handling of complaints of Councillor misconduct – 1 July 2012
Background Papers	
None	
Report Author	Kevin Lane, Head of Law and Governance
Contact Information	kevin.lane@cherwellandsouthnorthants.gov.uk – 0300 0030 107

Arrangements for dealing with complaints of Councillor Misconduct

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority *[or of a parish council within its area]* has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority *[or of a parish council within the authority’s area]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation has been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Council’s Offices.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council or request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]

3 Making a complaint

If you wish to make a complaint, please write or email to:-

Head of Law and Governance / Monitoring Officer
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA

Or

kevin.lane@cherwellandsouthnorthants.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please clearly identify the Councillor or Councillors you are complaining about and the paragraph(s) of the Code which you allege have been breached.

Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, will take a decision as to whether it merits formal investigation. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. *[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and after consulting with the Independent Person, if he/she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for hearing before the Standards Committee or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee [*and the Parish Council*] for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a hearing.

7.2 Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Standards Committee which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Monitoring Officer may conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Committee concludes that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Committee will give the member an opportunity to make representations to it and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Standards Committee take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Committee may –

- 8.1 Censure or reprimand the member;
- 8.2 Publish its findings in respect of the member's conduct;
- 8.3 Report its findings to the Council [*or to the parish Council*] for information;
- 8.4 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to the Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.6 Recommend to Council that the member be replaced as Leader;

- 8.7 Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the member;
- 8.8 Recommend to Council or the Council Leader *[or recommend to the Parish Council]* that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- 8.9 Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- 8.10 Exclude *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive, Committee and Sub-Committee meetings.

The Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chairman will state the decision of the Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Committee Chairman, and send a copy to you, to the member *[and to the Parish Council]*, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Committee?

The Standards Committee comprises five Councillors of the District Council appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council. It may also co-opt non-voting representatives from Town and Parish Councils.

The Independent Person is invited to attend all meetings of the Committee and his views are sought and taken into consideration before it takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is then appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 11.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority’s area], or*
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above.
For this purpose, “relative” means -
 - 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Standards Committee.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

1 July 2012

CHERWELL DISTRICT Council

Code of Members' Conduct

1. This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members¹ of the council.
2. This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.
 - (a) Selflessness
 3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.
 - (b) Objectivity
 4. In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
 - (c) Accountability
 5. You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.
 - (d) Openness
 6. You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.
 - (e)
 - (f) Honesty and integrity
 7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.
 - (g) Leadership
 8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.
- (2) General Obligations
 9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law;

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

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

b) is a member of, and represents the council on, any joint committee or joint sub-committee of the council;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub committee".

10. You must not bully any person.
11. You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.
12. You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, or ought reasonably to be aware, is of a confidential nature except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is:
 - a) reasonable and in the public interest;
 - b) made in good faith and in compliance with the reasonable requirements of the council.
13. You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
14. When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.
15. When using or authorising the use by others of the resources of the council:
 - (i) you must act in accordance with the council's reasonable requirements;
 - (ii) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

REGISTERING AND DECLARING INTERESTS

16. You must, within 28 days of taking office as a member or co-opted member, notify the council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
17. You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'².
18. Following any disclosure of an interest not on the council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
19. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary

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

interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

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