

# County Council

**15 May 2012**

## Agenda

## **Declarations of Interest**

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

### **The duty to declare ...**

You must always declare any "personal interest" in a matter under consideration, i.e. where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

### **Whose interests are included ...**

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

### **When and what to declare ...**

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

### **Taking part if you have an interest ...**

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

### **"Prejudicial" interests ...**

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

### **What to do if your interest is prejudicial ...**

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Exceptions ...**

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

### **Seeking Advice ...**

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

To: Members of the County Council

## ***Notice of a Meeting of the County Council***

**Tuesday, 15 May 2012 at 10.00 am**

**County Hall, Oxford OX1 1ND**

*Joanna Simons*

Joanna Simons  
Chief Executive

May 2012

Contact Officer: **Deborah Miller**  
Tel: (01865) 815384; E-Mail: [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk)

In order to comply with the Data Protection Act 1998, notice is given that Item 5, will be recorded. The purpose of recording proceedings is to provide an *aide-memoire* to assist the clerk of the meeting in the drafting of minutes.

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***Members are asked to sign the attendance book which will be available in the corridor outside the Council Chamber. A list of members present at the meeting will be compiled from this book.***

- ***A buffet luncheon will be provided;***
- ***At the conclusion of the Council's proceedings all members are asked to remain in their seats in the Council Chamber while Committees meet for the purpose of electing their chairmen and deputy chairmen.***

## **AGENDA**

- 1. Election to Chairman 2012/13 Council Year**
- 2. Election of Vice-Chairman for the 2012/13 Council Year**
- 3. Minutes (Pages 1 - 12)**

To approve the minutes of the meeting held on 3 April 2012 (**CC1**) and to receive information arising from them.

#### 4. Apologies for Absence

#### 5. Declarations of Interest - see guidance note

Members are reminded that they must declare their interests orally at the meeting and specify (a) the nature of the interest and (b) which items on the agenda are the relevant items. This applies also to items where members have interests by virtue of their membership of a district council in Oxfordshire.

#### 6. Official Communications

- (a) To receive the following report from the County Returning Officer on the outcome of the by-elections for the Watlington Division held on 19 April 2012:

Voting was as follows:

Nicholas Martin Hancock	259 votes
Jonathan Jason Kent	110 votes
James Herbert Merritt	157 votes
Caroline Anne Newton	865 votes

Caroline Anne Newton was accordingly elected County Councillor for the Watlington Division.

- (b) Any other official communications.

#### 7. Appointments

Members are asked to consider the following appointments:

- (a) ***To make appointments to the office of Leader of the Council;***  
(b) ***in the light of (a) above to receive the report of the Leader setting out the names, addresses and electoral divisions of the people appointed to the Cabinet and their respective portfolio's (to be circulated at the meeting);***  
(c) ***dependent on (b) above to agree any consequent changes to the names and responsibilities of Scrutiny and other Committees.***

#### 8. Committees and Review of Political Balance (Pages 13 - 30)

Report by the County Solicitor and Monitoring Officer (CC8).

The Council is required annually to appoint "at least one Scrutiny Committee and such other committees as the Council considers appropriate" and to review the political balance on committees and appoint members to the committees.

***The Council is RECOMMENDED to:***

- (a) **confirm the political balance on committees shown in Annex 3 to the report;**
- (b) **approve the amended and new terms of reference as set out in annex 1a and 1b and appoint to committees the councillors and co-opted members shown in Annex 1, subject to any changes reported at the meeting.**

## **9. Officer Scheme of Delegation (Pages 31 - 32)**

Report of the Monitoring Officer (**CC9**).

At its Annual Meeting, Council is required to agree the officer scheme of delegation within the Council's Constitution. The scheme of officer delegation is contained in Part 7.3 of the Council's Constitution. The Scheme of Delegation itself, gives delegated authority to the Chief Executive, directors and other chief officers whose titles and/or areas of responsibility are set out in Part 2, Article 11 of the Constitution.

The Scheme of Delegation itself is unchanged. However, the areas of responsibility and post titles contained in Part 2, Article 11 are in need of update following recent changes and the reallocation of some responsibilities.

***Council is RECOMMENDED to note the amendments to Article 11 of the Constitution identified in paragraphs 4 & 5 above and to approve the scheme of Officer Delegation contained in Part 7.3 of the Council's Constitution.***

## **10. Report of the Cabinet (Pages 33 - 34)**

Report of the Cabinet Meeting on 17 April 2012 (**CC10**).

## **11. Standards Committee - Annual Report 2011/12 (Pages 35 - 40)**

Report by the Chairman of the Standards Committee (**CC11**).

This report from the independent chairman of the Standards Committee summarises the Committee's work over the past year in maintaining the current standards arrangements and in supporting the Council's transition to new arrangements under the Localism Act 2011. This is the Committee's final annual report.

***The Council is RECOMMENDED to receive the report.***

## **12. Members Code of Conduct and Complaints Procedure (Pages 41 - 54)**

Report by the County Solicitor & Monitoring Officer (**CC12**).

Under the Localism Act 2011, the current members' code of conduct will cease on 1 July 2012. At its meeting on 20 March 2012, the Council made some decisions as to the shape of future arrangements including the cessation of the Council's Standards Committee. The Council now needs formally to adopt a new code of conduct to apply from 1 July 2012 and to approve of local procedure for considering complaints against members made under any new code. The report includes drafts of a potential code and local procedure for Council's consideration.

***The Council is RECOMMENDED to:***

- (a) approve and adopt the Members' Code of Conduct at Annex 1 of this report, to take effect from 1 July 2012 on the repeal of the present Code and standards arrangements;***
- (b) require the Monitoring Officer to make any consequential amendments to the approved Code on the publication by the Secretary of State of Regulations relating to the registration and declaration of interests;***
- (c) approve the complaints resolution procedures outlined at Annex 2 of this report as the means of resolving allegations that members have not complied with the Code.***

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**Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 14 May 2012 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders