

# 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

# Agenda Item 3

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 3 April 2012 commencing at 10.00 am and finishing at 4.10 pm.

**Present:**

Councillor Patrick Greene – in the Chair

Councillors:

Don Seale	John Goddard	Susanna Pressel
Alyas Ahmed	Janet Godden	Anne Purse
M. Altaf-Khan	Tim Hallchurch MBE	G.A. Reynolds
Alan Armitage	Pete Handley	David Robertson
Marilyn Badcock	Jenny Hannaby	John Sanders
Mike Badcock	Tony Harbour	Larry Sanders
Maurice Billington	Steve Hayward	Bill Service
Norman Bolster	Mrs J. Heathcoat	Dave Sexon
Ann Bonner	Hilary Hibbert-Biles	C.H. Shouler
Liz Brighouse OBE	Ian Hudspeth	Dr Peter Skolar
Iain Brown	Ray Jelf	Roz Smith
Nick Carter	Stewart Lilly	Val Smith
Louise Chapman	Lorraine Lindsay-Gale	Richard Stevens
Jim Couchman	A.M. Lovatt	Keith Strangwood
Roy Darke	Sajjad Hussain Malik	Lawrie Stratford
Arash Fatemian	Kieron Mallon	John Tanner
Anda Fitzgerald-O'Connor	Charles Mathew	Melinda Tilley
Jean Fooks	Keith R. Mitchell CBE	David Turner
Mrs C. Fulljames	David Nimmo-Smith	Michael Waite
Anthony Gearing	Neil Owen	David Wilmshurst
Michael Gibbard	Zoé Patrick	

*The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.*

### **148/12 MINUTES**

(Agenda Item 1)

**RESOLVED:** that the Minutes of the meeting held on 20 March 2012 were approved and signed, subject to the following amendment: Minute 147/12 – delete ‘Councillor Skolar’ and substitute with ‘Councillor Seale’.

## **149/12 APOLOGIES FOR ABSENCE**

(Agenda Item 2)

Apologies for absence were received from Councillors: Atkins, Crabbe, Harvey, Hutchinson, Jones, Rose, Sherwood, Thompson, N. Turner and Viney.

## **150/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE**

(Agenda Item 3)

The following declarations of interest were made:

Councillor George Reynolds declared a Personal Interest in relation to Agenda Item 9 due to his role as Chairman of the Wroxton Ironstone Liaison Committee.

Councillor Jenny Hannaby declared a Personal Interest in relation to Agenda Items 11, 13 and 14 due to her role as Vice-President of the Wantage Branch of the Royal British Legion and also Chairman of the newly formed Friends of the Health & Wellbeing Centre Wantage Trust and Chairman of the Wantage League of Friends Hospital.

Councillor Roz Smith declared a Personal Interest in relation to Agenda Item 15 due to having family in the services.

Councillor Seale declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion.

Councillor Mallon declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion – Member of the Household Division Association.

Councillor Hallchurch declared a Personal Interest in Agenda 15 due to his membership of the Oxford Yolmany Association and to fund raising for the Army Benevolent funds.

Councillor Service declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion.

Councillor Harbour declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion.

Councillor Charles Badcock declared a Personal Interest in Agenda Item 15 due to the Phoenix Fund at Didcot being one of his mayoral declared charities.

Councillor Nimmo-Smith declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion and a Member of Level AED Sergeants Mess.



## **151/12 OFFICIAL COMMUNICATIONS**

(Agenda Item 4)

The Chairman reported as follows:

- (i) The Chairman had attended his 13 repatriation in honour of Capt Rupert Bowers, 2nd Battalion, The Mercian Regiment, Worcesters and Foresters, Sgt Luke Taylor of the Royal Marines and L/Cpl Michael Foley of the Adjutant General's Corps.
- (i) Council observed a minute's silence in memory of Former County Councillor Mary Steward Smith. The leader of the Labour Group, Councillor Brighouse and Councillor Janet Godden shared memories and experiences with Council and paid tribute to Councillor Steward Smith.
- (ii) A listing of Chairman's Events was now available on the website:  
<http://www.oxfordshire.gov.uk/cms/content/chairman-council>

## **152/12 APPOINTMENTS**

(Agenda Item 5)

**RESOLVED:** to note the decision of the Leader under the authority given him under paragraph 1.1 of the Cabinet Procedure Rules to appoint a joint committee for the purpose of signing off the Thames Valley Police and Crime Panel arrangements and the appointment of Councillor Kieron Mallon (Cabinet Member for Policing and Policy Coordination) to represent the County Council on this Joint Committee.

## **153/12 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 6)

The following petitions and public address were received under Agenda Item 9 – Oxfordshire Minerals and Waste Plan: Minerals and Waste Core Strategy Proposed submission Document

Mr Bernard Stone, on behalf of Wallingford Town Council, spoke in support of CAGE against the proposed site at Cholsey and in particular outlined the damaging effect that the Cholsey site would have on the historic town of Wallingford in terms of noise and dust, traffic and a loss of tourism.

Mr Henry Pavlovich began to address the Council questioning a statement that the Cabinet Member for Growth and Infrastructure had made at the Cabinet Meeting on 13 March 2012. In the event, the Chairman, advised by the Monitoring officer, suggested that the address was inappropriate and it was ruled out of order.

Mr Arnold Grayson, on behalf of the Branch Executive Committee of CPRE spoke against the figures of gravel extraction and exportation set out in the Strategy, and in particular the 2% drop in gravel consumption in the County last year and the 4% fall per year in the economies use of gravel. He

believed that the forecasts were too high as a result and that a major increase in exports would be likely to follow if the 1.01 million tonnes per annum figure were accepted for Oxfordshire's extraction. He urged the Council to consider imports and that any future reviews of the Policy be open to the public.

Mr Jonny Allen spoke against the proposed site at Cholsey on the grounds that the site had received MOD objections, was of a scale and proximity to an AONB to be of concern, had received significant objections and for heritage reasons. He believed that all other sites in South Oxfordshire should be given proper consideration and that Cholsey should be removed.

Mr Goodstadt expressed concern over the figures set out in the Strategy for supply and demand of gravel and in particular that the demand figures were too high as the strategy had taken a 20 year view rather than the required 10 year view. Referring to the National Planning framework that had been recently issued, he urged Council to put the decision on hold until a legal view of the guidelines could be taken.

#### **154/12 ANNUAL TREASURY MANAGEMENT STRATEGY & ANNUAL INVESTMENT STRATEGY 2011/12 AND 2012/13**

(Agenda Item 8)

The Council had before them a report by the Assistant Chief Executive and Chief Fire Officer (CC8) which set out changes to the Fitch ratings and subsequent necessary changes to the Annual Treasury Management Strategy & Annual Investment Strategy for both 2011/12 and 2012/13.

**RESOLVED:** (on a motion by Councillor Couchman, seconded by Councillor Mitchell and carried nem con) to note the changes made to the credit rating matrix limits set out in the Annual Treasury Management Strategy & Annual Investment Strategy for 2011/12 and 2012/13.

#### **155/12 OXFORDSHIRE MINERALS AND WASTE PLAN:MINERALS AND WASTE CORE STRATEGY PROPOSED SUBMISSION DOCUMENT**

(Agenda Item 9)

The Council had before them a report (CC9) which set out the Minerals and Waste Core Strategy Proposed Submission Document including the vision, objections, spatial strategy, core policies and implementation framework for the supply on minerals and management of waste in Oxfordshire to 2030.

Councillor Lindsay-Gale moved and Councillor Heathcoat seconded the recommendations as set out in the report and on the face of the Agenda.

Councillor Tanner moved and Councillor Larry Sanders seconded the following two amendments:

“Page 26 Policy M2: Sharp sand and gravel – “delete ‘1.01 million tonnes’ and replace with ‘700,000 tonnes’ a year”

“Page 27 Policy M3: Location for aggregate workings - Amend (ii) to read: “a new area or areas of working within South Oxfordshire, to replace Sutton Courtenay when etc...”

Following debate the first amendment was lost by 52 votes to 10.

Following debate the second amendment was lost by 44 votes to 15.

The substantive motion was then put to the vote and was carried by 40 votes to 22.

**RESOLVED:** (by 40 votes to 22) to approve the Minerals and Waste Core Strategy Proposed Submission Document at Annex 2, subject to any necessary editorial changes as agreed by the Director for Environment and Economy in consultation with the Cabinet Member for Growth and Infrastructure, for publication and for submission to the Secretary of State for independent examination.

## **156/12 AUDIT COMMITTEE - ANNUAL REPORT**

(Agenda Item 10)

The Council had before them the Annual Report of the Council’s Audit Committee (CC10).

**RESOLVED:** (nem con) to receive the report.

## **157/12 EMBEDDING PERSONALISATION**

(Agenda Item 11)

The Council had before them a report (CC11) by the Cabinet Member for Adult Services which summarised the outcomes from the ‘Hearsay’ event and Business Strategy engagement sessions in 2011, relating to developments in social care. The report set out the background to the growth of personalisation in Adult Social Care.

The report further welcomed the introduction of Personalisation as a policy and reviewed some of the risks involved in more direct purchasing of social care by individuals, for example the use of 'Personal Assistants'. It outlined the measures being proposed to Adult Social Care Scrutiny Committee for assuring quality in externally provided care, including the role of Members in promoting and assuring quality in services which operate in their locality.

Councillor Fatemian moved and Councillor Seale seconded the following motion as amended by Councillor Patrick in bold italic:

“The Cabinet **RECOMMENDED** Council to receive the report and debate its implications for Members ***and refer the issue to the Adult Services Scrutiny Committee for further consideration.***”

The amendment proposed by Councillor Stevens as set out in the Schedule of Business, Annex 1 was withdrawn.

Council then debated embedding personalisation. The following key points arose from debate:

- Everyone receiving Social Care should have a choice;
- Managing risks – there should be cross party working on it;
- The formal role for members – adequate training will need to be given to enable members to carry out this role;
- Enhancing the role of local members – how is this going to be formalised?
- Need to ensure consistency of care given at home – care quality commission?
- Feedback from ‘Hearsay’ event - what did people actually say? Need to ensure that it is not political
- Need to ensure that members and officer roles are clearly defined and that members are not carrying out roles that professional officers should be doing;
- The whole area needs to be properly funded;
- People with a learning disability have been left behind – these people need the most care;
- Needs are often hidden;
- The need to promote the concept of “corporate parent”.
- The need to recognise that the whole area can exploit vulnerable people – need safeguarding in place, especially for people with Dementia;
- Need to consider how to monitor and manage risks;
- Members need to visit day centres and care homes in their areas;
- LINKs should be involved in the process;
- Members should not inspect homes in their own areas
- Members promoting and assuring quality - concerns about promoting one company over from another;
- NHS could do more in care homes. Capture views of quality of care homes and community care providers from visiting health professionals;
- Need to get extra care housing up and running;
- members should not take on the role of social workers;
- Scrutiny should ensure providers are adequate;
- The importance of LINKs was emphasised including the importance of focusing on service users.

Following debate the motion was put to the vote and it was:

**RESOLVED:** (nem con) that Council record the views expressed during the debate and that these are taken into consideration by the Cabinet and Adult Services Scrutiny Committee.

## **158/12 REPORT OF THE CABINET**

(Agenda Item 12)

The Council had before them the report of the Cabinet Meetings on 12 & 20 December 2011, 17 January, 6 & 14 February and 13 March 2012 (CC12).

In relation to paragraph 6, (Development in the Oxfordshire Care Partnership Agreement) (Question from Councillor Hannaby) responding to a request for assurances that the changes to the project agreement would have little impact on those residents already in the five care homes whose freehold would soon be transferred and that they would not be required to vacate to cheaper residential homes in the future and that the resident and families would be consulted at all times, Councillor Fatemian undertook to provide a written response.

In relation to paragraph 12 (2011/12 Financial Monitoring & Business Strategy Delivery Report September 2011) (Question from Councillor Darke) Councillor Couchman agreed to provide a briefing to all members of the Council.

In relation to paragraph 24 (Dial-a-Ride Provision in Oxfordshire) (Question from Councillor David Turner) Councillor Mitchell undertook to provide a written response to the question on the lack of publicity for the new Dial-a-Ride in South Oxfordshire.

## **159/12 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

(Agenda Item 13)

11 Questions with notice were asked. Details of the questions and answers and the supplementary questions and answers (where asked) will be set out in Annex 2 to the Minutes.

In relation to Question 2, Councillor Mitchell undertook to provide Councillor John Sanders with a written answer detailing the cost of the double yellow lines in Headington that were installed and removed.

In relation to Question 3, Councillor Tilley undertook to issue a press release detailing how many primary school children had been placed in their parents' first, second or third preference primary school.

In relation to Question 5, Councillor Fatemian undertook to provide Councillor Hannaby with a written response regarding Wantage Hospital, once he had received details on the specific situation from Councillor Hannaby.

In relation to Question 8, Councillor Mitchell undertook to provide Councillor Purse with a written response on why the Sandhills to Wheatley Cycle Route had not been upgraded.

## **160/12 ORDER OF BUSINESS**

Councillor Greene moved and Councillor Brighthouse seconded a motion to take item 21 (motion by Councillor Stevens) in place of item 16 (motion by Councillor Stevens).

The motion was put to the vote and was lost by 41 votes to 17.

The Chairman moved and Councillor Seale seconded that item 20 be moved to the next item on the Agenda as it had received cross party support.

**RESOLVED:** to vary the order of business as indicated in the Agenda in order for Council to consider Agenda Item 20 (Motion by Councillor Waine) which had cross party support.

## **161/12 MOTION FROM COUNCILLOR MICHAEL WAINE**

(Agenda Item 20)

**RESOLVED:** (on a motion by Councillor Waine, seconded by Councillor Patrick and carried nem con)

Council welcomes the Government's intention to give all schools the maximum flexibility to decide the best way to spend available resources, subject to cost effective provision of specialised services.

Council notes:

The Dedicated Schools Grant (DSG) for Oxfordshire is well below the national average and below the grant of many similar shire counties.

The efforts of Oxfordshire Schools' Forum, local MP's and others in bringing this anomaly to the attention of Government.

Council calls on the Government to:

Adopt an Activity Led Funding formulae methodology which demonstrates clearly what the money provided will actually purchase in terms of services for young people, ensuring fair funding for each school based on established need.

Recognise the extra costs for areas of rural sparsity which are not currently recognised in the distribution of formulae.

Ensure that the calculation of the supplementary grant to academies (Local Authority Centre Spend Equivalent Grant –LACSEG) is done in such a way as to not financially disadvantage those schools that choose to remain as part of the Local Authority.

Correct the unique historic Oxfordshire post 16 Special School Places funding issue by providing the appropriate funding for 'sixth form students' in

Oxfordshire Special Schools in line with that granted to all other LA's nationally.

**162/12 MOTION FROM COUNCILLOR JENNY HANNABY**

(Agenda Item 14)

**RESOLVED:** (on a motion by Councillor Hannaby, seconded by Councillor Patrick and carried nem con)

Council recognises the importance of Resource and Wellbeing Centres (Tier 3) for the elderly, offering companionship, learning opportunities, and other health and well-being services which may be difficult to access. Without these services, many elderly would become isolated, leading to depression and other medical conditions.

The Cabinet has identified the need to make savings to Resource and Wellbeing Centres. To achieve these savings, bids have been called for from the volunteer sector to take over the running of these centres, but so far this has proved to be unsuccessful. Therefore, a decision was taken that the centres should be run by our own internal staff for the next two years. Clients being able to continue to access Resource and Wellbeing Centres is crucial to their sustainability.

Council requests that the Transport Review provides a fair and affordable easy to access transport scheme to include suitable transport facilities for the severely disabled and to support, where available, community voluntary transport schemes to run alongside internal provision.

**163/12 MOTION FROM COUNCILLOR KEITH MITCHELL**

(Agenda Item 15)

Councillor Mitchell moved and Councillor Mallon seconded the following motion as amended by Councillor Goddard in ~~strikethrough~~ and **bold italics**:

This Council

- (a) notes that there are expected redundancies among military personnel in Oxfordshire. These military personnel and their dependents will need to adjust to civilian life and many will need to access a wide range of Council Services including Benefits advice, Adult and Children Services and Housing.
- (b) is concerned that military personnel coming to the end of their period of service can experience real difficulty in securing appropriate accommodation and employment causing considerable stress to them and to their dependents and place strain on county council social care and school provision.
- (c) recognises that:
  - (i) the nature of military life makes it hard to navigate the complex system of housing provision;

- (ii) the lack of a consistent policy of prioritisation for housing military personnel across our five district councils adds to their difficulty;
  - (iii) Support dries up rapidly after a service person has left military service.
- (d) believes military personnel coming to the end of their period of service deserve better support in returning to civilian life.

Instructs the Leader of the Council to:

- (a) ~~Write to District Council leaders, urging them to give consideration to a unified policy for prioritisation for service personnel requiring housing and other services;~~
- (a) **Write to District Council leaders urging them to join the leader of the Council to give consideration to a unified policy for meeting the full range of needs of service personnel, and their dependents, following their discharge from service;**
- (b) Write to the MoD stressing the need for improved support from the military in this area;
- (c) Refer the issue to the Oxfordshire Military Partnership for the new Leader of the Council and the Chief Executive to take forward.

Following debate, the motion as amended was carried unanimously.

**RESOLVED:**

This Council

- (a) notes that there are expected redundancies among military personnel in Oxfordshire. These military personnel and their dependents will need to adjust to civilian life and many will need to access a wide range of Council Services including Benefits advice, Adult and Children Services and Housing.
- (b) is concerned that military personnel coming to the end of their period of service can experience real difficulty in securing appropriate accommodation and employment causing considerable stress to them and to their dependents and place strain on county council social care and school provision.
- (c) recognises that:
  - (i) the nature of military life makes it hard to navigate the complex system of housing provision;
  - (ii) the lack of a consistent policy of prioritisation for housing military personnel across our five district councils adds to their difficulty.
  - (iii) Support dries up rapidly after a service person has left military service;
- (d) believes military personnel coming to the end of their period of service deserve better support in returning to civilian life.



Instructs the Leader of the Council to:

- (a) Write to District Council leaders urging them to join the leader of the Council to give consideration to a unified policy for meeting the full range of needs of service personnel, and their dependents, following their discharge from service;
- (b) Write to the MoD stressing the need for improved support from the military in this area;
- (c) Refer the issue to the Oxfordshire Military Partnership for the new Leader of the Council and the Chief Executive to take forward.

## **164/12 MOTION FROM COUNCILLOR RICHARD STEVENS**

(Agenda Item 16)

Councillor Stevens moved and Councillor Pressel seconded the following motion:

"This Council notes recent judicial decisions relating to the provision by local authorities of social and community services (including, without limitation, social care services and library services), and notes in particular the recent decision of The Honourable Mrs Justice Lang DBE in the *The Queen and Isle of Wight Council [2011] EWHC 2911 (Admin)*, in which The Honourable Mrs Justice Lang DBE approved the following statement of the Court of Appeal in *R v North East Devon Health Authority ex parte Coughlan [2001] QB 213*:

"..whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken."

Council calls on Cabinet to consider whether its consultation processes comply with this statement, with particular reference to the question of whether the recent consultation on library services gave the public in Oxfordshire sufficient information about the proposed running of library services by volunteers such that the proposals could be the subject of intelligent consideration and an intelligent response."

Following debate, the motion was lost by 39 votes to 12, with 3 abstentions.

**165/12 MOTION FROM COUNCILLOR VAL SMITH**

(Agenda Item 17)

Councillor Val Smith moved and Councillor Stevens seconded the following motion as amended by Councillor Mitchell in Bold Italics:

*“This Council supports the Times newspaper safer cycling campaign **but does not commit to measures requiring additional investment in the current financial climate.**”*

Following debate the motion was put to the vote and was carried nem con.

**RESOLVED:**

This Council supports the Times newspaper safer cycling campaign but does not commit to measures requiring additional investment in the current financial climate.

**166/12 MOTION FROM LIZ BRIGHOUSE, JOHN SANDERS, RICHARD STEVENS, JOHN TANNER AND LARRY SANDERS**

(Agenda Item 18)

The time being 4.00 pm the meeting closed and the motions from Councillors Brighouse, John Sanders, Stevens, Tanner and Larry Sanders were considered dropped in accordance with Council Procedure Rule 15.1.

**167/12 LEADER OF THE COUNCIL**

Following the conclusion of the formal meeting, Councillor David Robertson, Deputy Leader of the Council reminded those present that Councillor Mitchell had indicated that he would be resign as Leader of the Council on 14 May 2012. This was therefore his last meeting as Leader of the Council. He then thanked Councillor Mitchell and led tributes from the leaders of the political groups.

Councillor Mitchell thanked Council for their kind words and shared memories and experiences of his time as Leader of the Council.

..... in the Chair

Date of signing .....

Division(s): N/A

## COUNTY COUNCIL – 15 MAY 2012

### COMMITTEES AND REVIEW OF POLITICAL BALANCE

#### Report by the County Solicitor & Monitoring Officer

1. The Council is required annually to appoint "at least one scrutiny committee, and such other committees as the Council considers appropriate", to review the political balance on committees and to appoint members to the committees. At the Council meeting on 20 March 2012 it was agreed that the Audit Committee be renamed as the Audit & Governance Committee and its terms of reference expanded to include overview of member standards. Additionally Council approved the creation of the Remuneration Committee. A schedule is attached (Annex 1) showing the present committees amended to reflect these changes. Terms of reference are attached ( Annex 1(a) and 1(b)) for the Audit & Governance Committee and Remuneration Committee. The Monitoring Officer will make consequential changes to the Constitution
2. The Constitution requires the appointment of committees to take place at the annual meeting and the Local Government & Housing Act 1989 requires a review of the political balance on committees on an annual basis. A note is attached (Annex 2) which summarises how the rules operate.
3. A schedule is attached (Annex 3) showing the initial arithmetical product of the rules for the Council's committees. The figures in brackets show the adjustments which are necessary to achieve the balance across and within committees to comply with the rules.
4. In summary the changes necessary are:
  - (a) To obtain balance across the scrutiny committees, the Liberal Democrat, Labour, and Green Groups have 2, 1 and 1 additional seats respectively. There is a remaining unfilled seat; and
  - (b) To obtain balance across the other committees of the Council and overall the Labour Group must lose one place (making two 'unfilled' seats) and the Green Group have 2 additional seats. The two 'unfilled' seats must therefore be offered to the Green Group, together with the remaining unfilled seat from the scrutiny committees

The seat that then remains unfilled must be offered to the independent member.

### RECOMMENDATIONS

5. **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.

PETER CLARK  
County Solicitor & Monitoring Officer

Background Papers: Nil

Contact Officers: Sue Whitehead, Committee Services Manager Tel: 01865  
810262

May 2012

# Membership of Committees and Sub-Committees

## Audit & Governance Committee (10)

	<b>Conservative (6)</b>	<b>Green (1)</b>	<b>Labour (1)</b>		<b>Liberal Democrat (1)</b>
	Jelf	L. Sanders	Darke	sp	Armitage
	Lovatt				
dc	Mathew				
	Shouler				
	Stratford				
ch	Wilmshurst				

### Non-Voting Co-opted Members (1)

#### *Representative of the Business Community:*

Dr Geoff Jones, PO Box 636, Oxford OX1 9AZ

\*\*\*\*\*

## Democracy & Organisation Committee (15)

	<b>Conservative (10)</b>	<b>Green (0)</b>	<b>Labour (2)</b>		<b>Liberal Democrat (2)</b>
	Ahmed		Brighthouse	sp	Purse
	Michael Badcock		Stevens		R. Smith
	Billington				
	Brown				
	Gibbard				
	Jelf				
dc	Lovatt				
ch	Owen				
	Reynolds				<b>Independent (1)</b>
	Thompson				Atkins

\*\*\*\*\*

## Appeals Sub-Committee (3)

- Chairman of Democracy & Organisation Committee
- Deputy Chairman of Democracy & Organisation Committee
- Opposition Group Spokesman of Democracy & Organisation Committee

\*\*\*\*\*

- ch – Chairman
- dc - Deputy Chairman
- sp - Opposition Group Spokesman

**Appointment Sub-Committee (Variable) (6)**

Six Councillors at least one of whom must be a member of the Cabinet

\*\*\*\*\*

**Fire Service Discipline Sub-Committee (3)**

Three Councillors at least one of whom must be a member of the Cabinet

\*\*\*\*\*

**Gradings Sub-Committee (3)**

Chairman of Democracy & Organisation Committee  
Deputy Chairman of Democracy & Organisation Committee  
Opposition Group Spokesman of Democracy & Organisation Committee

\*\*\*\*\*

**Pension Benefits Sub-Committee (3)**

Chairman of Democracy & Organisation Committee  
Deputy Chairman of Democracy & Organisation Committee  
Opposition Group Spokesman of Democracy & Organisation Committee

\*\*\*\*\*

**Pension Fund Committee (9)**

	<b>Conservative (5)</b>	<b>Green (0)</b>	<b>Labour (1)</b>	<b>Liberal Democrat (1)</b>
ch	Harvey		Darke	sp Fooks
	Lilly			
	Seale			
dc	Service			
	Shouler			

**Voting Co-opted Members (2)**

***District Council Representatives:***

District Councillor Richard Langridge, 5 Hoyle Close, Witney, Oxon OX28 1JD

District Councillor Jerry Patterson, 17 Woodcroft, Kennington, Oxford OX1 5NH

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- ch - Chairman
- dc - Deputy Chairman
- sp - Opposition Group Spokesman

**Planning & Regulation Committee (15)**

	<b>Conservative (11)</b>	<b>Green (0)</b>	<b>Labour (2)</b>	<b>Liberal Democrat (2)</b>
	Crabbe			
dc	Fitzgerald-O'Connor		J. Sanders	sp Armitage
	Fulljames		Tanner	Hannaby
ch	Hayward			
	Jelf			
	Jones			
	Lilly			
	Nimmo-Smith			
	Owen			
	Reynolds			
	Seale			

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**Remuneration Committee (6)**

	<b>Conservative (4)</b>	<b>Green (0)</b>	<b>Labour (1)</b>	<b>Liberal Democrat (1)</b>
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**Thames Valley Police Authority Appointments Committee (3)**

	<b>Conservative (2)</b>	<b>Green (0)</b>	<b>Labour (0)</b>	<b>Liberal Democrat (1)</b>
	Mallon			Patrick
	Viney			

## County Council Representatives on Staff Consultative Bodies

### Oxfordshire County Council Joint Consultative Committee for Uniformed Members of the Fire Service (7)

<b>Conservative (5)</b>	<b>Green (0)</b>	<b>Labour (1)</b>	<b>Liberal Democrat (1)</b>
Hayward		* J. Sanders	* Goddard
Heathcoat			
Nimmo-Smith			
Sexon			
Stratford			

\*\*\*\*\*

### Oxfordshire County Council & Teachers' Joint Committee (10)

<b>Conservative (8)</b>	<b>Green (0)</b>	<b>Labour (1)</b>	<b>Liberal Democrat (1)</b>
Chapman		* V. Smith	* Altaf-Khan
Fitzgerald-O'Connor			
Nimmo-Smith			
Robertson			
Service			
Seale			
Tilley			
* Waine			

\*\*\*\*\*

### Oxfordshire County Council & Employees Joint Consultative Committee (7)

<b>Conservative (5)</b>	<b>Green (0)</b>	<b>Labour (1)</b>	<b>Liberal Democrat (1)</b>
Fitzgerald-O'Connor		* Stevens	* Fooks
Hudspeth			
Lovatt			
Stratford			
* Wilmshurst			

\* - Group Spokesman



# Membership of Scrutiny Committees

## Adult Services Scrutiny Committee (10)

	<b>Conservative (7)</b>	<b>Green (1)</b>	<b>Labour (1)</b>		<b>Liberal Democrat (1)</b>
dc	Fitzgerald-O'Connor Hudspeth Jones	L. Sanders	Stevens	sp	Hannaby
ch	Seale Skolar Thompson Wilmshurst				

\*\*\*\*\*

## Children's Services Scrutiny Committee (15)

	<b>Conservative (8)</b>	<b>Green (0)</b>	<b>Labour (1)</b>		<b>Liberal Democrat (2)</b>
ch	Marilyn Badcock Bonner Fitzgerald-O'Connor Owen Seale		V. Smith	sp	Altaf-Khan Godden
dc	Sexon N. Turner Waine				

### Voting Co-optees (4)

**Representing the Church of England:** Mrs Sue Matthew, 107 Southmoor Road, Oxford, OX2 6RE

**Representing the Roman Catholic Church:** Mr Chris Bevan, 35 Hanson Road, Abingdon, Oxon, OX14 1YL

### Parent Governor Representatives:

**Primary:** Vacancy

**Secondary and Special:** Vacancy

\*\*\*\*\*

- ch - Chairman
- dc - Deputy Chairman
- sp - Opposition Group Spokesman

**Growth & Infrastructure Scrutiny Committee (10)**

	<b>Conservative (7)</b>	<b>Green (0)</b>	<b>Labour (1)</b>		<b>Liberal Democrat (2)</b>
	Gibbard		Tanner	sp	Purse
	Greene				D. Turner
	Handley				
	Mathew				
ch	Nimmo-Smith				
	Strangwood				
dc	N. Turner				

\*\*\*\*\*

**Safer & Stronger Communities Scrutiny Committee (10)**

	<b>Conservative (7)</b>	<b>Green (0)</b>	<b>Labour (2)</b>		<b>Liberal Democrat (1)</b>
	Ahmed		Pressel	sp	Goddard
	Gearing		J. Sanders		
dc	Lilly				
	Service				
ch	Stratford				
	Thompson				
	Viney				

\*\*\*\*\*

**Strategy & Partnerships Scrutiny Committee (10)**

	<b>Conservative (7)</b>	<b>Green (1)</b>	<b>Labour (1)</b>		<b>Liberal Democrat (1)</b>
	Bolster	Sherwood	Brighouse	sp	Fooks
ch	Carter				
	Hallchruch				
	Hibbert-Biles				
dc	Lovatt				
	Skolar				
	Wilmshurst				

\*\*\*\*\*

ch - Chairman  
dc - Deputy Chairman  
sp - Opposition Group Spokesman

## Joint Committees

### Oxfordshire Joint Health Overview & Scrutiny Committee (15)

<p><b>Conservative (5)</b> Seale Shouler ch Skolar Strangwood Stratford</p>	<p><b>Green (0)</b></p>	<p><b>Labour (1)</b> Val Smith</p>	<p><b>Liberal Democrat (1)</b> sp Hannaby</p>
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**District Council Representatives (5):**

- District Councillor Hilary Hibbert-Biles, Maple House, Church Path, Shipton-under-Wychwood, Chipping Norton, Oxon OX7 6BQ
- dc District Councillor Dr Christopher Hood, Kestrals, 20 Hilliers Close, Sydenham, Oxon, OX39 4NG
- City Councillor Susanna Pressel, 7 Rawlinson Road, Oxford OX2 6UE
- District Councillor Rose Stratford, 8 Queens Court, Bicester, Oxon OX26 6JX
- District Councillor Alison Thomson, 28 Elm Road, Faringdon SN7 7EJ

**Co-optees Members (3)**

- Dr Harry Dickinson, 12 Henwood, Boars Hill, Oxford OX1 5JX
- Dr Keith Ruddle, Hill Lawn House, 22 New Street, Chipping Norton, Oxon OX7 5LJ
- Mrs A. Wilkinson, Carrig House, 3 Pullensford, Pullens Lane, Headington, Oxon OX3 0BV

\*\*\*\*\*

ch - Chairman  
dc - Deputy Chairman  
sp - Opposition Group Spokesman

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## Audit and Governance Committee

Draft terms of reference (Part 2, Article of the Council's Constitution).

Changes to the previous terms are shown in **bold** (paragraphs 5-8 below).

- (1) The functions in relation to the approval of the statement of accounts etc specified in Paragraph 45 in Section I of Schedule 1 to the Functions Regulations including the Annual Governance Statement (including Statement on Internal Control).
- (2) To monitor the risk, control and governance arrangements within the Council, together with the adequacy of those arrangements and those of others managing Council resources:
  - to ensure compliance with relevant legislation, guidance, standards, codes and best practice, whether external or internal;
  - to provide assurance on the effectiveness of those arrangements both generally and for the purposes of the Annual Governance Statement, including arrangements for reporting significant risks; and
  - to ensure coordination between internal and external audit plans to maximise the use of resources available as part of a total controls assurance framework;

and to draw to the attention of the appropriate scrutiny committee any issues which in the Committee's view would benefit from a scrutiny review or further investigation.

- (3) To consider and comment on the Council's External Auditor's annual work plan, the annual audit letter and any reports issued by the Audit Commission or the Council's External Auditor. Where issues affect the discharge of executive functions, to make recommendations as appropriate to the Cabinet, and where any issues affect the discharge of non-executive functions, to make recommendations to the appropriate Council Committee.
- (4) To systematically monitor:
  - the performance and effectiveness of Internal Audit Services processes within the Council, including undertaking an annual review using key performance indicators e.g. client satisfaction, percentage of plan completed, percentage of non-chargeable time;
  - the strategic Internal Audit Services Plan and annual work plan, advising on any changes required to ensure that statutory duties are fulfilled;
  - resourcing for the service, making recommendations to the Cabinet and Council on the budget for the service;
  - arrangements for the prevention and detection of fraud and corruption; and
  - the system for Treasury Management

and to draw to the attention of the appropriate scrutiny committee any issues which in the Committee's view would benefit from a scrutiny review or further investigation.

- (5) **To promote high standards of conduct by councillors and co-opted members**
- (6) **To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the code of conduct for members**
- (7) **To receive reports from Members Advisory Panels appointed to investigate allegations of misconduct under the members' code of conduct**
- (8) **To advise the Council as to the adoption or revision of the members' code of conduct**
- (9) To implement the foregoing in accordance with a programme of work agreed by the Committee annually in advance, and to report to the Council on the Committee's performance in respect of that programme.

# The Remuneration Committee

## 1. Remuneration Committee

The Council will establish a Remuneration Committee.

## 2. Composition

The Remuneration Committee will comprise six county councillors and membership will be in accordance with the rules on political proportionality.

## 3. Role and function

- (1) To make recommendations to Council on the content of an annual pay policy statement for each forthcoming year;
- (2) In reviewing and developing recommendations on the annual pay policy statement, to take into account:
  - appropriate independent advice; and
  - the comments of Oxfordshire County Councillors.
- (3) To undertake the functions in relation to the appointment etc. of staff specified in Paragraph 37 in Section I of Schedule 1 to the Functions Regulations insofar as these functions relate to Directors and Chief Officers (and equivalent grades), including:
  - The appointment of Directors;
  - Making recommendations to Council as to the appointment of the Head of the Paid Service;
  - Agreeing changes to the salaries and remuneration of Directors and other officers on Chief Officer (or equivalent grades) provided such changes are in accordance with the Council's pay policy statement as required by Section 41 of the Localism Act 2011.
- (4) In addition to the recommendation of an annual pay policy statement, to make an annual report to Council on the work of the Committee.

## 4. Validity of proceedings

A meeting of the Remuneration Committee shall not be quorate unless at least three members are present for the duration of the meeting.

The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

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## Local Government & Housing Act 1989 - Political Balance

### General Description of the Rules

1. For most local authority committees and sub-committees and for certain other appointments, the 1989 Act requires the Council to allocate seats to political groups in accordance with the groups' proportionate strength on the Council as a whole.
2. The political balance requirement applies only where political groups have been set up, but where it does apply the allocation to committees has to be reviewed annually. A review is also required on the formation of a new political group or if requested by a member newly joining a group.
3. A committee must review the allocation of seats on its sub-committees following any change in the committee's membership as a result of a 1989 Act review.

### The Allocation

4. The allocation process depends on the proportionate strengths of the political groups and the nature of the committee, sub-committee or other body concerned. The following rules apply:
  - (i) Where a group has an overall majority on the Council, that group is entitled to a majority of the seats on each committee and sub-committee. For this purpose only, the calculation must include seats occupied by voting co-optees on a scrutiny committee or sub-committee concerned with education.
  - (ii) Each political group is entitled to its proportion of the total number of seats on all the committees added together, according to the ratio of the number of members of the group to the number of members of the Council.<sup>1</sup>
  - (iii) Subject to (i) and (ii) above, each group is entitled to its proportion of the number of seats on each individual committee.
  - (iv) For sub-committees and some other bodies, a group is entitled to its proportion of the number of seats regardless of the total number of seats involved (but still subject to the majority rule in (i) above).
  - (v) The allocations of seats to political groups are rounded up or down to the nearest whole number. Where the allocations leave a seat or seats unfilled on a committee, sub-committee or other body those seats must be allocated to any independent members of the Council.
5. Except where a "no dissent" alternative (as described below) is adopted, application of these principles, "so far as reasonably practicable", is

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<sup>1</sup> The Council has in the past sought so far as possible to apply this principle to the total seats on scrutiny committees and "other" committees also, but this is not a legal requirement

mandatory. Once the allocations have been agreed under this procedure, the appointment of individual members must then be made in accordance with the wishes of the respective groups.

### **Alternatives where “No Dissent”**

6. The requirement to allocate seats according to political groups' proportionate strengths can be overridden by some other arrangement, either in relation to all committees, sub-committees and other bodies or in relation to any individual committee, sub-committee or other body, provided that no councillor votes against the alternative arrangement when it is proposed.

## ANNEX 3

## Political Proportionality : Product of Local Government &amp; Housing Act Formula

## Committees subject to Proportionality Rules

	Seats	Cons	Lab	Lib Dem	Green	Total	Balance	Further Adjustment required
Adult Services Scrutiny Committee	10	7	1	1	0	9	-1	
Children's Services Scrutiny Committee	10	7	1	1	0	9	-1	Additional seat allocated to Conservative Group to preserve majority on 15 person committee (when voting co-optees counted)
Growth & Infrastructure Scrutiny Committee	10	7	1	1	0	9	-1	
Safer & Stronger Communities Scrutiny Committee	10	7	1	1	0	9	-1	
Strategy & Partnership Committee	10	7	1	1	0	9	-1	
<b>Sub-Total</b>	<b>50</b>	<b>35</b>	<b>5(6)</b>	<b>5(7)</b>	<b>0(1)</b>	<b>45(49)</b>	<b>-5</b>	
<b>Notional Entitlement</b>	<b>50</b>	<b>35</b>	<b>6</b>	<b>7</b>	<b>1</b>	<b>49</b>	<b>-1</b>	
<b>Balance</b>		<b>0</b>	<b>-1</b>	<b>-2</b>	<b>-1</b>	<b>-4</b>		

Planning & Regulation Committee	15	11	2	2	0	15	0	
Pension Fund Committee	7	5	1	1	0	7	0	
Audit & Governance Committee	9	6	1	1	0	8	-1	
Democracy & Organisation Committee	15	11	2	2	0	15	0	
Remuneration Committee	6	4	1	1	0	6	0	
<b>Sub-Total</b>	<b>52</b>	<b>37</b>	<b>7(6)</b>	<b>7</b>	<b>0(1)</b>	<b>51</b>	<b>-1</b>	
<b>Notional Entitlement</b>	<b>52</b>	<b>37</b>	<b>6</b>	<b>7</b>	<b>1</b>	<b>51</b>	<b>-1</b>	
<b>Balance</b>		<b>0</b>	<b>1</b>	<b>0</b>	<b>-1</b>	<b>0</b>		

<b>Overall Total</b>	<b>102</b>	<b>72</b>	<b>12</b>	<b>12</b>	<b>0</b>	<b>96</b>	<b>-6</b>	
<b>Legal Entitlement</b>	<b>102</b>	<b>72</b>	<b>12</b>	<b>14</b>	<b>3</b>	<b>101</b>	<b>-1</b>	
<b>Balance</b>		<b>0</b>	<b>0</b>	<b>-2</b>	<b>-3</b>	<b>-5</b>		

## Nominations to Joint Committees

	Seats	Cons	Lab	Lib Dem	Green	Total	Balance
Health Overview & Scrutiny Joint Committee	7	5	1	1	0	7	0
TVPA Appointments Committee	3	2	0	0	0	2	-1

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Division(s): N/A

## COUNCIL – 15 MAY 2012

### OFFICER SCHEME OF DELEGATION

Report by the County Solicitor and Monitoring Officer

#### Introduction

1. At its Annual Meeting, Council is required to agree the officer scheme of delegation within the Council's Constitution.

#### Scheme of Delegation

2. 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.
3. 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.

#### Director for Children's Services

4. Jim Leivers has recently been appointed as The Director for Children Service's. The Directorate, Children, Education and Families and the services for which the Director remains responsible are the same. However, for the avoidance of doubt, Article 11 has been changed by the Monitoring Officer to reflect the new post title.

#### Chief Executive

5. As part of Social & Community Services delivery of the Council's Business Strategy it has gone through a major re-organisation and is now actively engaged in playing a leading role in taking forward the new Health and Social Care agenda. The Council has an exciting new role in being the lead Authority working in partnership with GPs and others in assessing and planning for the health needs of the people of Oxfordshire. This new direction for the Council requires us to ensure all key services are fully aligned to these key objectives. As a result the responsibility for Libraries and Museum Services has moved from the Director for Social & Community Services to the head of law & Governance under the Chief Executive. Article 11 of the Constitution has been amended accordingly.

#### RECOMMENDATION

6. 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.**

PETER CLARK  
County Solicitor and Monitoring Officer

Background papers: Nil

Contact Officer: Glenn Watson, Principal Governance Officer: (01865) 815270

May 2011

Division(s): N/A

## COUNTY COUNCIL – 15 MAY 2012

### REPORT OF THE CABINET

#### ***Cabinet Member: Finance & Property***

#### **1. 2011/12 Financial Monitoring & Business Strategy Delivery Report**

*(Cabinet, 17 April 2012)*

Cabinet considered the next in the series of regular reports which focussed on the delivery of the Directorate Business Strategies agreed as part of the service and resources planning process for 2011/12-2015/16 and which formed part of the forecast position for each Directorate.

Cabinet approved supplementary estimates. Cabinet agreed the creation of new reserves for: self-financing services for The Roundabout Daycare and the Forest School Training service; a two year project involving joint working with Thames Valley Police; the remaining unallocated funding from 2011/12 for the Big Society Fund until bids are considered and agreed by Cabinet; the Change Management and New Ways of Working Project and for projects within the Coroner's service. Cabinet approved new capital schemes and budget changes and approved virements for financial year 2012/13.

#### ***Cabinet Member: Police & Policy Co-ordination***

#### **2. Big Society Fund- April**

*(Cabinet, 17 April 2012)*

Cabinet considered bids to the Big Society Fund from the third wave of applications and gave approval to the following bids: Easington Sports and Social Football Club; North Newington Village Improvement Group; Asthall Leigh Memorial Hall; Kirtlington Film Club; Blackbird Leys Adventure Playground and Wantage Independent Advice Centre. Cabinet agreed a standard award of £5,000 for each of the three community cinema bids; approved the bid from South Stoke Community Shop Ltd and delegated authority to the Cabinet Member for Police & Policy Coordination to determine the bid for Coffee Plus and Lunch Plus – Stadhampton.

#### ***Cabinet Member: Transport***

#### **3. Bus Service Subsidies**

*(Cabinet member for Transport Delegated Decision -22 March 2012)*

The Cabinet Member for Transport considered a report and made decisions on the following matters:

- (a) The Review of Subsidised Bus Services in the Henley, Wallingford and Didcot areas, which, if awarded, will be effective from Sunday 3rd June 2012.
- (b) Other bus subsidy contracts elsewhere in the County.

*Note: As set out under Rule 18(b) of the Scrutiny Procedure Rules, this decision was exempt from Call-In as it was deemed urgent and any delay would have resulted in service discontinuity.*

#### **4. Local Transport Plan 2011-2030 –Annual Review 2012**

*(Cabinet, 17 April 2012)*

The Oxfordshire Local Transport Plan 2011-2030 (LTP3) was approved by Cabinet on 15 March 2011 and adopted as Council policy on 5 April 2011. To ensure that the Plan was kept up to date it was agreed that LTP3 should be subject to a system of annual review, and also that interim changes could be made by the agreement of the Head of Transport and Cabinet Member for Transport provided that these were presented to County Council for approval within 12 months.

The report outlined the changes to LTP3 that had been agreed provisionally during the year together with other suggested changes which included updates to the Local Area Strategies and policy changes and clarifications concerning High Speed Rail, the county rail strategy, network classification and lorry routing, network improvements, electric vehicles and controlled parking zones. Cabinet approved the proposed changes to the Local Transport Plan 2011-2030 and agreed to RECOMMEND to County Council that the revised document is adopted to replace the 2011 version.

N.B. A report on the recommended changes is to be submitted to the next full Council meeting.

#### **5. Proposed Framework for Spending Community Transport Grant Funding**

*(Cabinet, 17 April 2012)*

Cabinet considered a report that described the current community transport provision in Oxfordshire, and set out a strategic approach, rationale and recommendations for spending the grant money. Cabinet approved the spending plan.

**KEITH R MITCHELL, CBE**

Leader of the Council

May 2012





# **ANNUAL REPORT OF THE STANDARDS COMMITTEE 2011/12**





## Introduction

1. This is my third and final annual report to Council since my election as Chairman of the Standards Committee. This report updates Council on the Committee's activities and the changing context of them.

## Standards Committee's Responsibilities

2. The Standards Committee was set up in November 2001 as part of the ethical framework introduced by the Local Government Act 2000. Its areas of responsibility include:
  - To advise the Council on the adoption of and any revisions to the Code of Conduct for Oxfordshire County Council, to monitor its operation, and to assist councillors and co-opted members to observe its provisions;
  - To promote high standards of conduct by councillors and co-opted members;
  - To deal with reports from the Monitoring Officer or an Ethical Standards Officer of Standards for England on their investigations into allegations of breaches of the Code of Conduct.
3. The Standards Committee has also been responsible for the local consideration of allegations of breaches of the Code of Conduct and consequently set up the following three Sub-Committees to carry out this responsibility:
  - Initial Assessment Panel – to carry out the initial assessment of misconduct allegations;
  - Review Panel – to review a decision of the Initial Assessment Panel to take no action in respect of an allegation;

- Standards Hearing Panel – to determine any matters referred to it under the provisions of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.
4. In addition, the Committee has set up a Dispensations Sub-Committee to consider applications from members for dispensation on speaking and voting at meetings when they have a prejudicial interest.

## Changing context and activity

5. The standards context over the last year has been dominated by the Coalition Government's intention to abolish the current standards regime. In December 2011, the awaited Localism Act was published which confirmed the abolition of the national body Standards for England together with the intention that councils would no longer be obliged to maintain standards committees. The Government's vision for the new framework was to achieve a proportionate local arrangement. Although it had initially been intended to abolish the requirement for a code of conduct, this was not reflected in the Localism Act which does require a code to be adopted together with local arrangements for handling complaints about member conduct.
6. Therefore, since my last report, the Committee has remained committed to enabling the Council to make a seamless transition from one regime to another. At the Committee's formal meeting in December 2011, and in more detail at an informal workshop in January 2012, the Committee framed its

views and advice to the Council. This included a recommendation, in view of the spirit and letter of the Localism Act, that an optional standards committee not be appointed under the new regime. The Committee also expressed support for a joint approach to be taken by all of Oxfordshire's principal authorities to develop a single consistent code applicable to all these councils and potentially to the county's parish and town councils. The Committee regarded this as a very positive approach.

7. While the Localism Act was clear that authorities should appoint at least one 'independent person' to advise the Monitoring Officer in the consideration of complaints against councillors, it appeared that current independent members of standards committee were barred from being appointed to such positions. At the time of writing, it is possible that the Government may be minded to relax this potentially unintended restriction. However, the Committee deliberately did not give a view on this matter other than to endorse the value of appointing independent persons as a key feature of the new regime.
8. Mindful of the need to support the transition to new arrangements, the Committee did agree to keep a watching brief on the development of training to support councillors and co-opted members in understanding their responsibilities under any new regime. I note that a briefing on the Localism Act generally has been scheduled for May 2012.
9. One area of activity over which the Committee has maintained an overview is the arrangement for

criminal records bureau checking of members. The Committee noted during the year the provisions of the Protection of Freedoms Bill, which the Coalition Government intends will bring a lighter-touch and more proportionate regime. This is likely to mean that the Council's current practice of checking all members upon their election (unless checked in the twelve months prior to election) would no longer be appropriate. For now, the Committee has endorsed the continuation of that practice and recognises that this will be an area that will need to be addressed by the Monitoring Officer and the Council once the Protection of Freedoms Bill is passed.

## Membership

10. The Committee re-elected me as Chairman and Doctor Nina Alpey as Deputy Chairman of the Committee at its June meeting and Professor Meryll Dean and Mr Mark Greenwood have continued to serve as independent members of the Committee.
11. I would like to record my thanks to Nina Alpey, to Meryll Dean and to Mark Greenwood for their valuable support to me, to the Committee and to the people of Oxfordshire as independent members of the Standards Committee.

12. I would also like to record my thanks to all the Councillors and Independent Members that have sat on the Standards Committee since its inception in 2001. Their commitment to standards has been apparent in the way they have worked together, regardless of their political allegiances. It has been a privilege working with them all.

13. It is the general view of the Standards Committee that Members do treat each other with respect and that the standards of conduct exhibited by Councillors is good in this Council. I see this as a strength of the Council and hope that the new arrangements will maintain this current level.

### **Complaints and the 'local filter'**

14. The Standards Committee receives and makes initial assessments of new misconduct allegations relating to this authority, considers requests to review decisions to take no action and conducts hearings to determine complaints which have been investigated. This is known as the 'local filter'.

15. The Initial Assessment Panel has met three times since my last report. In one case it was decided that no further action should be taken. Of the two other cases, a finding of 'other action' was made. In one, this involved additional training on the Code for the member concerned, specific guidance to all councillors on the registration of interests involving lobby groups and a reminder to review register entries. In the other case, it was decided to ask the Monitoring Officer to remind all

members of the importance of treating each other with respect.

16. At the time of writing this report, the Initial Assessment Panel will meet to consider a further case during May 2012.

### **Conclusion**

17. The imminent change to the standards regime draws a line under the work of the Standards Committee. I am sure however that the Council's commitment to promoting good practice and high standards of conduct will continue under the new arrangements.

18. It has been a privilege to serve as Independent Chairman of the Standards Committee and to contribute, with fellow committee members, to encouraging high standards among Oxfordshire's elected and co-opted members. I am grateful to the support of members and officers of the Council in the fulfilment of the Committee's role and my role as Chairman.

19. I am pleased to commend this report to the Council.

### **Ann Griffiths**

Independent Chairman of the  
Standards Committee  
May 2012

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Division(s): N/A
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**COUNCIL – 15 MAY 2012****MEMBERS CODE OF CONDUCT AND COMPLAINTS PROCEDURE****Report by County Solicitor & Monitoring Officer****Introduction**

1. Under the Localism Act 2011, the current standards regime for local authorities is due to be repealed on 1 July 2012. At its meeting on 20 March, the Council made some decisions as to the shape of future standards arrangements for Oxfordshire County Council under the Localism Act. These included the cessation of the Council's Standards Committee and a decision to transfer to the Audit Committee – as a newly-named Audit and Governance Committee – the responsibility for the overview of member standards. It was also agreed in principle that a member-officer working group, reporting to the Audit and Governance Committee, be appointed to consider complaints under the new standards arrangements.
2. Two further decisions now need to be made. Firstly, the Council is required formally to adopt a code of conduct to apply from 1 July 2012 in place of the current code. Annex 1 to this report contains a draft code for Council's consideration. This is based on an 'Oxfordshire' model prepared by the Monitoring Officers of this Council and the five Oxfordshire district councils. Secondly, at its meeting in March, Council asked the Monitoring Officer to suggest a potential procedure for considering complaints against members. This report outlines such a procedure for Council's approval and a copy is included at Annex 2.

**New Members' Code of Conduct**

3. Under the Localism Act, authorities may revise their existing code or adopt a new one to replace it. The code of conduct proposed at Annex 1 of this report has been produced jointly by the Monitoring Officers of the County Council and Oxfordshire's five district and city councils with the intention of replacing the codes currently in operation at these authorities with a new code consistent to them all. The proposed code fulfils the requirements of the Localism Act and has been prepared having regards to other drafts produced by the Department for Communities and Local Government and the Local Government Association. Oxfordshire's Monitoring Officers consider that the local draft is preferred for its clarity and practicality to members and the public. The Oxfordshire Association of Local Councils has also expressed support for the adoption of a consistent county-wide code.
4. Under the Localism Act, a Council's code must:

- (a) Be consistent with the seven named principles of:
    - (i) Selflessness
    - (ii) Integrity
    - (iii) Objectivity
    - (iv) Accountability
    - (v) Openness
    - (vi) Honesty and
    - (vii) Leadership
  - (b) Include provision for the registration and disclosure of pecuniary and non-pecuniary interests.
5. The draft new code fulfils these requirements and contains three brief sections:
- (a) Principles – a short description of behaviours under each principle;
  - (b) General obligations – such as confidentiality and mutual respect;
  - (c) Registering and declaring interests – a brief definition of including a short definition of the statutory.
6. The Localism Act abolishes the concepts of personal and prejudicial interests. The Monitoring Officer is required to maintain a register of interests, which must be available for public inspection and available on the Council's website.
7. Regulations are still awaited at the time of drafting this report as to the definition of disclosable pecuniary interests under the Localism Act. However, the draft code contains a bridging description of the procedure to be followed, from 1 July 2012, as regards pecuniary and non-pecuniary interests. This is taken from wording suggested by the Department of Communities and Local Government. It is considered that this reference is sufficient to enable the Council formally to adopt the code in its proposed format now without waiting for the publication of the formal Regulations. When the Regulations are published, consequential amendments could be made to the approved code by the Monitoring Officer.
8. In summary, the proposed code would, under the Act, require members to abide by the principles set out in the Code having regard to the definitions included in it. The registration and declaration of certain interests would be required and failure to register a disclosable interest on taking office would be a criminal offence; this latter requirement is new to the incoming standards regime and is intended to complement the otherwise lighter-touch regime.
9. Allegations of failure to comply with the code, once adopted, would be dealt with under the proposed complaints procedure outlined below, if approved by the Council.

### **Procedures for considering complaints**

10. The Localism Act requires the Council to have in place arrangements for investigating and deciding on any allegations of a breach of any Code put in place from 1 July.



11. At its last meeting, Council agreed that such arrangements should include a member-officer working group along the lines of the existing Audit Working Group, thereby creating a pool of members who could be involved in handling complaints about Councillors under any revised Code of Conduct. Its work would be reported to the newly appointed Audit and Governance Committee, giving the assurance of formal member oversight. The Monitoring Officer would include reference to this work in his Annual Monitoring Report, which already goes to the Audit Committee. In short, the proposed complaints procedure would be proportionate and involves a role for the Monitoring Officer in determining whether a complaint merits formal investigation and if so how this should proceed. In accordance with the Act, the arrangements would also have an advisory role for an 'Independent Person' recruited for the purpose following public advertisement.
12. Annex 2 includes an outline procedure for Council's approval. This fulfils the requirements of the Act while also respecting the proportionate approach envisaged by the Coalition Government.

## **RECOMMENDATIONS**

13. **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.**

**PETER G CLARK**

County Solicitor & Monitoring Officer

Background papers:

The Localism Act 2011

Contact Officer: Peter Clark Tel: (01865) 323907

May 2012

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# Code of 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 members<sup>1</sup> 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.

## SELFLESSNESS

3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

## 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.

## 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.

## 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.

## 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.

## 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.

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<sup>1</sup> 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".

## 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;
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'<sup>2</sup>.
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 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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<sup>2</sup> 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.

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## Arrangements for Dealing with Complaints Against Members Under The Localism Act 2011

### 1. Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this Authority 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.

### 2. The Code of Conduct

The Council has adopted a Code of Conduct for Members [which will be attached when Council have adopted the Code], which is attached as Appendix 1 to these arrangements and available for inspection on the Authority’s website and on request.

### 3. Making a Complaint

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

The Monitoring Officer  
Law & Governance  
Oxfordshire County Council  
County Hall  
New Road  
Oxford  
OX1 1ND

or

[standards.monitoringofficer@oxfordshire.gov.uk](mailto:standards.monitoringofficer@oxfordshire.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.

To ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the Authority’s website and is also available on request.

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 explain your reasons in this space provided on the complaint form. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in so doing.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, 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, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. 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 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.

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.

Before taking any decision, the Monitoring Officer will consult the Independent Person.

#### 5. **How Is The Investigation Conducted?**

The Monitoring Officer will determine the procedure to be adopted if a decision is taken to undertake a formal investigation. This may involve the appointment of an Investigating Officer, who may be another Senior Officer of the Authority, an Officer of another Authority or an external investigator.

It would be usual to 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.

At the end of the investigation, a report will be prepared for the Monitoring



Officer to consider and who send copies to the complainant and the Member concerned.

**6. What does the Code reference to bullying mean?**

Bullying may be regarded as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group and which can have a damaging effect on a victim's confidence, capability and health. Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs, (but within the scope of this Code of Conduct). It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is unlikely that a member will be found guilty of bullying when both parties have contributed to a breakdown in relations.

**7. What Happens If There Appears To Be No Evidence Of A Failure To Comply With The Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report (if applicable) and consult the Independent Person. If he/she is satisfied that the report is sufficient and no further action is required, the Monitoring Officer will write to you and the Member giving you both a copy of the final report.

**8. What Happens If There Appears To Be Evidence Of A Failure To Comply With The Code Of Conduct?**

The Monitoring Officer will review any relevant report and consult the Independent Person. The Monitoring Officer will then either send the matter for local hearing before the Members' Advisory Panel or seek local resolution.

**8.1. 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 agrees with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Governance Committee for information, but will take no further action.

**8.2. Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, particularly if the allegation relates to serious misconduct,

then the Monitoring Officer will report the matter to the Members' Advisory Panel which will conduct a local hearing to consider whether the Member has failed to comply with the Code of Conduct and, if so, whether to recommend action in respect of the Member.

The Monitoring Officer will request that the Member gives his/her response to the Investigating Officer's report, to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Members' Advisory Panel 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 at the Members' Advisory Panel. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Members' Advisory Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

9. **What Action Can The Members' Advisory Panel Take Where A Member Has Failed To Comply With The Code Of Conduct?**

The Members' Advisory Panel may recommend the Monitoring Officer to:

- 9.1. Censure or reprimand the member;
- 9.2. Publish its findings in respect of the Member's conduct;
- 9.3. Report its findings to Council for information;
- 9.4. Recommend to the Member's Group Leader (if applicable) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 9.5. Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 9.6. Recommend to Council that the member be replaced as Leader of the Council;
- 9.7. Instruct the Monitoring Officer to offer training for the Member;
- 9.8. Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access, or
- 9.9. Exclude the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending

Council, Committee and Sub-Committee meetings.

The Monitoring Officer and the Members' Advisory Panel have no power to suspend or disqualify the Member, to withdraw Members' basic or special responsibility allowances, or to recommend other outcomes.

10. **What Happens At The End Of The Hearing?**

At the end of the hearing, the Chairman will state the conclusion of the Members' Advisory Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Members' Advisory Panel wishes to recommend to the Monitoring Officer.

Before any recommendation is made, it will provide a further opportunity to the Member to make further representations and hear further from the Independent Person before making a recommendation as to action to the Monitoring Officer. The Monitoring Officer will take the Panel's recommendation(s) into account in determining any action to be taken. As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice and send a copy to you, to the Member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Audit and Governance Committee.

11. **Who Are Members' Advisory Panel?**

The Members' Advisory Panel is a Working Group of the Council's Audit and Governance Committee. The Panel will comprise a maximum of three Members of the Council drawn from at least two different political parties together with the Monitoring Officer and such other Officers as he/she may designate. The Panel may include not more than one Member of the Authority's Cabinet.

The Independent Person is invited to attend all meetings of the Members' Advisory Panel and his/her views are sought and taken into consideration before the Members' Advisory Panel reaches any conclusion on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any recommendations to the Monitoring Officer for action following a finding of failure to comply with the Code of Conduct.

12. **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 appointed by a positive vote from a majority of all the Members' of Council.

The Council will, so far as is reasonably practicable, appoint two Independent Persons to undertake this role.

**13. Revision Of These Arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer the right to depart from these arrangements where he/she considers that it is expedient to do so to secure the effective and fair consideration of any matter.

**14. Appeals**

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or the recommendation of the Members' Advisory Panel.

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

Peter G Clark  
County Solicitor and Monitoring Officer

Date: May 2012

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