

# Agenda

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## Annual Council

Date: **Wednesday 23 May 2012**

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Time: **4.00 pm**

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Place: **Council Chamber, Town Hall**

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For any further information please contact:

**Mathew Metcalfe, Democratic Services Officer**

Telephone: 01865 252214

Email: [fullcouncil@oxford.gov.uk](mailto:fullcouncil@oxford.gov.uk)

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# Council

## Membership

Lord Mayor                      Councillor Elise Benjamin

Deputy Lord Mayor          Councillor Alan Armitage

Sheriff                              Councillor Jean Fooks

Councillor Mohammed Abbasi	Councillor Mark Lygo
Councillor Mohammed Altaf-Khan	Councillor Sajjad Malik
Councillor Antonia Bance	Councillor Stuart McCready
Councillor Laurence Baxter	Councillor Joe McManners
Councillor Tony Brett	Councillor Mark Mills
Councillor Jim Campbell	Councillor Helen O'Hara
Councillor Anne-Marie Canning	Councillor Susanna Pressel
Councillor Bev Clack	Councillor Bob Price
Councillor Mary Clarkson	Councillor Mike Rowley
Councillor Colin Cook	Councillor Gwynneth Royce
Councillor Van Coulter	Councillor David Rundle
Councillor Steve Curran	Councillor Gill Sanders
Councillor Roy Darke	Councillor Scott Seamons
Councillor James Fry	Councillor Craig Simmons
Councillor John Goddard	Councillor Dee Sinclair
Councillor Michael Gotch	Councillor Val Smith
Councillor Mick Haines	Councillor John Tanner
Councillor Sam Hollick	Councillor Ed Turner
Councillor Rae Humberstone	Councillor Oscar Van Nooijen
Councillor Graham Jones	Councillor Ruth Wilkinson
Councillor Pat Kennedy	Councillor David Williams
Councillor Shah Khan	Councillor Dick Wolff
Councillor Ben Lloyd-Shogbesan	

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## SUMMONS

The Annual Meeting of the City Council will be held in the Town Hall, on Wednesday 23 May 2012 at 4.00 pm to transact the business set out below.

*Peter Sloman*

Proper Officer

## AGENDA

	<b>Pages</b>
1 ELECTION OF LORD MAYOR FOR THE COUNCIL YEAR 2012/13	
2 ELECTION OF DEPUTY LORD MAYOR FOR THE COUNCIL YEAR 2012/13	
3 APPOINTMENT OF SHERIFF FOR THE COUNCIL YEAR 2012/13	
4 VOTE OF THANKS TO THE OUTGOING LORD MAYOR	
5 VOTE OF THANKS TO THE OUTGOING SHERIFF	
6 APOLOGIES FOR ABSENCE	
7 ANNOUNCEMENTS BY THE LORD MAYOR	
8 ANNOUNCEMENTS BY THE CHIEF EXECUTIVE	1 - 8
9 ELECTION OF LEADER OF THE COUNCIL	
10 APPOINTMENT OF COMMITTEE FOR THE COUNCIL YEAR 2012/13 AND OTHER MATTERS	9 - 20

The Head of Law and Governance has submitted a report which invites Council to appoint committees for the Council Year 2012/13 and members to

serve upon them and recommends a change to the carrying out of council responsibilities in respect of licensing.

Council is recommended

- (1) To appoint a Licensing Committee (last year called the Licensing and Gambling Acts Committee) to discharge the responsibilities contained in the Licensing Act 2003 and the Gambling Act 2005, with powers and duties as set out in paragraphs 5.4 and 5.5 of the Constitution (amended as referred to in recommendation 7 below), and members to it.
- (2) To consider the appointment of an East Area Planning Committee, a West Area Planning Committee, a Planning Review Committee, an Audit and Governance Committee, a General Purposes Licensing Committee, an Appointments Committee and a Disciplinary Committee for the Chief Executive, Directors and Heads of Service (each of these committees were appointed for the 2011 - 12 Council Year), with powers and duties as set out in Sections 5 and 7 of the Constitution, and members to serve upon them.
- (3)(a) Subject to Council agreeing the report on standards arrangements that appears as item 13 on the agenda of this Annual Meeting of council, to appoint a politically balanced Standards Committee with powers and duties as set out in the report, the Committee to come into being when the law is changed (expected to be on 1<sup>st</sup> July 2012)
- (3)(b) Until the law is changed (expected to be on 1<sup>st</sup> July 2012) to appoint a Standards Committee with the composition and membership as shown in Appendix 2 to this report and powers and duties as set out in Section 7 of the Constitution.
- (4) To appoint at least one scrutiny committee and members to serve upon it.
- (5) To consider whether to appoint a pool of members to be the observer representative on appeals bodies as described in paragraph 9 of this report.
- (6) To appoint a member to the Oxfordshire Joint Health Overview and Scrutiny Committee – paragraph 10 of this report refers.
- (7) That responsibility for recommending all licensing policies to full Council become that of the City Executive Board.
- (9) To authorise the Head of Law and Governance to make any changes to the Constitution in consequence of Council's decisions on committee appointments and powers and duties.

## **11 REPORT OF THE LEADER OF THE COUNCIL**

Council will receive a report from the Leader on the appointment of the Deputy Leader of the Council, the appointment of Board Members and the Executive Scheme of Delegation.

## **12 COUNCIL SCHEME OF DELEGATION**

The Chief Executive recommends Council to reaffirm for the Council Year 2012/13 its agreement to the Council's Scheme of Delegation set out in Section 5 of the Council's Constitution and to note the Executive's Scheme of Delegation as set out in Section 4 of the Constitution.

## **13 STANDARDS - CODE OF CONDUCT, COMPLAINT HANDLING, ARRANGEMENTS AND STANDARDS COMMITTEE**

21 - 42

The Head of Law and Governance/Monitoring Officer has submitted a report which presents the recommendations of the Standards Committee in relation to the adoption of a new Code of Conduct and standards arrangements in consequence of the Localism Act 2011.

Council recommended:

- (1) That the draft Code of Conduct and complaint handling arrangements be adopted to take effect immediately on the statutory repeal of the present Code and arrangements.
- (2) That Council establishes a non-statutory Standards Committee with terms of reference as set out in this report.
- (3) That the Head of Law and Governance be authorised to make any consequential amendments to the Constitution.
- (4) That Council records its thanks to all Independent and Parish Council Members who have served on the statutory Standards Committee for their significant contribution to its work over the period 2001-2012.

## **GUIDANCE ON DECLARING INTERESTS AT MEETINGS**

### **What is a personal interest?**

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

### **What do I need to do if I have a personal interest?**

You must declare it when you get to the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

### **What is a prejudicial interest?**

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

### **What do I need to do if I have a prejudicial interest?**

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

# Election of City Councillors for the Wards of Oxford City Council Summary of Results

Date of Election : Thursday 03 May 2012

## Contested Elections

### Barton and Sandhills

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
CIBULSKIS Alexander Michael	Liberal Democrat	88
LOVELOCK Graham Edwin	The Conservative Party Candidate	168
ROWLEY Michael Derek	The Labour and Co-operative Party Candidate	758 ELECTED
SAREVA Mary-Jane	Green Party	122

**Vacant Seats: 1 Electorate: 5,085 Ballot Papers Issued: 1,146 Turnout: 22.54%**

### Blackbird Leys

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
HEARN David John	The Conservative Party Candidate	54
MURRAY Alasdair	Liberal Democrat	32
PETHYBRIDGE Sarah Elizabeth	Green Party	40
SMITH Valerie	The Labour Party Candidate	737 ELECTED

**Vacant Seats: 1 Electorate: 4,157 Ballot Papers Issued: 865 Turnout: 20.81%**

### Carfax

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
CANNING Anne-Marie	The Labour Party Candidate	288 ELECTED
PATMORE Timothy Douglas	The Conservative Party Candidate	159
RAMSAY Adam Alexander	Green Party	235
STOTT Duncan	Liberal Democrat	207

**Vacant Seats: 1 Electorate: 4,450 Ballot Papers Issued: 902 Turnout: 20.27%**

## Contested Elections

### Churchill

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
DEVA Siddharth	The Conservative Party Candidate	106
FAULTLESS Julian	Green Party	130
LYGO Mark Robert	The Labour Party Candidate	767 ELECTE
RUNDLE Ruth Margaret	Liberal Democrat	77

**Vacant Seats: 1 Electorate: 5,022 Ballot Papers Issued: 1,086 Turnout: 21.62%**

### Cowley

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
COCHRANE Clare Valerie	Green Party	276
HARLEY Judith Anne	The Conservative Party Candidate	196
O'HARA Helen Marie	The Labour Party Candidate	626 ELECTE
TAIT Michael Harker	Liberal Democrat	115

**Vacant Seats: 1 Electorate: 4,535 Ballot Papers Issued: 1,217 Turnout: 26.84%**

### Cowley Marsh

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
DIXON Gary William	The Conservative Party Candidate	122
MACONICK Benjamin Charles	Liberal Democrat	75
MALIK Sajjad-Hussain	The Labour Party Candidate	666 ELECTE
MEANEY Kevin Timothy Alfred	Green Party	467

**Vacant Seats: 1 Electorate: 4,819 Ballot Papers Issued: 1,338 Turnout: 27.77%**

### Headington

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
BHAGWANDIN Mark	The Conservative Party Candidate	178
DARKE Jane Diana	The Labour Party Candidate	557
HOWARTH Richard John	Green Party	111
WILKINSON Ruth Elaine	Liberal Democrat	983 ELECTE

**Vacant Seats: 1 Electorate: 4,435 Ballot Papers Issued: 1,834 Turnout: 41.35%**



## Contested Elections

### Headington Hill and Northway

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
BOELES Christina Wilhelmina Sietske	Green Party	156
DARKE Roy Anthony	The Labour Party Candidate	589 ELECTE
FELL Nicholas Oliver	UK Independence Party	97
KELLEY Thomas Anthony	The Conservative Party Candidate	273
TALL Stephen Joseph	Liberal Democrat	110

**Vacant Seats: 1 Electorate: 4,882 Ballot Papers Issued: 1,232 Turnout: 25.24%**

### Hinksey Park

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
CHIPCHASE Judith Catherine	Green Party	331
HODGKINSON Catherine Elizabeth	Liberal Democrat	101
MORTSimon Robert	The Conservative Party Candidate	172
VAN NOOIJEN Oscar Richard	The Labour Party Candidate	906 ELECTE

**Vacant Seats: 1 Electorate: 4,694 Ballot Papers Issued: 1,518 Turnout: 32.34%**

### Holywell

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
HARVEY Alexander	The Labour Party Candidate	204
HOLLICK Sam William	Green Party	356 ELECTE
MCGHEERobin Max	Liberal Democrat	197
SARGENT Robert John	The Conservative Party Candidate	145

**Vacant Seats: 1 Electorate: 4,231 Ballot Papers Issued: 923 Turnout: 21.82%**

### Iffley Fields

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
BENJAMIN Elise Danielle	Green Party	896 ELECTE
HALE Douglas Stewart	Liberal Democrat	58
PRESTIDGE Neil	The Conservative Party Candidate	60
TARVER Richard John Joseph	The Labour Party Candidate	795

**Vacant Seats: 1 Electorate: 4,274 Ballot Papers Issued: 1,816 Turnout: 42.49%**

## Contested Elections

### Jericho and Osney

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
COOK Colin	The Labour Party Candidate	835 ELECTE
FURTADO Peter Randall	Green Party	337
HILLIARD Catherine Elizabeth	Liberal Democrat	149
WILSON William Werden	The Conservative Party Candidate	214

**Vacant Seats: 1 Electorate: 5,037 Ballot Papers Issued: 1,538 Turnout: 30.53%**

### Littlemore

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
HANCOCK Dorian Garth	Liberal Democrat	137
SELLWOOD Matthew William	Green Party	130
TANNER John	The Labour Party Candidate	686 ELECTE
TEN HOLTER Carolyn Anne	The Conservative Party Candidate	202

**Vacant Seats: 1 Electorate: 4,751 Ballot Papers Issued: 1,161 Turnout: 24.44%**

### Lye Valley

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
KENNEDY Patricia Lindsey	The Labour Party Candidate	724 ELECTE
KENTISH John Daniel	Green Party	182
MCGEE James George	The Conservative Party Candidate	161
WHEELER Mark Richard	Liberal Democrat	85

**Vacant Seats: 1 Electorate: 5,096 Ballot Papers Issued: 1,165 Turnout: 22.86%**

### Marston

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
FOWKES Sam Anthony	Liberal Democrat	84
HAINES Michael Christopher	Independent	877 ELECTE
HATFIELD Duncan Valentine	The Conservative Party Candidate	195
MORRIS Alistair David Pryce	Green Party	122
UPTON Ann Louise	The Labour Party Candidate	636

**Vacant Seats: 1 Electorate: 4,749 Ballot Papers Issued: 1,919 Turnout: 40.41%**

## Contested Elections

### North

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
DHALL Sushila Devi	Green Party	385
FRY James	The Labour Party Candidate	516 ELECTE
HOWSON John	Liberal Democrat	353
MANDRUP Samantha Ruth	The Conservative Party Candidate	291

**Vacant Seats: 1 Electorate: 4,446 Ballot Papers Issued: 1,548 Turnout: 34.82%**

### Northfield Brook

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
CURRAN Stephen John	The Labour Party Candidate	564 ELECTE
JONES Patricia Gwendoline Mary	The Conservative Party Candidate	61
THOMAS Amber-Rose	Liberal Democrat	68
WILLIAMS Alison Anne	Green Party	73

**Vacant Seats: 1 Electorate: 4,397 Ballot Papers Issued: 770 Turnout: 17.51%**

### Quarry and Risinghurst

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
BAXTER Laurence Peter	The Labour Party Candidate	848 ELECTE
GASPER Julia Margaret	UK Independence Party	69
HITCHINS Raymond Leslie	Green Party	76
MILLS Allen	The Conservative Party Candidate	310
ROGERS Rosalind Claire	Liberal Democrat	411

**Vacant Seats: 1 Electorate: 4,710 Ballot Papers Issued: 1,722 Turnout: 36.56%**

### Rose Hill and Iffley

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
SKINNER Paul Bernard	Green Party	181
TURNER Edward Owen	The Labour Party Candidate	871 ELECTE
WALSH John Patrick	The Conservative Party Candidate	140
WILKINSON Peter James	Liberal Democrat	214

**Vacant Seats: 1 Electorate: 4,487 Ballot Papers Issued: 1,417 Turnout: 31.58%**

## Contested Elections

### St. Clement`s

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
CLACK Beverley Jane	The Labour and Co-operative Party Candidate	595 ELECTE
KHAN Mohsin	Liberal Democrat	99
LADELL Hafiz Robert	Green Party	501
MACDONALD Ian Jon	UK Independence Party	29
MILLSElizabeth	The Conservative Party Candidate	165

**Vacant Seats: 1 Electorate: 5,313 Ballot Papers Issued: 1,397 Turnout: 26.29%**

### St. Margaret`s

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
DUNCAN Ann Alice	Green Party	350
HILL Lincoln	The Labour Party Candidate	198
PORTER Robert Vernon	The Conservative Party Candidate	353
ROYCE Gwynneth Leila	Liberal Democrat	474 ELECTE

**Vacant Seats: 1 Electorate: 4,330 Ballot Papers Issued: 1,381 Turnout: 31.89%**

### St. Mary`s

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
HARNETT George William	The Conservative Party Candidate	76
HUSSAINSabir	The Labour Party Candidate	509
KING James Edmund	Liberal Democrat	40
SIMMONS Craig	Green Party	578 ELECTE

**Vacant Seats: 1 Electorate: 4,347 Ballot Papers Issued: 1,212 Turnout: 27.88%**

### Summertown

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
COLEMAN John Stephen	Green Party	418
GITTOS Jonathan George	The Conservative Party Candidate	379
GRAY Christopher	The Labour Party Candidate	246
MCCREADY Dennis Stuart	Liberal Democrat	753 ELECTE

**Vacant Seats: 1 Electorate: 4,956 Ballot Papers Issued: 1,801 Turnout: 36.34%**

## Contested Elections

### Wolvercote

<u>Name of Candidate</u>	<u>Description (if any)</u>	<u>Number of Votes</u>
CAMERON Sheila	Green Party	495
GOTCH Michael	Liberal Democrat	655 ELECTED
JONES Graham Stanton	The Conservative Party Candidate	584
PAULE Michele Valarie Anna	The Labour Party Candidate	200

**Vacant Seats: 1    Electorate: 4,634    Ballot Papers Issued: 1,942    Turnout: 41.91%**

### Totals for City Election

Ballot Papers Issued            = 32,850    Votes Cast                        = 32,670  
Electorate                         = 111,837    Votes Rejected                 = 175  
Turnout %                         = 29.37%

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**To: Annual Council**

**Date: 23rd May 2012**

**Report of: Head of Law and Governance**

**Title of Report: APPOINTMENT OF COMMITTEES FOR THE COUNCIL  
YEAR 2012 – 13 AND OTHER MATTERS**

### **Summary and Recommendations**

**Purpose of report:** This report invites Council to appoint committees for the Council Year 2012 - 13 and members to serve upon them and recommends a change to the carrying out of council responsibilities in respect of licensing.

**Report Approved by:**

**Legal:** Jeremy Thomas

**Policy Framework:** Not applicable

**Recommendation(s):** Council is RECOMMENDED:-

1. To appoint a Licensing Committee (last year called the Licensing and Gambling Acts Committee) to discharge the responsibilities contained in the Licensing Act 2003 and the Gambling Act 2005, with powers and duties as set out in paragraphs 5.4 and 5.5 of the Constitution (amended as referred to in recommendation 7 below), and members to it.
2. To consider the appointment of an East Area Planning Committee, a West Area Planning Committee, a Planning Review Committee, an Audit and Governance Committee, a General Purposes Licensing Committee, an Appointments Committee and a Disciplinary Committee for the Chief Executive, Directors and Heads of Service (each of these committees were appointed for the 2011 - 12 Council Year), with powers and duties as set out in Sections 5 and 7 of the Constitution, and members to serve upon them.
3. (a) Subject to Council agreeing the report on standards arrangements that appears as item 13 on the agenda of this Annual Meeting of Council, to appoint a politically balanced Standards Committee with powers and duties as set out in the report, the Committee to

come into being when the law is changed (expected to be on 1<sup>st</sup> July 2012)

- (b) Until the law is changed (expected to be on 1<sup>st</sup> July 2012) to appoint a Standards Committee with the composition and membership as shown in Appendix 2 to this report and powers and duties as set out in Section 7 of the Constitution.
4. To appoint at least one scrutiny committee and members to serve upon it.
  5. To consider whether to appoint a pool of members to be the observer representative on appeals bodies as described in paragraph 9 of this report.
  6. To appoint a member to the Oxfordshire Joint Health Overview and Scrutiny Committee – paragraph 10 of this report refers.
  7. That responsibility for recommending all licensing policies to full Council become that of the City Executive Board.
  8. To authorise the Head of Law and Governance to make any changes to the Constitution in consequence of Council's decisions on committee appointments and powers and duties.

**This report is submitted to Annual Council under Council Procedure Rule 11.1 (g), (h) and (i).**

### **Appendices**

1. The report contains the following Appendices:-
  - **Appendix 1** – details of Committees Council is being invited to appoint for the 2012 - 13 Council Year and the names of members appointed to serve on them as notified by the Party Groups
  - **Appendix 2** – Standards Committee (Local Government Act 2000)

### **Appointment of Committees**

2. The committees that Council is being invited to appoint for the 2012 - 13 Council Year are referred to in **Appendix 1** to this report. The words that appear below the table in the Appendix are references to special requirements of these committees. So for example, for the three committees that will deal with planning applications it says that members may not serve on more than one of those committees. On scrutiny committees, Council is advised that in law at least one scrutiny committee must be appointed. Last year Council appointed two scrutiny committees, the Value and Performance Scrutiny Committee and the Communities and Partnership Scrutiny Committee.



## **Political Balance and Statutory Committees**

4. Apart from the committee required to be established to discharge duties under the Licensing Act 2003 and the Gambling Act 2005 (this is a statutory committee that must be appointed – the Council calls this committee the Licensing and Gambling Acts Committee) and, for the moment, a standards committee (see paragraph 7 below), all committees appointed by Council must be politically balanced. Political balance need not apply to the Licensing and Gambling Acts Committee or the Standards Committee referred to in paragraph 7 and Appendix 2.
5. Further on the Licensing and Gambling Acts Committee, this must by law consist of between 10-15 members. Council last year appointed a Licensing and Gambling Acts Committee consisting of 15 members. The Committee ought to consist of 15 members, the maximum permitted under the 2003 Act, to enable the casework for which it is responsible to be shared out and not fall unduly on a few members.

## **Standards Committee**

6. This Annual Meeting has on its agenda a report and recommendations concerning standards matters. On the assumption that those recommendations are agreed by Council, this report recommends the appointment of a politically balanced Standards Committee.
7. The present standards arrangements will not be replaced until 1<sup>st</sup> July 2012 (and maybe later) and so, in accordance with the Local Government Act 2000, until then Council needs to appoint and maintain a statutory Standards Committee. **Appendix 2** to this report sets out the composition of the present 2000 Act committee and the names of councillors appointed to it. The Committee is unlikely to need to meet before its demise and replacement by the politically balanced Standards Committee referred to in paragraph 6.

## **Powers and Duties of Committees**

8. Licensing policies are at present recommended to Council by one of the two licensing committees. In contrast, planning policy documents are considered by the City Executive Board and then recommended for adoption to full Council. The planning documents are not considered or recommended to Council by a planning committee. In order that the same route is followed for all policies to be agreed by full Council this report recommends that all licensing policy reports that are to be recommended to full Council are referred there by the City Executive Board and not by a licensing committee.

## **Appeals**

9. Council on 19<sup>th</sup> January 2009 adopted some new HR policies. The grievance and disciplinary policies and procedures do not provide for appeals to be made to any member body. However, where an appeal is made against dismissal or in respect of some grievance decisions the Panel that would deal with the appeal must contain a member observer. Council is being asked if it wishes to nominate a pool of members to serve in that capacity on appeals bodies.

## **Countywide Health Scrutiny Committee**

10. The City Council, and each of the other Oxfordshire Districts, has one seat on the Oxfordshire Joint Health Overview and Scrutiny Committee. Last year Council appointed Councillor Pressel to serve on the Committee. Council is being invited to appoint a councillor to serve on the Committee for the 2012 - 13 Council Year.

### **Name and contact details of author:-**

William Reed  
Democratic Services Manager  
Town Hall Oxford OX1 4EY  
Tel: 01865 252230  
e-mail: [wreed@oxford.gov.uk](mailto:wreed@oxford.gov.uk)

**Background papers: None**

**Version number: 1**



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## APPENDIX 1

### APPOINTMENT OF COMMITTEES FOR THE COUNCIL YEAR 2012 – 13

Details of Committees Council is being invited to appoint for the 2012 – 13 Council Year:-

<u>Name of Committee</u>	<u>Numbers of Seats</u>	<u>Labour</u>	<u>Liberal Democrat</u>	<u>Green</u>	<u>Independent</u>
Disciplinary Committee for Directors and Heads of Service	4	Abbasi Coulter	Brett		Haines
Appointments Committee	5	Price Sanders Turner	Fooks	Benjamin	
Audit and Governance Committee	7	Clarkson Darke Fry Rowley	Brett Rundle	Simmons	
Standards Committee	7	Pressel Sanders Smith One further name needed	Gotch Royce	Wolff	
Planning Committee East	9	Clarkson Curran Coulter Darke Lloyd- Shogbesan Sinclair	Altaf-Khan Rundle	Hollick	
Planning Committee West	9	Canning Clack Cook Khan Tanner Van Nooijen	Jones Goddard	Benjamin	

Planning Review Committee	9	<b>Bance Baxter Lygo McManners Rowley Turner</b>	<b>Armitage Fooks</b>	<b>Wolff</b>	
General Purposes Licensing Committee	10	<b>Canning Clarkson Cook Coulter Curran Lygo</b>	<b>Goddard Gotch Royce</b>	<b>Williams</b>	
Communities and Partnership Scrutiny Committee	12	<b>Clack Darke Humberstone Lloyd-Shogbesan O'Hara Sanders</b>	<b>Altaf-Khan Goddard Jones Wilkinson</b>	<b>Wolff</b>	<b>Haines</b>
Value and Performance Scrutiny Committee	12	<b>Abbasi Bance Canning Fry Kennedy Malik Rowley</b>	<b>Fooks Gotch Mills McCready</b>	<b>Simmons</b>	
Licensing and Gambling Acts Committee	15	<b>Clarkson Cook Coulter Humberstone Khan Lygo O'Hara Seamons Sinclair</b>	<b>Armitage Campbell Goddard Royce</b>	<b>Williams One further name needed</b>	

#### Restrictions on Committee Memberships

- ❖ Disciplinary Committee – must include at least one Board member
- ❖ Appointments Committee – must include at least one Board member
- ❖ Planning Committees East and West – no councillor may be a member of more than one planning committee.
- ❖ Planning Review Committee – a member of this committee may not be a member of either of the two area planning committees
- ❖ Scrutiny Committees – No Board member may be a Scrutiny Committee member. The Council must appoint at least one Scrutiny Committee.

- ❖ Licensing and Gambling Acts Committee – members on this committee should be sufficiently available to serve on licensing casework panels that meet reasonably frequently (at 5.00 pm on Thursdays)

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## APPENDIX 2

### APPOINTMENT OF COMMITTEES FOR THE COUNCIL YEAR 2012 – 13

#### Standards Committee (Local Government Act 2000):-

<u>Labour</u>	<u>Liberal Democrat</u>	<u>Green</u>	<u>Independent</u>	<u>Parish</u>
Gill Sanders Val Smith	Mike Gotch Gwynneth Royce	Dick Wolff	Chris Ballinger Meryll Dean Martin Gardner Dr Anne Gwinnett	Nils Bartleet Fred Mogridge

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**To: Annual Council**

**Date: 23<sup>rd</sup> May 2012**

**Report of: Head of Law and Governance/Monitoring Officer**

**Title of Report: STANDARDS – CODE OF CONDUCT, COMPLAINT HANDLING ARRANGEMENTS AND STANDARDS COMMITTEE**

## **Summary and Recommendations**

**Purpose of report:** To present the recommendations of the Standards Committee in relation to the adoption of a new Code of Conduct and standards arrangements in consequence of the Localism Act 2011.

**Executive Lead member:**

**Report Approved by:** Legal Services

**Policy Framework:** Not applicable

**Recommendation(s):**

- (1) That the draft Code of Conduct and complaint handling arrangements be adopted to take effect immediately on the statutory repeal of the present Code and arrangements.
- (2) That Council establishes a non-statutory Standards Committee with terms of reference as set out in this report.
- (3) That the Head of Law and Governance be authorised to make any consequential amendments to the Constitution.
- (4) That Council records its thanks to all Independent and Parish Council Members who have served on the statutory Standards Committee for their significant contribution to its work over the period 2001-2012.

## Appendices

Appendix 1 – Report (but not the appendices) to the Standards Committee held on 27<sup>th</sup> April 2012

Appendix 2 – Code of Conduct recommended for adoption

Appendix 3 – Extract from the minutes of the Standards Committee

Appendix 4 – Draft arrangements for complaints handling

## Introduction

1. Attached at **Appendix 1** is the report I presented to the Standards Committee on 27<sup>th</sup> April 2012 in relation to the new Standards arrangements required by the Localism Act 2011. That report sets out the details of the changes. In summary, Council has to adopt a new Code of Conduct and complaints handling arrangements, has a choice as to whether to retain a non-statutory Standards Committee but is prevented from retaining a Standards Committee in its present statutory form (i.e. with the benefit of Independent Members).
2. At the time of writing that report detailed Regulations on various aspects of the new Standards regime were awaited, in particular on the definition of disclosable pecuniary interests. At the time of writing this report, those Regulations are still awaited notwithstanding that the Government has announced an intention that the new regime should take effect on the 1<sup>st</sup> July 2012.

## Code of Conduct

3. Attached at **Appendix 2** is the Code of Conduct that is recommended for adoption. This Code has been drafted by the Monitoring Officers of all the principal authorities in Oxfordshire in an effort to produce a single Code throughout the County. Each authority is being recommended to adopt the Code in this form. The Code is complete save for the definition of disclosable pecuniary interests (awaiting Regulations). It is proposed to add this statutory definition as a footnote in the Code once the Regulations are available.
4. The Standards Committee commend this draft Code to Council. The minute of the Committee is attached at **Appendix 3** to this report. The Committee asked me to pursue with the other Authorities two issues, namely an explanatory footnote on bullying and non-pecuniary interests. The former is included but the latter issue is not as the concerns among the Authorities was that it was not sensible to draft or propose any such provisions until the Regulations on pecuniary interests had been published. This is an issue which the Authorities, on a joint basis, may wish to revisit.

## Complaint Handling Arrangements

5. The Council is required by the Localism Act to adopt “arrangements” for considering and determining complaints. Attached at **Appendix 4**

to this report are draft arrangements which are commended to Council by the Standards Committee. The arrangements assume that Council will appoint a non-statutory Standards Committee made up of seven members on a politically proportionate basis. It is proposed that the Committee co-opt one non-voting Parish member in order to retain Parish representation within the new arrangements.

6. The proposed terms of reference for the new Standards Committee are as follows:

- To consider complaints of breaches of the code of conduct in accordance with the adopted arrangements
- To make recommendations to Council on the adoption or revision of the code of conduct
- To make recommendations to Council on the overall arrangements
- To consider requests for dispensation from being precluded from participation in a meeting.

7. It is proposed that complaints monitoring (which is within the terms of reference of the present Standards Committee) should, in future, lie with the City Executive Board as part of the periodic risk/finance/performance monitoring arrangements.

### **Independent Members**

8. Could I place on record my thanks and gratitude as Monitoring Officer on behalf of myself and my colleagues to all the Independent members who have served on the Committee. In particular, could I thank Mr. John Lay who has served as Chairman of the Committee from its inception and who has guided the Committee throughout its life as a statutory Committee.

<b>Name and contact details of author:</b>
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Jeremy Thomas Head of Service, Monitoring Officer Town Hall Oxford OX1 4YS Tel: 01865 252224 e-mail: <a href="mailto:jjthomas@oxford.gov.uk">jjthomas@oxford.gov.uk</a>
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**Background papers: None**

**Version number: 1**

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**Report of: Head of Law and Governance**

**To:** Standards Committee

**Date:** 27<sup>th</sup> April 2012

**Title of Report: CODE OF CONDUCT FOR MEMBERS, COMPLAINTS HANDLING AND ALLOCATION OF STANDARDS COMMITTEE OTHER FUNCTIONS**

**Summary and Recommendations**

**Purpose of report:** To consider a draft Code of Conduct for Members and 'arrangements' for the handling of complaints in accordance with the requirements of the Localism Act 2011

**Policy Framework:** Not applicable

**Report approved by:** Legal

**Recommendation(s):** That the draft Code of Conduct and complaints handling arrangements be RECOMMENDED to Council for adoption to take effect immediately on the repeal of the present Code and arrangements.

**Introduction**

1. The Localism Act 2011 provides for the abolition of the present arrangements in relation to the promotion of high standards of ethical conduct on the part of Members.
2. The features of the present arrangements (introduced under the Local Government Act 2000) included a national mandatory Code of Conduct, a statutory Standards Committee with Parish Councillors and Independent Members (with statutory sanctions available to it) and a national body, Standards for England. All of those features are repealed by the Localism Act 2011 on a date to be fixed by secondary legislation (but announced as likely to be 1<sup>st</sup> July 2012).
3. The Localism Act 2011 does, however, retain the duty to promote and maintain high standards of conduct by Members and co-opted Members of the Authority. It also requires the Authority to adopt both a Code of Conduct and arrangements for the handling and determination of complaints of breaches of the adopted Code.

## **Code of Conduct**

4. The Localism Act 2011 does not promote or require the adoption of a single national Code of Conduct. The Monitoring Officers of all the Oxfordshire Authorities (Oxfordshire County Council, West Oxfordshire District Council, South Oxfordshire District Council, Vale of White Horse District Council, Cherwell District Council and Oxford City Council) share the same view of the importance of having a single Code adopted by those Authorities and by the Parish Councils in their respective areas. That view is also endorsed by the Oxfordshire Association of Local Councils (the representative body for Parish Councils throughout the County).
5. The Monitoring Officers for the Oxfordshire Authorities meet regularly and at our last meeting we drafted Part 1 of a Code of Conduct. Part 1 relates to general behaviours. It was envisaged that Part 2 would deal with the registration and disclosure of interests. Regulations are still awaited, at the time of drafting this report, as to the definition of disclosable pecuniary interests. There is a further meeting of the Oxfordshire Monitoring Officers' Group scheduled for the 20<sup>th</sup> April and it is proposed therefore to circulate a final draft of the Code (Regulations permitting) as a late addition to the agenda for this meeting. Part 1 of the draft Code, as it stands at the moment, is attached as Appendix 1 to this report.
6. There are two alternative Codes of Conduct which have been promulgated nationally by the Local Government Association and the Department for Communities and Local Government which are attached as Appendix 2 and 3 respectively. Notwithstanding the existence of two national drafts, the local draft at Appendix 1 is preferred and, in its final form, is recommended for adoption.

## **Complaints arrangements**

7. The statutory requirement to have a Standards Committee is repealed by the Localism Act 2011. Within Oxford the Standards Committee has enjoyed the trust and confidence of the Authority and the Parish Councils within the City. This has been due, in large measure, to the quality of representation provided by the Independent Members over the life of the Committee.
8. The Localism Act does not permit, however, the existing Independent Members to be the 'Independent Persons' which the Act requires to be appointed. The 'Independent Persons' are those whose views are to be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate. That will inevitably result in a loss of expertise, both locally and nationally. Against that backdrop many Authorities, under the new Standards regime, will not be retaining a Standards Committee but will instead



seek to discharge their duties through informal 'Panel' type arrangements.

9. Within this Authority, all the political groups have expressed a wish to retain a Standards Committee. Attached as Appendix 4 to this report are draft arrangements for the handling of complaints, which reflect that wish. Those arrangements envisage a Standards Committee comprising of seven voting elected Members of the City Council together with one non-voting co-opted Member drawn from the four Parish Councils. In addition the Monitoring Officer and the Committee will be able to draw on the advice of an independent person or persons.
10. The Government has announced its intention to repeal the present Standards regime (made under the Local Government Act 2000) on the 1<sup>st</sup> July 2012. In anticipation of that being so the following timetable is proposed for the adoption of a new Code of Conduct and local complaints handling arrangements:
  - 27<sup>th</sup> April – Standards Committee
  - 23<sup>rd</sup> May - Council
11. At the meeting of Council on the 23<sup>rd</sup> May, arrangements will also have to be made for the reallocation of the existing functions of the Standards Committee. In short, it is proposed that the new Standards Committee will only retain the consideration of complaints of breaches of the Code of Conduct, making recommendations to Council on the adoption or revision of the Code of Conduct and making recommendations to Council on the overall 'arrangements'. Complaints monitoring will go to the Executive and residual functions (such as advising on Codes other than the Code of Conduct for members) will go to the Audit and Governance Committee.
12. The purpose of this report is therefore to invite the Committee to make a recommendation to Council as to the arrangements and the Code of Conduct to be adopted in anticipation of the repeal of the existing Standards arrangements on the 1<sup>st</sup> July 2012.
13. In so doing, could I place on record my thanks and gratitude as Monitoring Officer on behalf of myself and my colleagues to all the Independent Members who have served on the Committee. In particular, could I thank Mr John Lay who has served as Chair of the Committee, from its inception and who has guided the Committee throughout its present form.

**Name and contact details of author:-**

Jeremy Thomas  
Head of Law and Governance  
Town Hall Oxford OX1 1BX  
Tel: 01865 252224  
e-mail: [jjthomas@oxford.gov.uk](mailto:jjthomas@oxford.gov.uk)



# **Oxford City Council**

## **Draft Code of Members' Conduct**

1. This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted 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.

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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".

## 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.

## 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<sup>2</sup> 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.

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<sup>2</sup> Bullying is defined as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It 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. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying.

## 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>3</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>3</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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**MEMBERS' CODE OF CONDUCT, COMPLAINTS HANDLING AND  
STANDARDS COMMITTEE ARRANGEMENTS**

**Draft minute of the Standards Committee of 27<sup>th</sup> April 2012:-**

The Head of Law and Governance submitted a report (previously circulated, now appended) together with the draft Code of Conduct (circulated, now appended) updated following the meeting of Oxfordshire Monitoring Officers referred to in paragraph 5 of the report.

Resolved:-

- (1) (a) That the draft Oxfordshire local authorities Code of Conduct be RECOMMENDED to the City Council's Annual Meeting for adoption, to take effect upon the statutory repeal of the present Code, subject to the addition of a footnote to item 10 of the Code to define bullying;
- (b) To ask the Head of Law and Governance to discuss with the other Oxfordshire district councils and the county council the inclusion of details in the Code concerning the disclosure of non-pecuniary interests, it being noted that the Government Regulations concerning pecuniary interests had not yet been published and that the Code would need to be altered to reflect the requirements of the Regulations;
- (2) That the Code, once adopted by the City Council, be commended to the four parish councils in the City Council's area for adoption;
- (3) That the draft arrangements for dealing with allegations of breaches of the Members' Code of Conduct be RECOMMENDED to the City Council's Annual Meeting for adoption, to take effect upon the statutory repeal of the present standards arrangements, subject to the amendment of the fourth paragraph of Section 4 of the arrangements to indicate that allegations of Code breaches could be referred direct by members of the public to the Police or other regulatory agencies and did not have to be submitted there through or only by the Monitoring Officer;
- (4) That a non-statutory Standards Committee be established as follows, to take effect upon the statutory repeal of the present standards arrangements:-
  - (a) To consist of seven elected members and one non-voting member drawn from the Oxford parish councils;
  - (b) The quorum be set at five elected members;

(c) The Committee's powers and duties be as follows:-

- To consider complaints of breaches of the code of conduct in accordance with the adopted arrangements
- To make recommendations to Council on the adoption or revision of the code of conduct
- To make recommendations to Council on the overall arrangements
- To consider requests for dispensation from being precluded from participation in a meeting.

(5) That the Head of Law and Governance be authorised to make:-

(a) Alterations to the Code to reflect the content of the Regulations referred to in (1)(b) above, and the inclusion of details concerning non-pecuniary interests;

(b) Amendments to the Council's Constitution consequent upon the decisions set out above;

(6) To thank for their service all the independent and parish members who had served on the Standards Committee since 2001 and all officers who had served the Committee over that period.



Oxford City Council

Arrangements for Dealing with Allegations of Breaches of the  
Code of Conduct for Members

**1. Context**

These arrangements set out how you may make a complaint that an elected or co-opted member of this authority or of a parish council within our area has failed to comply with the authority's Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a member or co-opted member of the authority or of a parish council within the authority's area or of a Committee or Sub-Committee of the authority, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

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

**2. The Code of Conduct**

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and which is available for inspection on the authority's website and at the Town Hall.

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

**3. Making a complaint**

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

"The Monitoring Officer  
Law & Governance  
Oxford City Council  
The Town Hall  
Oxford  
OX1 1BX

Or – [Standards\\_monitoringofficer@oxford.gov.uk](mailto:Standards_monitoringofficer@oxford.gov.uk)

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

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from Reception at the Town Hall.

Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

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

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority makes 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 or any other officer will refer the complaint to the Police or other regulatory agencies. If you consider there has been criminal conduct then you may go directly to the Police or other regulatory agency.

## **5. How is the investigation conducted?**

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

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

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

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

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

The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final

report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report. In considering the report, the Monitoring Officer may consult with an Independent Person(s) if he/she considers it appropriate to do so.

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

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

**7.1 Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with an Independent Person(s) and with you as a complainant and seek to agree a fair resolution of the complaint which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee *and the Parish Council* for information, but will take no further action.

**7.2 Local Hearing**

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

The Monitoring Officer will conduct a "pre-hearing process" requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Standards Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this

purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Standards Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Standards Committee, with the benefit of any advice from an Independent Person(s), may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.

If the Standards Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Standards Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Committee will give the member an opportunity to make representations and will consult an Independent Person(s).

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

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

- 8.1 Censure or reprimand the member;
- 8.2 Publish its findings in respect of the member's conduct;
- 8.3 Report its findings to Council *or to Parish Council* for information;
- 8.4 Recommend to the member's group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committee or Sub-Committees of the Council;
- 8.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.6 Recommend to Council that the member be replaced as Executive Leader;
- 8.7 Instruct the Monitoring Officer to *or recommend that the Parish Council* arrange training for the member.

The Standards Committee has no power to suspend or disqualify the member or to withdraw or suspend allowances or restrict access to or use of Council facilities.

**9. What happens at the end of the Hearing?**

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

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

**10. Appeals**

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

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

**11. What is the Standards Committee?**

The Standards Committee is a politically balanced Committee of Council. It is comprised of seven members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council. The Parish Councils within the city will also be invited to nominate one representative to the Committee.

The Independent Persons are invited to attend all meetings of the Committee and their views are sought and taken into consideration before the Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct. The Independent persons and the Parish Council representative do not, however, have voting rights on the Committee. Their role is an advisory one.

## **12. Who are the Independent Persons?**

The Independent Persons are persons who have applied for the post following advertisement of a vacancy for the post, and is the appointed by a positive vote from a majority of all the members of Council.

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

12.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;

12.2 *Is, or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority’s area, or;*

12.3 Is a relative, or close friend, of a person within paragraph 12.1 or 12.2 above. For this purpose, “relative” means –

12.3.1 Spouse or civil partner;

12.3.2 Living with the other person as husband and wife or as if they were civil partners;

12.3.3 Grandparent of the other person;

12.3.4 A lineal descendent of a grandparent of the other person;

12.3.5 A parent, sibling or child of a person within paragraphs 12.3.1 or 12.3.2

12.3.6 A spouse or civil partner of a person within paragraphs 12.3.3, 12.3.4 or 12.3.5; or

12.3.7 Living with a person within paragraphs 12.3.3, 12.3.4, 12.3.5 as husband and wife or as if they were civil partners.

## **13. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements. The Standards Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter.

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