

To: Annual Council

Date: 23rd 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 27th 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 27th 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 1st 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.

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Background papers: None

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