

Council



Listening Learning Leading

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Date: 11 May 2022

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Summons to attend the annual meeting of Council

to be held on

THURSDAY 19 MAY 2022 AT 6.00 PM

at

135 EASTERN AVENUE, MILTON PARK, OX14 4SB

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<https://www.youtube.com/channel/UCTj2pCic8vzucpzlaSWE3UQ>

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Agenda

1 Apologies for absence

To record apologies for absence.

2 Election of chair

To elect a chair of Council for the municipal year 2022/23.

3 Appointment of vice-chair

To appoint a vice-chair of Council for the municipal year 2022/23.

4 Minutes (Pages 7 - 17)

To adopt and sign as a correct record the Council minutes of the meeting held on 17 February 2022.

5 Declarations of disclosable pecuniary interest

To receive any declarations of disclosable pecuniary interests and any conflicts of interest in respect of items on the agenda for this meeting.

6 Urgent business and chair's announcements

To receive notification of any matters which the chair determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chair.

7 Public participation

To receive any questions or statements from members of the public that have registered to speak.

8 Petitions

To receive any petitions from the public.

9 Appointments to committees, panels and joint committees for 2022/23 (Pages 18 - 25)

To consider the report of the head of legal and democratic on the appointment to those committees required to be politically balanced together with the Climate and Ecological Emergencies Advisory Committee, Licensing Acts Committee, Community Grants Panel and joint committees and to agree any consequential changes to the constitution attached.

10 Adoption of Oxfordshire Code of Conduct for Councillors (Pages 26 - 43)

The Joint Audit and Governance Committee, at its meeting on 29 March 2022, considered the report of the councils' monitoring officer on a draft model Code of Conduct.

The committee agreed to recommend the adoption of the Code to both South Oxfordshire and Vale of White Horse District Councils.

The report of the monitoring officer, which the committee considered on 29 March, is **attached**.

RECOMMENDATION: to approve the Oxfordshire Code of Conduct, appended to the report of the monitoring officer to the meeting of the Joint Audit and Governance Committee held on 29 March 2022.

11 Appointment of Independent Persons (Pages 44 - 47)

To consider the report of the monitoring officer on the appointment of independent persons to assist with code of conduct matters – **attached**.

12 Report of the leader of the council

To receive the report of the leader of the council.

13 Questions on notice

No questions have been by councillors in accordance with Council procedure rule 33.

14 Motions on notice

To consider motions from councillors in accordance with Council procedure rule 38.

- A. Motion to be proposed by Councillor Ken Arlett, seconded by Councillor Stefan Gawrysiak:

Councillors have the ability to call in a planning application within 28 days of the start of the statutory consultation period. This is an exception to the general delegation to the Head of Planning who has authority to deal with planning applications.

Currently, there is no ability for a councillor to call in a planning application that has been amended after the 28 day period comes to an end.

It may well be the case that the majority of councillors are unaware that amended planning applications cannot be called in after the 28 day period has elapsed, yet there is no provision in the Constitution to resolve this.

Council resolves that:

The Constitution Review Group is asked to consider the delegations to the Head of Planning as part of its review of the Constitution and in particular whether the call in exception should be extended to allow for a councillor to call in an amended planning application notwithstanding the 28 day period has elapsed.

B. Motion to be proposed by Councillor Sue Roberts, seconder to be notified:

This Council Notes:

The Russia-Ukraine war has newly highlighted our dependence on dirty oil and gas from rogue states. A third of our people are expected to be plunged into poverty by October, as domestic fuel prices rise. We lack fuel-security.

In October 2021, Council noted the need to retrofit, wrote to Government, and provided a report on the retrofit landscape.

Since then, the situation has greatly worsened. The response to fuel scarcity by the Government has been to focus on increasing supply of oil and gas, rather than reducing demand. The climate crisis has worsened; and protection of our populace from the ravages of global heating has come further into focus.

We need excellent insulation, not only to keep us warm in winter, but to keep homes cool in the summer. In 2003, 70,000 Europeans died over a few days from the heat; such summers are set to become the norm.

Government has no plan for mass-retrofitting of homes with insulation, airtightness, mechanical ventilation, and renewable energy generation.

In South Oxfordshire, we aim to be zero carbon by 2030, but we have few means to make that happen. Almost a third of our greenhouse gas emissions are from homes. A Government mass-retrofit scheme could reduce this wastefulness of our precious fuel.

In October, there will be further fuel price-rises, and winter will be coming. To retrofit as many homes as possible by then, Government should go on a war-footing in response to the collateral damage to our people from the Russia-Ukraine war. But builders and materials are in short supply, even for newbuild. Government could enable the requisition of builders and materials for this task.

Inevitably, this would *reduce* resources for new housing development, and Local Authorities (LAs) might be unable to fulfil development targets. Rules that punish LAs such as the 5-year housing supply rule should be relaxed to enable resources to be directed toward retrofit.

A secure long-term strategy with certain investment would enable mass retrofit to boost the economy and GDP; providing good, local work. Our country is rightly proud of its world-leading managerial excellence. In mass-retrofitting we could have a new export, of systems-expertise for this complex task.

Council resolves:

1. To ask the Leader to write to relevant Government departments (once again) to request that a high level strategy be created for mass retrofitting of homes for the reasons given above, and specifically that:

- Local Authorities (LAs) be the delivery vehicles for mass-retrofit
- LAs are provided with constant and long-term funding to maintain retrofit units
- A structured strategy for mass-retrofit be mandated by Government
- Resources be diverted from newbuild for mass-retrofit as necessary
- LAs be relieved of regulations requiring them to keep up a high supply of new housing

2. To respond immediately to fuel-poverty; ask Cabinet to ensure that the council:

- has an advice-line on what to do if you cannot afford your fuel bills
- make this advice-line prominent - top position - on our website
- can provide good advice on retrofitting from a position of expertise in buildings fabric and renewables

C. Motion to be proposed by Councillor Sue Roberts, seconder to be notified:

Council Notes

At its referendum on 5 of May, 2022, Bristol City choose to ditch the Mayoral and Cabinet system in favour of a committee system to run the Council.

Democracy in England is best served by high representation at the local level. Currently in Europe, England has one of the lowest number of councillors per head of population. Constant reorganisations of local government by successive governments have weakened local democracy.

The Cabinet system introduced by Tony Blair's Government concentrates power in the hands of the few. Council is effectively powerless to direct affairs, and can act only as advisors to Cabinet, which has the final say in matters.

The consequence of having only one Cabinet member directing a whole department is that those Cabinet members are then extremely reliant on officers. Who else can they fully bounce ideas off? Whilst officers are of course experts in their relevant areas, full political discourse can take place only through the committee system. Otherwise there is a danger of the council being officer-led rather than led by its elected leaders.

In the quite dangerous current state of the world, with war, pestilence, and extreme weather, it is imperative that we pull together in national unity. Where better to start than at council level, ensuring that all voices that the electorate have voted for, have equal standing?

Liberal Democrats and Greens are staunch upholders of democracy and both declare support for a committee-style of governance in councils. The administration has loosely considered moving onto a committee-basis, since May 2019 when I first proposed suggested it in Cabinet. But it is often argues that it is never the 'right time'.

The right time surely must be whilst these parties are certainly still in the administration at South Oxfordshire; and therefore, before the elections of May 2023.

Council Resolves

to ask the Leader and Chief Executive to consider the governance arrangements at the Council with a view to moving to a committee system of governance.



Patrick Arran
Head of Legal and Democratic

Minutes

of a meeting of the

Council



Listening Learning Leading

held on Thursday, 17 February 2022
at 6.00 pm in 135 Eastern Avenue,
Milton Park, OX14 4SB

Open to the public, including the press

Present in the meeting room:

Councillors: Jo Robb (Chair), Ken Arlett, Anna Badcock, Pieter-Paul Barker, David Bartholomew, Robin Bennett, David Bretherton, Sam Casey-Rerhaye, Sue Cooper, Peter Dragonetti, Maggie Filipova-Rivers, Stefan Gawrysiak, Kate Gregory, Victoria Haval, Lorraine Hillier, Kellie Hinton, Alexandrine Kantor, Mocky Khan, George Levy, Lynn Lloyd, Axel Macdonald, Jane Murphy, Andrea Powell, Leigh Rawlins, Sue Roberts, David Rouane, Anne-Marie Simpson, Ian Snowdon, Alan Thompson, Ian White and Celia Wilson

Officers: Patrick Arran, Head of Legal & Democratic and Monitoring Officer, Steven Corrigan, Democratic Services Manager and Adrianna Partridge, Deputy Chief Executive – Transformation and Operations

Remote attendance:

Councillors: Elizabeth Gillespie

Officers: Harry Barrington-Mountford, Head of Policy and Programmes and Simon Hewings, Head of Finance

Apologies for absence received on behalf of Councillors Tim Bearder, Caroline Newton, David Turner and Andrea Warren

65 Minutes

RESOLVED: to approve the minutes of the meeting held on 9 December 2021 as a correct record and agree that the Chair sign them as such.

66 Declarations of disclosable pecuniary interest

None.

67 Urgent business and chair's announcements

The Chair of Council, Councillor Robb, advised that, in accordance with Section 100B (4) (b) of the Local Government Act 1972, she had agreed to take one item of urgent business at the meeting – for Council to amend its Council Tax Reduction Scheme to disregard Energy Bill rebate payments when determining eligibility for Council Tax Reduction.

The reason for urgency being that Council must agree the change by the statutory deadline of 11 March 2022 and the matter arose since the publication of the agenda for this meeting. The Chair further advised that the item would be taken after the Council Tax setting item.

68 Public participation

None.

69 Petitions

None.

70 Treasury Management and Investment Strategy 2022/23

Council considered Cabinet's recommendation, made at its meeting on 3 February 2022, on the council's treasury management and investment strategy for 2022/23.

Councillor Rawlins, Cabinet member for finance, reported that several changes were proposed to the strategy, designed to widen the scope of the available instruments the council can invest in with the aim of achieving an increase in yield whilst still maintaining the primacy of security and liquidity in determining where to place the council's investments.

The Joint Audit and Governance Committee had considered the report at its meeting on 25 January 2022 and had not recommended any adjustments to the strategy and resolved to recommend Cabinet to approve the treasury management strategy, the prudential indicators and limits for 2022/23 to 2024/25 and the annual investment strategy 2022/23 as set out in the report.

Cabinet agreed to recommend Council to approve the strategy.

RESOLVED: to

1. approve the treasury management strategy 2022/23 set out in appendix A to the head of finance's report to Cabinet on 3 February 2022;
2. approve the prudential indicators and limits for 2022/23 to 2024/25 as set out in, appendix A to the report; and
3. approve the annual investment strategy 2022/23 set out in appendix A to the report, and the lending criteria detailed in table 6.

71 Capital Strategy 2022/23-2031/32

Council considered Cabinet's recommendation, made at its meeting on 3 February 2022, on the council's capital strategy for 2022/23 to 2031/32.

Councillor Rawlins, Cabinet member for finance, set out the key proposed change to the strategy to broaden the areas where capital investment will be considered to include property investments, loans and renewable energy schemes. He stressed that in all cases investment would need to be within the council's legal powers, must be proportionate to the council's financial standing, and should support the council's corporate objectives. However, investment could not result in commercial gain.

RESOLVED: to

1. approve the capital strategy 2022/23 to 2031/32, contained in appendix one of the head of finance's report to Cabinet on 3 February 2022; and
2. agree the strategy for flexible use of capital receipts which is contained as annex 1 of the capital strategy.

72 Revenue budget 2022/23 and capital programme 2022/23 - 2026/27

The chair referred to regulations that require councils to record the names of those councillors voting in favour, against or abstaining from any vote on the budget, including amendments, and the council tax. In accordance with the regulations she would call for a named vote on each of these matters at this meeting.

The chair reminded councillors that they were not entitled to vote on any issue affecting the level or administration of the council tax or other decisions which might affect the making of any such calculation such as the budget, if they were over two months in arrears with their council tax payments. Where such circumstances applied, councillors were under a statutory obligation to disclose the restriction placed on them and refrain from voting at the relevant meeting. No councillor made any such declaration.

Council noted the report of the chief finance officer on the robustness of the budget estimates and the adequacy of the reserves.

Council considered Cabinet's recommendations, made at its meeting held on 3 February 2021, on the revenue budget for 2021/22 and the capital programme to 2025/26. Scrutiny Committee had considered the report of the interim head of finance on 7 February and had made no recommendations.

Councillor Rawlins, Cabinet member for finance, presented Cabinet's proposals for the revenue budget and capital programme. He moved and Councillor Rouane, Leader of the council, seconded a motion to approve Cabinet's recommendations as follows:

To

1. set the revenue budget for 2022/23, as set out in appendix A.1 to the head of finance's report to Cabinet on 3 February 2022;
2. approve the capital programme for 2022/23 to 2026/27, as set out in appendix D.1 to the report, together with the capital programme changes as set out in appendix D.2 and appendix D.3 to the report;
3. set the council's prudential limits, as listed in appendix E to the report;
4. approve the medium-term financial plan to 2026/27, as set out in appendix F to the report;
5. allocate £500,000 to fund the Communities Capital and Revenue grant scheme;
6. ask officers to review the Medium-Term Financial Strategy following the announcement by the Secretary of State for Levelling Up, Housing and Communities of changes to the council's future funding streams.

In introducing the budget proposals, the Cabinet member stated that the budget would help chart the council back to a more stable financial position and recovery from the position the administration had inherited at the district council elections in 2019. The council had faced significant financial issues in the preparation of the budget. Its council tax was the fifteenth lowest in the country for a shire district and well below the national average; the council was unable to increase its council tax significantly. The council had not benefitted from the business rates retention scheme and, whilst the council had benefitted from the New Homes Bonus scheme, this was under review by the government and was expected to be less generous in future.

The revenue budget set for 2021/22 had predicted an unsustainable use of the council's reserves that was unsustainable over the medium to long term. Following the thorough review of the base budget, the medium term financial plan now predicted a significantly better position with less reliance on reserves. The transformation activities identified in the report during 2022/23 were central to tackling the budget gap for future years.

The budget proposed no cuts to services and included revenue growth to support the council's corporate plan priorities in climate action, nature recovery, and community wellbeing. Council tax was proposed to increase by £5 for a Band D property—the maximum allowed. The capital programme included several new schemes to be funded from the community infrastructure levy income, and also income from section 106 receipts to support affordable housing schemes.

A number of councillors expressed views against the budget proposals. They opposed the capital costs for the building of a new council headquarters at the Didcot Gateway site. Alternative council owned accommodation was available, notably Abbey House in Abingdon, which could be repurposed reducing carbon costs and allow the site in Didcot to be made available for alternative uses including social housing. Financing the new offices would account for a substantial element of the council's capital programme and had necessitated the council borrowing money for the first time in many years. There was also an assumption that part of the building could be rented out for office space which, in light of the current surplus availability of office space, was not guaranteed and could worsen the financial burden. Other councillors expressed the view that the budget did not include sufficient funds to address the climate and ecological crisis. The proposed increase in council tax, together with the

increase in car park charges, would have a detrimental impact on residents and businesses at a time of rising fuel bills and inflation.

However, the majority of councillors supported the budget proposals. A number of councillors welcomed the reduction in the budget deficit going forward. Others welcomed funding to support the climate action plan work and nature recovery (including tree planting schemes and promoting green construction skills). Capital growth schemes would improve the leisure centres across the district, the replacement of the roof at Cornerstone and support the provision of affordable housing. A number of councillors expressed views that initiatives such as the decision to work on a joint local plan with Vale of White Horse District Council and bring services back in house had saved significant sums. The decision to develop new council offices shared with Vale of White Horse District Council, would save significant sums in terms of current office rental charges, provide the opportunity to earn income and would also contribute towards the regeneration of an important site in Didcot.

In accordance with regulations requiring councils to record the names of those councillors voting in favour, against or abstaining from any vote on the budget the chairman called for a recorded vote which was carried with the voting being as follows:

For	Against	Abstain
Councillors	Councillors	Councillors
Ken Arlett	Anna Badcock	
Pieter-Paul Barker	David Bartholomew	
Robin Bennett	Lorraine Hillier	
David Bretherton	Lynn Lloyd	
Sam Casey-Rerhaye	Jane Murphy	
Sue Cooper	Sue Roberts	
Peter Dragonetti	Ian Snowdon	
Maggie Filipova-Rivers	Alan Thompson	
Stefan Gawrysiak	Ian White	
Kate Gregory		
Victoria Haval		
Kellie Hinton		
Alexandrine Kantor		
Mocky Khan		

For	Against	Abstain
George Levy		
Axel Macdonald		
Andrea Powell		
Leigh Rawlins		
Jo Robb		
David Rouane		
Anne-Marie Simpson		
Celia Wilson		
22	9	0

RESOLVED: to

1. set the revenue budget for 2022/23, as set out in appendix A.1 to the head of finance's report to Cabinet on 3 February 2022;
2. approve the capital programme for 2022/23 to 2026/27, as set out in appendix D.1 to the report, together with the capital programme changes as set out in appendix D.2 and appendix D.3 to the report;
3. set the council's prudential limits, as listed in appendix E to the report;
4. approve the medium-term financial plan to 2026/27, as set out in appendix F to the report;
5. allocate £500,000 to fund the Communities Capital and Revenue grant scheme;
6. ask officers to review the Medium-Term Financial Strategy following the announcement by the Secretary of State for Levelling Up, Housing and Communities of changes to the council's future funding streams.

Councillors thanked the head of finance and his team for the work undertaken to prepare the budget.

73 Future provision of external audit services

Council considered Cabinet's recommendation, made at its meeting on 3 February 2022, on the appointment of the external auditor to the council for the accounts for the five-year period from 2023/24.

The Joint Audit and Governance Committee, at its meeting on 25 January 2022, supported the recommendations set out in the report.

RESOLVED: to

1. accept Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023; and
2. authorise the head of finance to opt into the national scheme for auditor appointments for the provision of external audit services, starting with the audit of the 2023/24 accounts.

74 Council tax 2022/23

Council considered the report of the interim head of finance on the setting of the Council Tax for the 2022/23 financial year.

In accordance with regulations requiring councils to record the names of those councillors voting in favour, against or abstaining from any vote on the council tax the chairman called for a recorded vote which was carried with the voting being as follows:

For	Against	Abstain
Councillors	Councillors	Councillors
Ken Arlett		
Anna Badcock		
Pieter-Paul Barker		
David Bartholomew		
Robin Bennett		
David Bretherton		
Sam Casey-Rerhaye		
Sue Cooper		
Peter Dragonetti		
Maggie Filipova-Rivers		
Stefan Gawrysiak		
Kate Gregory		
Victoria Haval		
Lorraine Hillier		

For	Against	Abstain
Kellie Hinton		
Alexandrine Kantor		
Mocky Khan		
George Levy		
Lynn Lloyd		
Axel Macdonald		
Jane Murphy		
Andrea Powell		
Leigh Rawlins		
Jo Robb		
Sue Roberts		
David Rouane		
Anne-Marie Simpson		
Ian Snowdon		
Alan Thompson		
Ian White		
Celia Wilson		
31	0	0

RESOLVED:

1. To note that at its meeting on 9 December 2021 the council calculated the council tax base 2022/23:
 - (a) for the whole council area as **60,343.7** [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”)]; and
 - (b) for dwellings in those parts of its area to which a parish precept relates as in column 1 of appendix 1.
2. That the council tax requirement for the council’s own purposes for 2022/23 (excluding parish precepts) is £8,221,226

3. That the following amounts be calculated for the year 2022/23 in accordance with Sections 31 to 36 of the Act:
- (a) £80,209,413 being the aggregate of the amounts which the council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by parish councils.
 - (b) £65,708,812 being the aggregate of the amounts which the council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £14,500,601 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the council, in accordance with Section 31A(4) of the Act as its council tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £240.30 being the amount at (3)(c) above (Item R), all divided by Item T (1(a) above), calculated by the council, in accordance with Section 31B of the Act, as the basic amount of its council tax for the year (including parish precepts).
 - (e) £6,279,375 being the aggregate amount of all special items referred to in Section 34(1) of the Act, as set out in column 2 of appendix 1.
 - (f) £136.24 being the amount at (3)(d) above less the result given by dividing the amount at (3)(e) above by Item T (1(a) above), calculated by the council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no parish precept relates.
4. That for the year 2022/23 Oxfordshire County Council has stated the following amounts in precepts issued to the council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	£1,101.07
Band B	£1,284.59
Band C	£1,468.10
Band D	£1,651.61
Band E	£2,018.63
Band F	£2,385.66
Band G	£2,752.68
Band H	£3,303.22

5. That for the year 2022/23 the Police and Crime Commissioner for Thames Valley has stated the following amounts in precepts issued to the council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	£160.85
Band B	£187.66
Band C	£214.47
Band D	£241.28
Band E	£294.90
Band F	£348.52

Band G	£402.13
Band H	£482.56

6. That the council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in appendix 3 as the amounts of council tax for 2022/23 for each part of its area and for each of the categories of dwellings shown in appendix 3.
7. To determine that the council's basic amount of council tax for 2022/23 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

75 Local Council Tax Reduction Scheme - Energy Bills Rebate disregard (Prescribed amendment)

Council considered the urgent report of the head of finance seeking approval for the council's current Council Tax Reduction Scheme's wording to be amended so that it can disregard Government's £150 one-off Energy Bills Rebate as income, in accordance with new legislation, when calculating a person's entitlement for council tax support and the amount of the support deduction.

RESOLVED: to approve an amendment to its Local Council Tax Reduction Scheme (working age & pension age), inserting appropriate income disregard wording which takes account of Government's one-off £150 Energy Bills Rebate.

76 Pay policy statement 2022/23

Council considered the report of the deputy chief executive on the adoption of a pay policy statement to meet the requirements of the Localism Act.

RESOLVED: to approve the statement of pay policy for 2022/23 attached to the report of the deputy chief executive to the Council meeting on 17 February 2022.

77 Report of the leader of the council

Councillor Rouane, Leader of the council, provided an update on a number of matters. The text of his address is available on the council's [website](#).

Council noted the details of an urgent decision taken by Councillor Robin Bennett, Cabinet member for Development and Corporate Landlord, to approve amendments to the South Oxfordshire District Council Additional Restrictions Grant (ARG) scheme.

78 Questions on notice

Question from Councillor Anna Badcock to Councillor Leigh Rawlins, Cabinet Member for finance and property assets

What would it take politically and monetarily to have a swimming pool built in Watlington, considering the options currently and in the future and mindful of the

development at Berinsfield where a current facility, in need of update, resides, and the anticipated planning applications for Chalgrove?

Answer

Strategic leisure is already in the process of undertaking a strategic review of leisure need across the district in partnership with Sport England, the output of which will be a facilities planning model. That work and model is expected to be ready by the end of this year and its purpose is to identify an appropriate level of sports provision in an area. It will take into account recent and planned population changes and housing delivery, and it is this document that will provide the best basis upon which to make decisions as to where new sports facilities are provided.

Funding for significant capital projects and potential sites would need to be identified in any such case, and clearly s106 and Community Infrastructure Levy (CIL) are sources of funding, derived from the development of new homes, that have the potential to be used.

We will of course be very happy to report the findings of the strategic leisure work to Councillor Babcock, particularly in regards to its findings regarding Watlington.

Supplementary question

Councillor Badcock asked if the Cabinet member for leisure would meet in person, within the next few weeks, with Watlington Parish Council to discuss the findings from their survey and strategy to ensure that the Cabinet member, head of service and team undertaking the review are fully aware of the leisure needs of a neglected rural area and appraises the parish council of all the considerations and requirements for the delivery of the key desirable facilities requested by the residents of the parish.

Answer

In response Councillor Filipova-Rivers, Cabinet member for community wellbeing, confirmed she would attend such a meeting.

79 Motions on notice

No motions were submitted for consideration by Council.

The meeting closed at 7.57pm

Council report



Report of Head of Legal and Democratic

Author: Steven Corrigan

Tel: 07717 274704

E-mail: steven.corrigan@southandvale.gov.uk

To: COUNCIL

DATE: 19 May 2022

Review of political balance

Recommendations

That Council:

1. appoints the committees and panels for the 2022/23 year and allocate seats to each political group as set out in paragraph 11 of this report;
2. appoints councillors and substitutes to sit on the committees and panels as set out in the schedule to be circulated prior to the meeting;
3. appoints councillors to the Licensing Acts Committee as set out in the schedule circulated prior to the meeting;
4. appoints councillors to the Climate Ecological Emergencies Advisory Committee as set out in the schedule circulated prior to the meeting;
5. appoints councillors to the Community Grants Panel as set out in the schedule circulated prior to the meeting;
6. appoints chairs and vice-chairs as set out in the schedule circulated prior to the meeting;
7. appoints David Turner as the council's representative and David Bretherton as substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
8. appoints Sam Casey-Rerhaye as the council's representative and Maggie Filipova-Rivers as substitute on the Thames Valley Police and Crime Panel;
9. appoints Peter Dragonetti, Victoria Haval and David Turner to the Future Oxfordshire Partnership Scrutiny Panel;
10. authorises the head of legal and democratic to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

Purpose of report

1. To approve the political balance calculations, to agree appointments to those committees required to be politically balanced together with the Climate and Ecological Emergencies Advisory Committee, Community Grants Panel and the Licensing Acts Committee and invite Council to make appointments to joint bodies.

Background

2. The Council is required by the Local Government and Housing Act 1989 to appoint committees, review the political balance and to appoint councillors to the committees annually.
3. In summary the Council has a duty to ensure the following principles are adhered to:
 - (i) not all seats are allocated to the same political group
 - (ii) a majority group should get the majority of seats on each committee
 - (iii) the seats allocated to groups on a committee reflect the membership of the Council as a whole
 - (iv) the allocation of the total number of seats on all committees reflects the membership as a whole.
4. Ordinary committees are those that have decision-making powers but excluding the Licensing Acts Committee.

Strategic Objectives

5. This report supports the council's corporate plan theme of Openness and accountability. It is also in line with the council's requirement to review the political complexion of committees and other bodies, having regard to the Local Government and Housing Act 1989.

Political balance

6. The number of seats held by the various political groups is as follows:

Group name	Number of councillors in group	Percentage across the Council	Allocation of seats over the 55 seats on committees
Conservative	10	27.78	15
Green	5	13.89	8
Henley Resident	3	8.33	5
Labour	3	8.33	5
Liberal Democrat	13	36.11	20
SORT	2	5.56	3
			56(-1)

7. The Local Government (Committees and Political Groups) Regulations 1990 require a constituted political group to be two or more members. Only those

councillors who form a properly constituted political group are included within political balance calculations.

Composition of committees

8. The ordinary committees and panels that are required to be politically balanced both individually, and overall, are set out below.

Committee	Members	Comments
Appeals Panel (NNDR and Housing)	5	
Community Governance and Electoral Issues Committee	6	
General Licensing Committee	12	
Joint Audit and Governance Committee	4	8 in total with Vale of White Horse District Council
Joint Staff Committee	3	6 in total with Vale of White Horse District Council
Joint Scrutiny Committee	5	10 in total with Vale of White Horse District Council
Planning Committee	11	
South Scrutiny Committee	9	
Totals	55	

- The membership of the General Licensing Committee and the Licensing Acts Committee are the same, although they are two separate entities. This allows for a sufficiently large, well trained pool of councillors from which to draw the Taxi Licensing and Licensing Panels and avoids confusion as to which members are on which committee. These committees may appoint the same, or different chairs and vice chairs.
9. The terms of reference of the council's committees and panels are set out in the constitution.
10. The political balance calculation and the entitlements to seats on committees are set out in the tables below. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. Some adjustments must be made to ensure that the overall percentage of seats is correctly apportioned.

	Conservative	Green	HRG	Labour	Liberal Democrat	SORT	Total
Appeals Panel 5 seats	1	1	0	0	2	0	4(+1)
Community Governance and Electoral Issues Committee 6 seats	2	1	1	1	2	0	7(-1)
General Licensing Committee 12 seats	3	2	1	1	4	1	12
Joint Audit and Governance 4 seats	1	1	0	0	1	0	3(+1)
Joint Scrutiny 5 seats	1	1	0	0	2	0	4(+1)
JSC 3 seats	1	0	0	0	1	0	2(+1)
Planning 11 seats	3	2	1	1	4	1	12(-1)
Scrutiny 9 seats	3	1	1	1	3	1	10(-1)
Total	15	9(-1)	4(+1)	4(+1)	19(+1)	3	55

- To obtain balance across the committees and overall, the Liberal Democrat, Henley Residents Group, and Labour groups must each gain an additional seat. The Green Group must lose a seat. Required adjustments to the committees are shown in brackets.
- The composition of seats set out in the table in paragraph 6 shows that a political group would need to forgo its allocation to one seat under the current committee membership.

11. Officers have consulted with group leaders who have agreed to retain the allocations agreed by Council for the 2021/22 municipal year as set out below.

	Conservative	Green	HRG	Labour	Liberal Democrat	SORT	Total
Appeals Panel 5 seats	1	1	0	0	2	1	5
Community Governance and Electoral Issues Committee 6 seats	2	0	1	1	2	0	6
General Licensing Committee 12 seats	3	2	1	1	4	1	12
Joint Audit and Governance 4 seats	1	1	0	1	1	0	4
Joint Scrutiny 5 seats	1	1	1	0	2	0	5
JSC 3 seats	1	0	0	0	2	0	3
Planning 11 seats	3	2	1	1	3	1	11
Scrutiny 9 seats	3	1	1	1	3	0	9
Total	15	8	5	5	19	3	55

12. If the Council wishes to allocate any seats not in accordance with the political balance requirements it can only do so if no councillor votes against the proposal.

Substitutes

13. Each political group is entitled to the same number of preferred substitutes as the number of ordinary seats it holds on a committee or panel, and up to a maximum of three preferred substitutes where it has fewer than three members on a committee or panel. All substitutes for regulatory committees must have met the relevant training requirement, regardless of whether they are preferred or other substitutes.

Community Grants Panel

14. There is a maximum of nine seats (balanced politically) on the Community Grants Panel. This panel is not subject to the regulations detailed in paragraph 3 of this report and, therefore, has no effect on the overall allocation of seats. For this panel

to be politically balanced alone, three seats are allocated to the Conservatives and Liberal Democrats and 1 seat each to the Greens, Henley Residents Group and Labour.

15. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 13 above.

Climate and Ecological Emergencies Advisory Committee

16. At its meeting on 18 July 2019, Council established a Climate Emergency Advisory Committee (renamed the Climate and Ecological Emergencies Advisory Committee by Council at its meeting on 11 February 2021) comprising 11 members to be politically balanced. The committee is not subject to the regulations detailed in paragraph 3 of this report and, therefore, has no effect on the overall allocation of seats. For this committee to reflect the political balance calculation, it is suggested that three seats are allocated to the Conservatives four to the Liberal Democrats and one each to the Greens, Henley Residents Group, Labour and SORT.

17. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 13 above.

Licensing Acts Committee

18. The Licensing Acts Committee is a statutory committee and is not required to be included in the calculation of political balance. The whole committee meets rarely to deal with licensing and gambling policy matters but a membership of 12 provides a pool of councillors from which panels of three can be drawn to deal with hearings relating to premises licence applications and reviews, and gambling matters.
19. Council has previously agreed to appoint a committee in accordance with the political balance of the Council. The membership will mirror the membership of the General Licensing Committee and will, therefore, be politically balanced but will not in itself contribute to the total political balance of the council's committees.
20. As a statutory committee with a specified membership substitutes may not be appointed.

Eligibility to sit on committees and panels.

- Any member of the council may be appointed to any committee with the following exceptions and caveats:
- No member of Cabinet may sit on any Scrutiny Committee;
- No member of Cabinet may sit on the Joint Audit and Governance Committee;
- No member of Cabinet may sit on the Planning Committee;
- No member of Cabinet may sit on the Community Grants Panel;
- The Chair or Vice Chair of Council may not be the Chair or Vice Chair of any committee or panel;

- No Cabinet member may be the Chair or Vice Chair of any committee or panel with the exception of the Joint Staff Committee;
- Most panels meet during the daytime, and only members who have daytime availability should be selected for these panels. This includes General Licensing Committee and Licensing Acts Committee, which do most of their work through daytime panels.

Appointments

21. Officers will invite group leaders to submit the names of councillors they wish to sit on each of the above bodies. A table of nominations will be circulated at the meeting.

Joint Health Overview and Scrutiny Committee

22. Council is invited to appoint a representative and a named substitute to the Oxfordshire Joint Health Overview and Scrutiny Committee.

Thames Valley Police and Crime Panel

23. Council is invited to appoint a representative and a substitute to the Thames Valley Police and Crime Panel.

Future Oxfordshire Partnership Scrutiny Panel

24. The Future Oxfordshire Scrutiny Panel enables effective and coordinated scrutiny of the Future Oxfordshire Partnership functions and decisions. The Scrutiny Panel is non-statutory to enable flexibility for the constituent councils to reflect local scrutiny membership. The ability of the constituent council scrutiny committees to scrutinise the Future Oxfordshire Partnership remains. The chair will be elected by the members of the Scrutiny Panel.

25. As a non-statutory panel, the Scrutiny Panel does not need to be politically balanced.

26. Council is invited to appoint three representatives to the Scrutiny Panel.

Climate and ecological impact implications

27. There are no climate and ecological implications arising from this report.

Financial implications

28. There are no direct financial implications arising from this report.

Legal implications

29. These are set out in the body of the report.

Conclusion

30. In deciding the committees and panels it wishes to establish for the 2022/23 year, Council is required to allocate seats to political groups in the same proportion as they hold on the council as a whole. Against that background, Council is invited to establish the committees and panels set out in the table in paragraph 8 of this report and to appoint councillors to them. Council is also invited to appoint councillors to the Community Grants Panel, the Climate and Ecological Emergencies Advisory Committee and the Licensing Acts Committee and to appoint representatives to the Oxfordshire Joint Health Overview and Scrutiny Committee, the Thames Valley Police and Crime Panel and the Future Oxfordshire Partnership Scrutiny Panel. If all committee and panel seats and substitute places are not filled at the meeting, Council is invited to delegate authority to the head of legal and democratic to make appointments in accordance with the wishes of the relevant group leader.

Background Papers: None

Joint Audit and Governance Committee



Report of Head of Legal and Democratic and Monitoring Officer

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DATE: 29 March 2022

Oxfordshire Model Code of Conduct

Recommendation(s). It is recommended that the committee

Approve the Oxfordshire Code of Conduct appended to this report and commend it to the councils for adoption.

Purpose of Report

1. To provide the committee with a draft model Code of Conduct to consider and, if approved, recommend to the councils for adoption.

Strategic Objectives

2. Openness and Accountability (South), Working in an open and inclusive way (Vale)

Background

3. Section 27 of the Localism Act 2011 (the Act) places a duty on relevant authorities to promote and maintain high standards of conduct. In order to discharge its duty a council must adopt a Code dealing with the conduct that is expected of members of the authority when they are acting in that capacity. Section 28 of the Act provides that a relevant authority must secure that a Code adopted by it, when viewed as a whole, consistent with the Nolan Principles. There is also a requirement to ensure that appropriate measures are taken to record and declare interests. Other than these requirements, it is a matter for each council to adopt a Code that is relevant to its particular circumstances. There is power to amend or replace a Code as circumstances dictate, but the Code must be adopted by full Council.
4. South Oxfordshire and Vale of White Horse District Councils (the councils) have adopted a Code of Conduct for members which forms part of the shared

Constitution. The adopted Code is one which had previously been agreed on an Oxfordshire wide basis in 2016.

5. The Committee on Standards in Public Life (CSPL) undertook a review of the ethical framework for members with its report being published in January 2019. The CSPL review concluded that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The terms of reference for the review were, to examine the structures, processes and practices in local government in England for:
 - maintaining Codes of Conduct for local councillors
 - investigating breaches fairly and with due process
 - enforcing Codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
6. The CSPL also assessed whether the existing structures, processes and practices are conducive to high standards of conduct in local government and were to make any recommendations for how they can be improved. The full report can be accessed [here](#)
7. The aim of the Localism Act was to place matters such as the Code of Conduct within the hands of individual councils, but in doing so there are now considerable variations in approach and content. The CSPL heard evidence that the variation between Codes, even where the Codes do not differ in quality, is problematic as it creates confusion among councillors who may be serving at multiple tiers of local government. It also found that the current situation creates confusion among members of the public over what is required of different councillors. This is the also the experience of the Monitoring Officer since working in England. (Wales has a mandatory model Code)
8. Consequently, the CSPL concluded that there should be a national model Code of Conduct, but that this should not be mandatory, and could be adapted by individual authorities. It was recommended that the model Code should be drafted by the Local Government Association, given their significant leadership role in the sector, in consultation with representative bodies of councillors and officers of all tiers of local government. Part of the CSPL recommendations was the introduction of sanctions for breaches of the Code, alongside an appeals process within the ambit of the Local Government Ombudsman but this aspect was outside the scope of the LGA consultation as it requires legislative changes by Government.

A Model Code

9. The Local Government Association (“the LGA”) released a draft Model Member Code of Conduct for consultation on 8 June 2020. Its aim was stated to be that it would be:

“...concise, written in plain English and be understandable to members, officers and the public. The draft Model Member Code has been designed to aid members

in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members.”

10. There was extensive consultation and response on the draft Model which resulted in some changes to the draft and the finalised Model Code was released on 23 December 2020. It incorporated the Committee on Standards in Public Life recommendations on Local Government Ethical Standards and representations from its membership.
11. The Oxfordshire Secretary’s and Monitoring Officers Group (OSMOG) have collaborated on a joint Code previously and have been discussing amending the current joint Code, a move which has been supported by Oxfordshire Association of Local Councils. It was decided that the LGA Model Code would be suitably adapted to provide a new model Code for Oxfordshire which could be adopted across all tiers of government so that members would work to the same Code no matter which organisation they are a member of. All Monitoring Officers are therefore recommending the Code appended to this report to their councils for adoption.

When Does the Code Apply?

12. The Code will apply to members when they are acting in their official capacity, misuse their position or their actions could give the impression to a reasonable member of the public with knowledge of all of the facts that one is acting as a councillor. The latter aspect is one of the most difficult for members of the public to understand as there is a perception that councillors are always ‘on duty’, that is that members are bound by the Code at all times. This has gained prevalence in recent times due to the impact of social media.
13. The legal position under the Localism Act, is that the Code can only apply when the member is acting in the capacity of an elected councillor. Many Codes reflect the definition set out in the old model Code and extend the applicability of the Code to cover situations where a member is acting or appearing or purporting to act as a member or representative of the Council. This is intended to cover the ‘don’t you know who I am’ situation, which is thankfully rare, but there is a clear gap in the law with many Codes being ‘stretched’ to include application to members where the law may not permit, particularly as a consequence of social media activity. There are of course shades of grey as to when a member is acting in that capacity and the CPSL recognised this which is why it recommended that there should be a rebuttable presumption that the person is acting in the capacity of a member unless they demonstrate that they were not. However, this would require a change in the law.
14. The Code will apply to all forms of communication and interaction. This is intended to cover the increase in use of social media by members and that there is sometimes confusion as to whether members are acting in their official capacity when operating outside of formal Council processes, for example on social media.

Content of the Code

15. The CSPL recognised that:

“A Code of Conduct is not a values or vision statement for an organisation. It therefore needs to state clearly what is required of councillors rather than an aspiration or aim. Often this will mean phrasing requirements in terms of what councillors ‘must not’ do. The requirements should also be enforceable: Codes should not include provisions such as ‘councillors must be aware of...”

16. The current Code adopted by the councils does not fully comply with the requirements of the CSPL in that it does not clearly tell councillors what they should or should not do. Furthermore, it does not cover a number of aspects that one would expect to see in a Code such as a definition of bullying and harassment and bringing the office of councillor or the Council into disrepute. The section on declaration of interests also falls short in that it focusses solely on disclosable interests which can lead to councillors overlooking conflicts of interest which may not have a monetary element attached.
17. The CSPL issued 15 best practice recommendations, one of which was that the Code should provide definitions of bullying and harassment. These are now contained in the proposed Code. Members will recall that the Arrangements for considering complaints under the Code which was recently adopted by the councils incorporated all of the other recommendations which apply to them.
18. The proposed Code introduces the requirement to treat other councillors, officers and members of the public with respect. This does not prevent councillors from having a viewpoint and there will still be the ability to express challenge or disagree with opinions, but the line is rightly drawn at personal attack. There is the introduction of a definition of bullying and harassment as mentioned above. A prohibition on bullying and harassment is found in most Codes, but the Model Code introduces the definitions required by the CSPL.
19. In terms of the main changes, declarations of interests have been clarified. Disclosable Pecuniary Interests are set by Regulation so cannot be altered and remain the same as before. However, the Code re-states the position in relation to other interests which are now referred to as other ‘registrable’ interests which are set out in Table 2 of the Code. There is a fundamental change to the approach to interests other than DPI’s in that the concepts of financial interests which are not DPI’s and of well-being have been introduced. There are further requirements around gifts and hospitality to make the position around perception of undue influence clearer.
20. The best way to summarise the change to declaration of interests is that they reflect what used to be known as personal and prejudicial interests prior to the introduction of DPI’s. If the proposed Code is adopted, the Monitoring Officer will be providing training.

Climate and ecological impact implications

21. There are no climate and / or ecological implications arising from the recommendations in this report.

Financial Implications

22. There are no financial implications arising from the recommendations in this report.

Legal Implications

23. All legal matters are set out in the body of the report.

Risks

24. There are no direct risks arising from the recommendations in this report. If the Oxfordshire Code is not adopted by the councils, they will be out of step with the other councils in the county and the current Code of Conduct, is in the view of the Monitoring Officer, not fit for purpose.

Other Implications

25. There are no other implications.

Conclusion

26. The proposed Code follows the format of the LGA Model Code and the Monitoring Officer recommends that the committee consider commending it to each full Council for adoption.

Background Papers

None

Oxfordshire Councils' Councillor Code of Conduct 2022

1.0 Introduction

The Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council, and formally adopt a code of conduct, in accordance with the *Localism Act 2011*.

2.0 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.

3.0 Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of the local authority. A "co-opted member" is defined in the *Localism Act 2011 Section 27(4)* as "a person who is not a member of the authority but who

- 3.1 is a member of any committee or sub-committee of the authority, or;
- 3.2 is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

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

4.0 General Principles of Councillor Conduct

Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles, (see Appendix A).

Building on these principles of selflessness, objectivity, accountability, openness, honesty and integrity and leadership, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in Councillors, on all occasions a Councillor shall:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.

- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

These general principles have been incorporated into the obligations of the Code of Conduct as set out below.

5.0 Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

6.0 Standards of Councillor Conduct

This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

6.1 Respect

A Councillor:

- 6.1.1 Shall treat everyone, including other Councillors and members of the**

6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant social media provider and/or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

6.2 Bullying, Harassment and Discrimination

A Councillor:

6.2.1 Shall not bully any person.

6.2.2 Shall not harass any person.

6.2.3 Shall promote equalities and not discriminate against any person.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as; conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

6.3 Impartiality of Officers of the Council

A Councillor:

6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

6.4 Confidentiality and access to information

A Councillor:

6.4.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless

- i. They have received the consent of a person authorised to give it; or**
- ii. They are required by law to do so; or**
- 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 reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.**

6.4.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.

6.4.3 Shall not prevent anyone from getting information that they are entitled to by law.

6.4.4 When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.

6.5 Disrepute

A Councillor:

6.5.1 Shall not bring their role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.

6.6 Use of position

A Councillor:

6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.

A Councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

6.7 Local authority Resources and Facilities

A Councillor:

6.7.1 Shall not misuse council resources.

6.7.2 Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.

A Councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.

6.8 Compliance with the Code of Conduct

A Councillor:

6.8.1 Shall undertake Code of Conduct training as required by the local authority.

6.8.2 Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.

6.8.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

6.8.4 Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

It is extremely important for a Councillor to demonstrate high standards, to have your actions open to scrutiny and not to undermine public trust in the local authority or its governance. If you do not understand, or are concerned about the local authority's processes in handling a complaint, you should raise this with the Monitoring Officer.

7.0 Registering and Declaring Interests

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

7.1 Disclosable Pecuniary Interests

A Councillor 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 (see Appendix B), 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. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

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'. If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the Councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

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.

Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

7.2 Other Registerable Interests

You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix C), you must disclose the interest.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

7.3 Non-Registerable Interests

Where a matter arises at a meeting which ***directly relates*** to your financial interest or wellbeing and does not fall under disclosable pecuniary interests at 7.1 above, or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the

matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.2 above and appendix C you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

8.0 Gifts and Hospitality

A Councillor:

- 8.1 Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 8.2 Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 8.3 Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.**

The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a Councillor.

It is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B: Discloseable Pecuniary Interests

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>

<p>Contracts</p>	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
<p>Land and Property</p>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<p>Licenses</p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<p>Corporate tenancies</p>	<p>Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>

<p>Securities</p>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>
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* ‘Director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix C: Disclosure of Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

COUNCIL



Report of Patrick Arran, Head of Legal & Democratic and Monitoring Officer

Author: Steven Corrigan

Telephone:

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To: Vale of White Horse District Council 18 May 2022

South Oxfordshire District Council 19 May 2022

Appointment of Independent Persons

Recommendation(s)

To appoint Mike Boon, Julie Byron, George Green, Andrew Mills-Hick, Chris Smith and Martin Wright as Independent Persons for a period of four years until the annual meeting in May 2026.

Purpose of Report

1. This report invites Council to make appointments to the roles of Independent Persons.

Corporate Objectives

2. High standards of conduct underpin all the council's work and the achievement of all its corporate objectives. The proposal ensures a continued independent person advisory service to the council on code of conduct cases.

Background

3. The Localism Act 2011 (Section 28) requires a relevant authority to have in place arrangements under which allegations made under the Code of Conduct can be investigated, and under which decisions on allegations can be made. Council is being recommended to adopt a revised Code at this meeting. Legislation provides that an authority must appoint at least one Independent Person to advise the Council when a decision has been made to investigate an alleged breach of the Code, whilst the Best Practice recommendations of the Committee on Standards in Public Life state that authorities should have access to at least two Independent Persons.

4. The arrangements referred to above require the appointment of Independent Persons who the Monitoring Officer may consult at various stages of the process when dealing with allegations of misconduct by district or parish councillors.
5. At its meeting on 24 March 2021 Vale of White Horse District Council resolved to authorise the Monitoring Officer to extend the terms of office of Chris Smith and Martin Wright, the council's independent persons for code of conduct matters until 31 May 2022.
6. At its meeting on 31 March 2021 South Oxfordshire District Council resolved to authorise the Monitoring Officer to extend the terms of office of George Green and Chris Smith as the council's independent persons for code of conduct matters until 31 May 2022.
7. Both Councils authorised the Monitoring Officer to carry out a recruitment exercise for new independent persons and bring recommendations on appointments to Council prior to the expiry of the term of office.
8. In order to provide greater resilience, the Monitoring Officer wishes to establish a pool of independent persons to assist him with the administration of code of conduct complaints at both South Oxfordshire and Vale of White Horse District Councils.
9. In accordance with the requirements of the Act, an advert (attached as an appendix) was placed in a local newspaper, the Oxfordshire Times, in March and via each council's website. The existing independent persons were invited submit expressions of interest in the roles. New applicants were required to complete an application form. Six further requests were received for further information with four applications submitted. Three candidates were invited to interview.
10. Interviews were held in the week commencing 2 May 2022 by Patrick Arran, Head of Legal and Democratic and Monitoring Officer and Steven Corrigan, Democratic Services Manager and Deputy Monitoring Officer.
11. It was agreed that Mike Boon, Julie Byron, George Green, Andrew Mills-Hick, Chris Smith and Martin Wright were suitable for the role and now recommend that each council appoint them as their Independent Persons. A brief summary of their experience is set out below:
 - George Green – has been an Independent Person with South Oxfordshire District Council since July 2012
 - Chris Smith – has been an Independent Person with Vale of White Horse District Council since July 2012 and with South Oxfordshire since June 2017
 - Martin Wright – has been an Independent Person with Vale of White Horse since July 2012
 - Julie Byron – currently an independent person at Hampshire County Council and Warrington Council
 - Andrew Mills-Hick – an independent person with Oxford City Council since September 2019
 - Mike Boon – relevant experience gained in paid and voluntary roles

12. A four-year term of office is recommended to provide stability of tenure and resilience.

Climate and ecological impact implications

13. There are no climate and ecological implications arising from the recommendations made in this report.

Financial Implications

14. The cost of implementing the code of conduct arrangements, training independent persons and meeting their expenses is met from existing budgets. The role of Independent Person is a voluntary role and attracts no remuneration other than expenses.

Legal Implications

15. Any legal implications are set out in the body of the report.

Risks

16. Failing to appoint an Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

Other Implications

17. The appointment of an Independent Person must be approved by a majority of the members of the authority, not merely a simple majority of councillors present and voting.

Conclusion

9. Council is invited to appoint Independent Persons to ensure it can operate in accordance with legislative requirements.

Background Papers

None.

Are you fair-minded, impartial and a good communicator?

Can you reach independent conclusions based on the facts? Can you bring a measure of experience and common sense to handling complex and sometimes contentious issues? If the answer to these questions is “yes” then you may be able to help South Oxfordshire and Vale of White Horse District Councils by acting as one of its ‘Independent Persons’.

The councils are seeking to recruit Independent Persons to assist the Monitoring Officer with councillor standards work. We are looking for people with an interest in maintaining high standards in public life and an interest in local governance.

Each council has a duty to promote and maintain high standards of conduct of councillors and deal with complaints against councillors. The role of Independent Person involves being called on to assist with complaints and may amount to a few hours a month. You would be working closely with the councils’ Monitoring Officer who will formally consult you with regards to how matters should be handled.

The Independent Person must be independent of the councils. Someone cannot be appointed to this role if they are a councillor, co-opted councillor or officer or a parish councillor within the council areas or been so within the last five years.

The successful applicant should be inquiring and independent-minded. Some experience of maintaining standards and ethics in the public or private sectors would be useful. However, it will be more important to be able to provide clear thinking, make objective judgements and be impartial.

Travel and subsistence expenses will be payable as will role related training costs. The appointment will be for four years.

If you are interested then please contact Steven Corrigan, Democratic Services Manager at steven.corrigan@southandvale.gov.uk , or on 07717 274704 for an application form

Closing date: 22 April 2022

Interview date: Week commencing 2 May 2022