

CIVIC AFFAIRS

1 February 2012

6.00 - 7.22 pm

Present: Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Marchant-Daisley, Herbert and Stuart

Also Present: Councillor Taylor

Officers Present:

Chief Executive – Antoinette Jackson

Director of Resources – David Horspool

Head of Legal Services – Simon Pugh

Committee Manager – Glenn Burgess

Also Present:

District Auditor (Audit Commission) – Paul King

FOR THE INFORMATION OF THE COUNCIL

12/5/civ Apologies for absence

None

12/6/civ Declarations of Interest

None

12/7/civ Minutes of the meetings held on 14 September 2011 and 4 January 2012

The Minutes of the meetings held on 14 September 2011 and 4 January 2012 were approved and signed as a correct record.

12/8/civ Public Questions

None

Change of Agenda Order

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda to take agenda item 8 (minute item 12/12/civ) after agenda item 5 (minute item 12/9/civ).

However, for ease of the reader, these minutes will follow the order of the published agenda.

12/9/civ Audit Plan - Audit of 2011/12 Accounts

The District Auditor presented the Audit Plan and the Audit of the 2011/12 accounts following an introduction from the Director of Resources.

Resolved (unanimously) to:

Note the Audit Plan and the Audit of 2011/12 accounts.

12/10/civ Localism Act - Changes to the Standards Regime for Councillors

The committee received a report from the Head of Legal Services regarding changes to the standards regime for Councillors.

Members of the committee made the following comments regarding the report:

- i. Emphasised the continuing need for openness, transparency and public visibility with any future standards regime.
- ii. Emphasised the need, when incorporating standards functions into the remit of the Civic Affairs Committee, of ensuring a politically neutral environment.
- iii. Supported the need for a clear three-stage process but questioned how hearings could be structured within the current Civic Affairs Committee format.
- iv. Raised concern that, if 'Independent Persons' (IP's) were not eligible to vote, decisions would be dominated by Councillors and the ruling Group.
- v. Highlighted the importance of IP's being involved in all stages prior to the formal hearing.

- vi. Suggested that the a panel of Councillors, similar to the format of Employment Appeals, could be set up to deal with formal hearings. The need for a clear and detailed Councillor selection process was however highlighted.
- vii. Supported the officer's view that the standards functions would sit well with the Civic Affairs Committees' governance and audit remit.
- viii. Emphasised the need for a standards regime that demonstrated clearly to the public that Councillors would be held to account for their actions. It was noted that public confidence in any new regime was essential.
- ix. Supported the officer's view that a model Code of Conduct, with other local authorities adopting a consistent approach, would be beneficial.
- x. Suggested that IP's could also take on a mediation role.
- xi. Supported the officer's view that it may be beneficial for neighbouring authorities to share two or more IP's.
- xii. Emphasised the need for clear guidance to Councillors on any changes to requirements for declaring interests.
- xiii. Questioned the need for a Councillor with a disclosable pecuniary interest to leave the room during the debate and vote on an item.

In response the Head of Legal Services suggested that a meeting be set up with Councillors to discuss the proposed changes and future options in more detail.

Councillor Boyce proposed the following additional recommendation:

That a sub set of Councillors, including a representative from the Green Group, meet with the Head of Legal Services to further discuss the proposed changes to the standards regime as set out in the officer's report.

On a show of hands the amendment was carried by 5 votes to 0 (unanimously).

Resolved (unanimously) that:

- i. A sub set of Councillors, including a representative from the Green Group, meet with the Head of Legal Services to further discuss the proposed changes to the standards regime as set out in the officer's report.

- ii. The Committee supports, in principle, the incorporation of the Council's standards functions within the remit of the Civic Affairs Committee and that the Monitoring Officer is asked to prepare revised terms of reference for consideration by this Committee and the Council.
- iii. The Monitoring Officer is asked to draft a Code of Conduct for members incorporating the seven Nolan principles of public life for adoption by the Council.
- iv. The Monitoring Officer is asked to prepare a protocol for the receipt, investigation and consideration of complaints against councillors for consideration by this Committee.
- v. The Monitoring Officer is asked to take all necessary steps to establish a register of members' interests to replace (so far as is necessary) the current register and to ensure that councillors are made aware of any changes to registration and declaration of interests.
- vi. The Monitoring Officer, after consultation with the Chair of this Committee, the Standards Committee, and group spokespersons, is given delegated powers to devise and implement a procedure for recruiting one or more "Independent Persons", including setting up a member panel to make a recommendation for appointment to the Council.

12/11/civ Members Allowances Scheme 2012/13

The committee received a report from the Head of Legal Services regarding the Members Allowances Scheme 2012/13.

Members of the committee made the following comments regarding the report:

- i. Acknowledged the important work undertaken by the Independent Remuneration Panel (IRP).
- ii. Noted that, despite the recommendations of the IRP, member's allowances had been frozen for five years.
- iii. As a result of a decision by Her Majesty's Revenue and Customs (HMRC) food would no longer be provided for Councillors at Council meetings.

- iv. More clarity was needed on claiming subsistence when travelling over 3 miles to a meeting, and if this also included travelling from within the boundary of the City. Officers noted this comment.

Councillor Herbert suggested that, whilst the member's allowances budget remained the same, there was a need for a comprehensive review of the allocations after the elections in May 2012.

The Chief Executive responded that, as part of the Strategy and Climate Change Portfolio Plan, a full review of the Council's decision-making processes would be undertaken in 2012/13. It was suggested that it would be beneficial to look at member's allowances as part of this review.

Councillor Boyce proposed the following amendment to the officer's recommendation (additional text underlined):

That the Members Allowances Scheme 2011/12 be continued for the 2012/13 municipal year, but be reviewed as part of the Leaders full review of the Council's decision-making processes in 2012/13.

On a show of hands the amendment was carried by 5 votes to 0 (unanimously).

Resolved (unanimously) to recommend to Council that

- i. The Members Allowances Scheme 2011/12 be continued for the 2012/13 municipal year, but be reviewed as part of the Leaders full review of the Council's decision-making processes in 2012/13.

12/12/civ Presentation of Annual Audit Letter

The District Auditor presented the Annual Audit Letter following an introduction from the Director of Resources.

It was noted that at the Civic Affairs meeting of 14 September 2011 it was agreed to delegate agreement of the Annual Audit Letter to the Director of Resources, in consultation with the Chair and Spokes, and receive formal presentation of the letter by the District Auditor at this meeting.

The committee made the following comments on the Annual Audit Letter:

- i. Thanked the Director of Resources and officers across the Council for all their hard work.
- ii. Further information was requested on what audit arrangements would be in place in future years. The District Auditor responded that an outsourcing exercise was currently being undertaken with an announcement on the approved bidder expected on 6 March 2012. The initial contract would be for a 3-year term with existing staff being transferring under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). It was hoped that the 3-year period would allow for formal legislation to be enacted and for local authorities to plan for a new regime. The Director of Resources confirmed that the City Council were already looking at future options and working with other local authorities in the area.

Resolved (unanimously) to:

- i. Note the Annual Audit Letter.

The meeting ended at 7.22 pm

CHAIR