

Report of Head of Legal and Democratic and Monitoring Officer

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To: COUNCIL

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Further extension of term of office of independent persons for code of conduct matters

Recommendations:

That Council:

- (1) authorises 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;
- (2) authorises the Monitoring Officer to carry out a recruitment exercise for new independent persons and bring recommendations on appointments to Council prior to that date.

Purpose of Report

1. This report asks Council 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 May 2022 when Council will be asked to consider proposals for a new code of conduct and any new statutory requirements for the appointment of independent persons.

Strategic Objectives

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

Background

3. The Localism Act 2011 requires the appointment of independent persons who the Monitoring Officer must consult at various stages of the process when dealing with allegations of misconduct by district or parish councillors.
4. At its meeting on 7 October 2020, Council agreed a further extension of the terms of office of the independent persons until May 2021 whilst awaiting the publication of a Local Government Association (LGA) model code of conduct and the government's response to the recommendations on the Committee on Standards in Public Life report. Since that meeting the LGA has published a model code but has not yet indicated when its guidance on the model code will be issued.
5. A recent meeting of Oxfordshire monitoring officers, and a representative of the Oxfordshire Association of Local Councils, discussed the best way to achieve a common code in Oxfordshire which has worked well to date. The meeting discussed the timing and content of the model code. Authorities have the option to adopt the model Code in full, adopt an adapted version or to continue as present. The meeting agreed that the LGA supplementary guidance may well inform any final decisions.
6. In terms of timing, the meeting considered that with elections coming up, there is a case for earlier adoption ahead of the elections to enable councils with local elections to begin the new council year with a new code. However, with COVID causing additional workloads generally, and as particularly regards the elections themselves, and with time needed for a fuller discussion by monitoring officers as well as councillors, it was agreed that there is a case for a longer lead-in. The meeting therefore agreed to bring a single code for Oxfordshire to each Council by May 2022, and that the Monitoring Officers' group would work up a revised draft for each authority to consider.
7. The Committee on Standards in Public Life report made recommendations on the term of office of independent persons, but the government has not yet published its response to that report or indicated whether it intends to introduce new legislation in response to the recommendations in the report. It would be helpful to have that information before starting a recruitment exercise for new independent persons. It is therefore recommended that Council extends the terms of office of the existing independent persons for a further year and authorises the Monitoring Officer to conduct a recruitment exercise once any new requirements are known.
8. Chris Smith and Martin Wright have been consulted about their terms of office and have both confirmed their willingness to continue working in this role.

Financial Implications

9. The cost of implementing the code of conduct arrangements, training independent persons and meeting their expenses is met from existing budgets.

Legal Implications

10. The legal implications are set out in the body of the report.

Risks

11. None.

Other Implications

12. None.

Conclusion

12. This report recommends Council 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, to 31 May 2022 and to authorise the Monitoring Officer to carry out a recruitment exercise for new independent persons and bring recommendations on appointments to Council prior to that date.

Background Papers

- Report to and minutes of the Council meeting on 18 July 2012
- Report to and minutes of the Council meeting on 17 May 2017
- Report and minutes of the Council meeting on 9 October 2019
- Report and minutes of the Council meeting on 7 October 2020