

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY, 10 MAY 2012

Councillors Present: David Allen, Peter Argyle (Chairman), Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Jeff Brooks, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards (Vice-Chairman), Sheila Ellison, Marcus Franks, Manohar Gopal, Paul Hower, John Horton, Roger Hunneman, Carol Jackson-Doerge, Graham Jones, Tony Linden, Mollie Lock, Royce Longton, Gordon Lundie, Gwen Mason, Geoff Mayes, Tim Metcalfe, Joe Mooney, Irene Neill, Graham Pask, David Rendel, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck, Virginia von Celsing, Quentin Webb, Emma Webster, Keith Woodhams and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), David Holling (Head of Legal Services), Linda Pye (Principal Policy Officer) and Jude Thomas (Member Services Officer)

Apologies for inability to attend the meeting: Councillor Howard Bairstow, Councillor Billy Drummond, Councillor Dave Goff, Councillor David Holtby, Councillor Mike Johnston, Councillor Alan Law, Councillor Alan Macro and Councillor Tony Vickers

PART I

1. Chairman's Remarks

The Chairman reported that he had been privileged to attend many varied events in his year in office. Highlights included a number of citizenship ceremonies, Queens Diamond Jubilee events, the signing of the Community Covenant, the Foster Carers Awards evening, the Queens Award event, the Loyalty address and a number of visits to schools which were dear to his heart.

The Chairman also paid tribute to the Vice-Chairman who had done a sterling job of supporting him and had attended a number of events on his behalf when he was unable to do so. Councillor Peter Argyle also thanked his wife Maggie for the support that she had afforded him during the year. Councillor Argyle also thanked the Officers Jo Watt, Linda Pye and Jude Thomas for the support that they had provided to him during his year in Office.

2. Presentations

The Chairman then presented a cheque for £2,500 to representatives from Buddies, the Charity that he had chosen to support during his year in Office. He noted that he had been offered the role of President of the organisation and he was very pleased to announce that he had accepted.

The Chairman then went on to make a Long Service Award to Glenda O' Brien a Learning Support Assistant at Downsway Primary School in recognition of the 25 years of service that she had provided to the Council. The Chairman thanked her, on behalf of the Council, for her commitment and dedication to public service.

The Chairman was pleased to announce that Long Service Awards would also be made to long serving elected Councillors for ten, fifteen, twenty and twenty five years service.

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The following Members received an award for 10 years of service:

- Keith Chopping;
- Adrian Edwards;
- Alan Macro; (apologies for meeting)
- Julian Swift-Hook;
- Tony Vickers; (apologies for meeting)
- and Anthony Stansfeld.

The following Members received an award for 15 years of service:

- Brian Bedwell;
- Jeff Brooks;
- Paul Bryant;
- Graham Jones;
- Mollie Lock;
- Royce Longton;
- Andrew Rowles;
- and Peter Argyle (this was handed to him later by Councillor Adrian Edwards).

The following Members received an award for 20 years of service:

- Tony Linden;
- Joe Mooney;
- and Keith Woodhams.

The following Member received an award for 25 years of service:

- Graham Pask.

The Chairman commended the Members on their outstanding efforts.

3. **Election of Chairman for the 2012/13 Municipal Year (C2486)**

The Motion was proposed by Councillor Jeff Beck and seconded by Councillor Paul Bryant that Councillor Adrian Edwards be elected Chairman of the Council for the Municipal Year 2012/13. There were no further nominations.

RESOLVED that Councillor Adrian Edwards be elected as Chairman of Council for the Municipal Year 2012/13.

(Councillor Adrian Edwards in the Chair)

The new Chairman read and signed the Declaration of Acceptance of Office and thanked the retiring Chairman for his year of service. Councillor Edwards thanked the Council for electing him and Councillors Beck and Bryant for their kind words. Councillor Edwards noted that he would be retaining his role as the Council's cycling champion and he would therefore strive to promote health and fitness for all during his term in office. Councillor Edwards noted that 2012/13 would be an exceptional year both for the District and the Country due to it being the Queen's Diamond jubilee year as well as the London 2012 Olympic and Paralympics Games.

Councillor Edwards reported that his chosen charity for 2012/13 was Help for Heroes, a charity that raised funds to help support injured armed forces personnel.

Councillor Edwards thanked the outgoing Chairman, Councillor Peter Argyle, for the sterling work he had undertaken during his year of office. Councillor Edwards noted that Councillor Argyle had had an exceptional year and had managed to raise a sum of £2,500 for his charity Buddies. Councillor Edwards paid tribute to Councillor Argyle by

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informing Council that he had shown great stamina and good humour in carrying out his duties. Many of those who had met Councillor Argyle had commented how well he and his wife had represented the District Council.

Councillor Jeff Brooks welcomed the new Chairman and thanked the outgoing Chairman for the excellent work he had undertaken.

4. **Appointment of Vice Chairman for the 2012/13 Municipal Year (C2487)**

The Chairman requested nominations for the position of Vice-Chairman of Council for the Municipal Year 2012/13. In response to this request Councillor Carol Jackson-Doerge was nominated by Councillor Emma Webster and seconded by Councillor Pamela Bale. There were no further nominations for the position of Vice-Chairman.

RESOLVED that Councillor Carol Jackson-Doerge be appointed Vice-Chairman of Council for the Municipal Year 2012/13.

The Vice-Chairman read and signed the Declaration of Acceptance of Office. Councillor Jackson-Doerge thanked the Council for unanimously electing her. She too noted that this was a huge honour and she would support Councillor Edwards to the best of her ability. Councillor Jackson-Doerge thanked Councillors Webster and Bale for nominating her and thanked her fellow Councillors for putting their trust in her. Councillor Jackson-Doerge thanked the outgoing Chairman and Vice-Chairman for the work they had undertaken in the previous year.

5. **Minutes**

The Minutes of the meetings held on 14 February 2012 (extraordinary) and 01 March 2012 were approved as true and correct records and were signed by the Chairman subject to the inclusion of a number of minor amendments set out below:

Minutes 14 February 2012 – Item 66 (page 6) 4th paragraph, second line, -

- delete the words 'at previous stages of the' and replace with 'during the Local Plan'.
- Insert a capital 'S' in lines **18 and 40 on page 19 and line 24 on page 20** in Councillor Julian Swift-Hook's name.

Minutes 01 March 2012 – Item 81 (page 15) 11th paragraph – the number of Members 'for the amendment' should be 13 and not 16.

Minutes 01 March 2012 – Item 82 (pages 19 and 20)– the number of Members 'for the amendment' should be 12 and not 15.

Minutes 01 March 2012 – Item 82 (pages 19), the first vote the Liberal Democrats are recorded as having voted against the Conservative amendments, this should have shown that they abstained from voting.

Minutes 01 March 2012 – Item 82 (pages 19), paragraph relating to the Closure Motion. A sentence should be added to the end of the paragraph stating that 'This (Closure Motion) was put to the Council and declared carried.

6. **Declarations of Interest**

There were no declarations of interest received.

7. **Standards Committee Annual Report 2011/12 (C2455)**

The Council considered a report (Agenda Item 8) concerning the Standards Committee Annual Report 2011/12.

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Prior to the report being considered James Rees, an independent member and Chairman of the Standards Committee, provided the Council with a Statement on the activity of the Committee during the previous Municipal Year as well as a look forward to the changes arising from the introduction of the Localism Act 2011.

Mr Rees congratulated the new Chairman and Vice-Chairman of the Council on their appointments. Mr Rees commented that the level of complaints against District and parish Councillors remained relatively low for an area the size of West Berkshire. During the Municipal Year the Committee through its sub-committees assessed eleven complaints (six against Parish Councillors and five against District Councillors), five of these were reviewed after findings that no further action should take place, two required further investigation and none were referred to Standards for England.

Mr Rees thanked District and Parish Councillors for attending training and for responding promptly to requests to keep their Declarations of Interest up to date. Mr Rees paid tribute to his fellow Standards Committee members who had dealt with complaints professionally, thoroughly and impartially.

Mr Rees noted that the Council would be considering the Revised Standards Arrangements following the introduction of the Localism Act in November 2011 as part of the discussions pertaining to this agenda. He summarised the impact by saying that Standards for England had been disbanded, local councils would be able to formulate standards arrangements locally, a revised Code of Conduct and associated complaints arrangements would have to be put in place (it was hoped that these revised systems would be swifter and less bureaucratic), the requirement to hold a Register of Interests remained but the definitions around interests most notably 'disclosable pecuniary interests' would be revised, failure to declare these interests would however be a criminal offence, the Code would only apply to councillors acting in their official capacity and a new Independent Person acting in an advisory capacity would be introduced.

While Mr Rees welcomed some of the proposals particularly those pertaining to the processes underpinning the complaints system but he also had some concerns about the revised proposals. These related largely to the construction of the Standards Committee which would now have to be politically proportionate, did not need to include Parish Councillors (although it was being proposed that two co-opted non voting parish Councillors would be appointed) and would not include any independent members. Mr Rees stressed that in the nine years he had been a member of the Standards Committee no political bias had been exhibited however there was a potential for public to view the decisions as politically guided.

Mr Rees noted that a task group comprising two independent members (James Rees and John Bingham), two Parish Councillors (Richard Hudspith and Tony Renouf) and two District Councillors (Adrian Edwards and Gwen Mason) had been set up to develop a new model Code of Conduct and underpinning processes. He thanked all participants for their hard work and wise counsel. He hoped that the proposals put forward by the Task Group which complied with the legislation would also be acceptable to the public hence the inclusion of the proposal for the inclusion of an Advisory Panel in the revised governance structures.

Mr Rees thanked all the members of the current and previous members of the Standards Committee for their valuable and unstinting contributions over the previous nine years. He also thanked Officers for the assistance and advice that they had given to the Committee.

The Chairman thanked Mr Rees for attending the meeting and for his invaluable service to the Council.

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MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Anthony Stansfeld:

That the Council:

1. notes the content of the report.
2. agrees to circulate it to all Parish/Town Councils in the District for information.

The Motion was put to the meeting and duly **RESOLVED**.

8. **Revised Standards Arrangements - Localism Act 2011 (C2457)**

The Council considered a report (Agenda Item 9) concerning the Revised Standards Arrangements – Localism Act 2011.

MOTION: Proposed by Councillor Anthony Stansfeld and seconded by Councillor Gwen Mason:

That the Council:

1. amends the terms of reference of a Standards Committee and adopts the provisions of Article 9 of the Constitution
2. In order to assist in the promotion and maintenance of high standards of conduct adopts the Code of Conduct set out in Appendix 2 to this report.
3. should the DCLG have not issued on or before 01st July 2012 a definition of 'disclosable pecuniary interest' and other pecuniary and non-pecuniary interests, the current Code of Conduct arrangement to remain in place until such time as assessment of the definition has taken place. Following assessment by the MO and Standards Committee the MO be given delegated authority to amend the Code of Conduct at Appendix 2 and issue it to all Members of the Council and Parish Councils and advise them of the effective date of operation.
4. ensures that training is provided for District and Parish Councils on the new Code of Conduct and the proposed arrangements both prior to and post adoption by the Council of the new Code of Conduct.
5. appoints a Standards Committee subject to the proportionality arrangements comprising of six members together with two co-opted Parish Representatives in accordance with the terms of reference set out at Article 9 of the Council's Constitution (as amended).
6. appoints an Advisory Panel in accordance with the terms of Article 9 which provided advice on and dealt with complaints and process and report to the Standards Committee.
7. adopts the 'arrangements' set out in paragraphs 5 to 11 of the report and outlined in Appendix 4 that the operation of these arrangements are reviewed after one year by standards Committee in order to assess their effectiveness.
8. authorises the Monitoring Officer to advertise for the position(s) of Independent Person(s) and that a panel comprising Chairman and three other members of Standards Committee be set up to shortlist and interview candidates before making a recommendation to Council for appointment of Independent Person(s).
9. agrees that the Independent Person(s) receive(s) an allowance of £1000:00 and that this is reviewed following operation of the new standards arrangements after 12 months.

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10. delegates authority to the Monitoring Officer to set up and maintain a Register of Interests made available for inspection and to be placed upon the Council's website.
11. instructs the Monitoring Officer to write to all Parish Councils within West Berkshire advising them of their requirement to provide details of relevant interests and that Parish Clerks be asked to set up a Register of Interests which is forwarded to the Monitoring Officer before being placed upon the West Berkshire website.
12. In accordance with the matters outlined at paragraph 18 of this report the Rules of Procedure of the Council Executive and other committees are amended to make it clear that a member must withdraw from a meeting during the consideration of any item of business in which he/she has a disclosable pecuniary interest (except where he or she is permitted to remain as a result of a grant of dispensation) and that the Monitoring Officer be given delegated authority to make appropriate changes to any other sections of the constitution affected.
13. The process regarding dispensations set out in Appendix 5 to this report are adopted by the Council.

In introducing the item Councillor Stansfeld thanked the Task Group for the work they had undertaken in preparing the revised Code, governance arrangements and processes underpinning the new Legislation. He hoped that the revised system would help to address some of the perceived injustices of the old processes.

It was noted that the gap in paragraph 4.1.1 (page 58) would be filled in once the long awaited regulations were issued. Councillor Swift-Hook noted that previously the rules pertaining to acceptance of gifts and hospitality had included an indicative figure of £25. This was not included in the current version and he felt that it would be useful if this could be reinstated. He noted however that the proposals would be reviewed and on that basis he would support the recommendations.

The Motion was put to the meeting and duly **RESOLVED**.

9. **Appointment of the Executive by the Leader of the Council for 2012/13 Municipal Year (C2489)**

Councillor Graham Jones announced the appointment of Members to the Executive as follows:

Partnerships, Equality, The Visions, Communities	Pamela Bale
Planning, Transport Policy, Property	Keith Chopping
Children & Young People, Youth Service, Education	Irene Neill
Community Care, Insurance	Joe Mooney
Countryside, Environmental Protection, 'Cleaner and Greener,' Culture	Hilary Cole
Finance, Economic Development, Health & Safety, Pensions	Alan Law
Highways, Transport (Operational), ICT & Corporate Services, Customer Services	David Betts
Performance, Strategic Support, Emergency Planning, Community Safety	Anthony Stansfeld

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Strategy, Council Plan, Housing	Roger Croft
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Councillor Jones noted that following the introduction of the Strong Leader Model there was no longer a need to appoint the Leader on an annual basis. Councillor Jones noted that Councillor Gordon Lundie was standing down as an Executive Member and thanked him for all his hard work. He welcomed Councillor Roger Croft onto the Executive. Councillor Jones noted that Councillor Keith Chopping and Councillor Law would be swapping Portfolios however Councillor Law would continue to be responsible for overseeing the Local Development Framework until its implementation.

10. Appointment and Allocation of Seats on Committees 2012/13 (C2488)

The Council considered a report (Agenda Item 11) concerning the appointment of and allocation of seats on Committees.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Pamela Bale:

That the Council:

1. Notes under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, that notice has been received that the Members set out in paragraph 1.1 of this report were to be regarded as Members of the Conservative and Liberal Democrat Groups respectively.
2. agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.4 (Table A).
3. agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 and Table B.
4. agrees that in respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee.
5. approves the appointment of Members to the Committees as set out in Appendix A and in accordance with the wishes of the Political Groups.
6. in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008, the Council's Policy Framework for 2012/13 be as set out in paragraph 6.1 of the report and that any appropriate amendments be made to the Council's Constitution should this be necessary.
7. in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, delegates all other plans, policies and strategies requiring approval and not included in the approved Policy Framework to the Council's Executive.
8. agrees that Paragraph 2.6.5 of Article 6 of the Council's Constitution, setting out the Executive Portfolios, be amended to reflect any changes made at the Annual Council meeting.
9. agrees to appoint two co-opted Parish/Town Councillors on the Standards Committee and two Parish/Town Councillors and two independent members on the Standards Committee's Advisory Panel.

The Motion was put to the meeting and duly **RESOLVED**.

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11. **Adjournment of Meeting**

The meeting was adjourned at 8.18pm.

RESOLVED that the meeting of Council be adjourned to enable the various Committees to determine their Chairmen and Vice-Chairmen.

12. **Recommencement of Meeting**

The meeting was reconvened at 8.29pm.

13. **Licensing Committee**

The Council noted that, since the last meeting, the Licensing Committee had met on 20 March 2012.

14. **Governance and Audit Committee**

The Council noted that, since the last meeting, the Governance and Audit Committee had not met.

15. **District Planning Committee**

The Council noted that, since the last meeting, the District Planning Committee had not met.

16. **Overview and Scrutiny Management Commission**

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 17 April 2012.

17. **Personnel Committee**

The Council noted that, since the last meeting, the Personnel Committee had not met.

18. **Standards Committee**

The Council noted that, since the last meeting, the Standards Committee had met on 01 May 2012.

(The meeting commenced at 7.00pm and closed at 8.29pm)

CHAIRMAN

Date of Signature