

Standards and Governance Committee

Monday, 19th April, 2010
at 3.00 pm

PLEASE NOTE TIME OF MEETING

Committee Room 1 - Civic Centre

This meeting is open to the public

Members of the Committee

Councillor Barnes-Andrews
Councillor Baston
Councillor Burke
Councillor Cooke
Councillor Osmond
Councillor Slade
Councillor Mizon

Independent Members

Mr D Blake
Mr B Hooper (Chair)
Ms K Mesmer
Mr G Wilkinson

Contacts

Democratic Support Officer
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Solicitor of the Council
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PUBLIC INFORMATION

Role of the Standards and Governance Committee

The Committee has responsibility for:

- the promotion and maintenance of high standards of conduct by Councillors and Council representatives,
- the maintenance, monitoring and revision when necessary of the Member's Code of Conduct,
- the operation of and variations to the City Council's Constitution,
- the maintenance of a process to reprimand Councillors for breaches of conduct outside the local code, and in any other areas subject to the direction of the National Standards Board.

The Committee is chaired by an Independent Member. It includes at least one Councillor from each of the political groups represented on the Council, and at least one independent person, with voting rights, who is not a Councillor or an Officer of the Council.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2008/09

2009	2010
25 th June*	19 th April 2010
24 th September*	
15 th December	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Standards and Governance Committee are contained in Article 9 and Part 3 (Schedule 2) of the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3 (including 1 Independent Member).

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

The agenda and papers are available online via the Council's Website

1 APOLOGIES

To receive any apologies.

2 DECLARATIONS OF INTEREST

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to declare any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are required, where applicable, to complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 15th December 2009 and to deal with any matters arising, attached.

5 CHANGES TO THE CONSTITUTION

Report of the Solicitor to the Council seeking the Committee's comments and views upon the content of the draft report due to be presented to the Annual General Meeting of the Council in May 2010, attached.

6 ANNUAL STANDARDS AND GOVERNANCE BUSINESS REVIEW

Report of the Chair of Standards and Governance, requesting consideration of the draft report to go to Annual Council Meeting on 12th May 2010, attached.

7 FREEDOM OF INFORMATION, DATA PROTECTION AND REGULATION OF INVESTIGATORY POWER ACTS: ANNUAL REVIEW 2009-10

Report of the Solicitor to the Council detailing statistical information for the financial year 2009-10, the fifth year of implementation of the Freedom of Information Act 2000 (FOIA) and associated legislation, attached.

8 CODE OF CORPORATE GOVERNANCE - UPDATE

Report of the Assistant Solicitor to the Council, requesting consideration of the updated Code of Corporate Governance, to make revisions and approve a final version, attached.

9 ANNUAL REPORT ON MEMBER DEVELOPMENT

Report of the Solicitor to the Council giving an overview of Member learning and development and a progress report on the 3-year Member Development Strategy, attached.

10 STANDARD AND GOVERNANCE MEETING DATES FOR MUNICIPAL YEAR 2010-2011

To approve the following dates for meetings in the Municipal Year 2010-11:

Thursday 24th June 2010, 3.00 pm
Thursday 23rd September 2010, 3.00 pm
Tuesday 14th December 2010, 3.00 pm
Monday 18th April 2011, 3.00 pm

Friday, 9 April 2010

SOLICITOR TO THE COUNCIL