

# STANDARDS COMMITTEE

Friday 6<sup>th</sup> January 2006

**PRESENT :** The Chair (John Lay), Councillor Sellwood, Val Smith (Labour Group representative), Chris Turner (independent member), John Batey (Parish Council representative).

**OFFICERS PRESENT :** Jeremy Thomas (Head of Legal and Democratic Services and Monitoring Officer), William Reed (Democratic Services Manager), Michael Newman (Head of Corporate Secretariat, Chief Executive's Business Unit), Michael Lawrence (Strategic Director, Housing, Health and Community).

## 21. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Vice-Chair (Professor Diana Woodhouse), Councillor Craft and Judith Harley (Conservative Party representative).

The Chair reported that Judith Harley was unable to be present because of the recent death of her mother. The Committee asked the Democratic Services Manager to send Judith a letter of condolence on the Committee's behalf.

## 22. DECLARATIONS OF INTEREST

There were no declarations of interest made.

## 23. URGENT BUSINESS

There was no urgent business.

## 24. MINUTES

Resolved that the minutes of the meeting of the Committee held on 23<sup>rd</sup> September 2005 be confirmed as a correct record.

## 25. POWERS AND DUTIES OF THE STANDARDS COMMITTEE AND CONSTITUTION REVIEW

The Monitoring Officer submitted a report (previously circulated and now appended).

Resolved:-

- (1) on the Committee's powers and duties, to agree the changes proposed in Section 3 of the report, to be taken to Council in the context of the Constitution review;
- (2) on the Whistleblowing Policy:-
  - (a) that the following changes be made;
    - (i) those set out in Section 4 of the report;
    - (ii) to delete the second sentence in paragraph 8.1 of the Policy on the basis that it did not reflect what happened in practice and that it was in any case inappropriate under such a Policy to maintain a record of concerns raised;
  - (b) that the changes set out above be taken to Council in the context of the Constitution review;
  - (c) that the Policy be better publicised amongst staff by including an item concerning it in a forthcoming staff Team Brief and by drawing it to the attention of Unison;
  - (d) that the Policy be brought to the attention of members of Council (explaining that it represented a course of action that staff might follow to raise concerns about possible malpractice) by including an item about it in a forthcoming Members' Brief;
- (3) on the Protocol on Member/Officer relations:-
  - (a) that the following changes be made:-
    - (i) to re-word paragraph 1.04 so that it referred by title to the rules of conduct that applied to councillors and officers;
    - (ii) to re-word paragraph 4.01 to make it clear that no person could be both a Council employee and an elected member of the same Council, nor could a Council employee publish political written work "with the apparent intention of affecting political support for a political party"
    - (iii) to change the word "increase" to "include" in paragraph 7.02;
  - (b) to ask the Democratic Services Manager to check whether the reference to the Disciplinary and Gradings Appeals Committee remained a correct reflection of the Council's disciplinary process for staff;

- (c) that the changes be taken to Council in the context of the Constitution review;
  - (d) that Gatenby Sanderson, the Council's CPA improvement partner, be supplied with a copy of the Protocol for it to refer to in connection with its work with members and officers;
- (4) on the Planning Code of Practice:-
- (a) to agree for the Committee's part that the Local Government Association Model Code and Guidance be adopted in place of the Code now before the Committee;
  - (b) to note that paragraph 43 of the Code ought more properly to be included elsewhere in the Council's Constitution (perhaps within the Committee Procedure Rules);
  - (c) to ask the Monitoring Officer to consider whether licensing decisions that went against officer advice and might be difficult to sustain on appeal should be subject to the procedure for planning decisions described in paragraph 43.

## **26. MEMBERS' CODE OF CONDUCT - REVIEW**

The Monitoring Officer submitted a report (previously circulated and now appended).

Resolved to note the contents of the report and to consider it with the report at agenda item 9 (minute 29 refers).

## **27. STANDARDS COMMITTEE – INDEPENDENT MEMBERS' FORUM**

The Monitoring Officer submitted a report (previously circulated and now appended).

Resolved:-

- (1) formally to agree that the Council be in membership of the Oxfordshire, Berkshire and Wiltshire Independent Standards Committee Members' Forum;
- (2) to agree that a future meeting of the Forum be hosted and held by the City Council at its offices.

## **28. COMPLAINTS MONITORING AND OVERSEEING**

The Chief Executive submitted a report (previously circulated and now appended).

Resolved to note the contents of the report and to look forward to the submission to the Committee's April meeting of a complaints overview report.

## **29. STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT : THE FUTURE**

The Monitoring Officer submitted a report (previously circulated and now appended).

Resolved to make the following comments to the Office of the Deputy Prime Minister on the matters contained in the Discussion Paper "Standards of Conduct in English Local Government : The Future":-

- (1) to express a wish that the Government make time available at an early stage to introduce Primary and Secondary legislation to implement measures contained in the Discussion Paper, and that the proposals should not be left for an inordinate amount of time before Parliamentary action was taken upon them;
- (2) to express concern that the Discussion Paper made no mention of additional resources for local government but that it referred (at page 16 chapter 2) to the need for Standards Committees and Monitoring Officers to be "properly supported" and referred at paragraphs 22, 24, 25 and 32 of chapter 2 to sanctions if Standards Committees were not perceived adequately to perform;
- (3) to remind the ODPM that the Committee was not in favour of the introduction of a public interest defence in the Members Code of Conduct;
- (4) (i) to remind the ODPM that the Committee was not in favour of the introduction of a public service interest category in the Members Code of Conduct;  
(ii) that the introduction of a public service interest appeared to conflict with codes and guidance relating to member determination of planning applications;
- (5) (i) on political activities of local government employees, to remind the ODPM that the Committee considered that political restrictions based upon the nature of the job held should be the ultimate test of whether a post should be politically restricted, and that the current restriction mechanism based upon salary was unrefined;

- (ii) that the post of independent adjudicator should not be abolished because local ownership would lead to inconsistency, but that if the Government did nevertheless decide to abolish the post there should be an independent appeals mechanism.

### **30. MEMBERS' TRAINING**

The Monitoring Officer reported that there would be a training event for ??? at the West Oxfordshire District Council offices in February. He went on to say that he had written to the four Oxford parishes to introduce himself and to say that he and the Democratic Services Manager would like to attend a Parish Council meeting to talk briefly to parish councillors. He also referred to the need to develop a training programme for the new members of Council following the May local elections.

Resolved to note the position.

### **31. DATES OF FUTURE MEETINGS**

Resolved to note that:-

- (1) the next meeting of the Committee would be held on Friday 28<sup>th</sup> April 2006;
- (2) meetings of the Committee to the same pattern as in the current Council Year would be proposed to Council for 2006/07 Council Year.

### **32. MATTERS EXEMPT FROM PUBLICATION**

Resolved, in accordance with Section 100A(4) of the Local Government Act 1972, to exclude the press and public for the remaining items of business on the grounds that their presence could involve the likely disclosure of exempt information as described in paragraphs 17 and 19 of Schedule 12A of the Act.

Summary of Business exempt from publication transacted on Part II of the agenda as required by Section 100(C) (2) of the Local Government Act 1972

The Committee considered a report of the Monitoring Officer upon a decision by the Standards Board for England not to investigate a complaint made about a member of the Council. The Committee noted the contents of the report.

The meeting commenced at 10.30 am. It resolved to exclude the press and public at 12.04 pm. It closed at 12.05 pm.

**NOT FOR PUBLICATION**

**STANDARDS COMMITTEE**

Friday 6<sup>th</sup> January 2006

**33. MEMBERS' CODE OF CONDUCT – NOTIFICATION OF A DECISION OF THE STANDARDS BOARD FOR ENGLAND**

Resolved to receive and note the contents of a report (previously circulated and now appended) of the Monitoring Officer.