

## **Minutes of a meeting of the STANDARDS COMMITTEE on Tuesday 11 September 2018**

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### **Committee members:**

Councillor Aziz

Councillor Fry

Councillor Gotch

Councillor McManners

Councillor Simm

Councillor Tanner

### **Officers:**

Anita Bradley, Monitoring Officer

Andrew Brown, Committee Services Manager

Mish Tullar, Corporate Policy, Partnership and Communications Manager

### **Independent Persons**

Jill McCleery

## **1. Apologies for Absence**

The Committee noted apologies from three members:

Councillor Pressel (sub: Councillor Tanner)

Councillor Taylor (sub: Councillor Simm)

Councillor Wolff

The Committee also noted apologies from three independent persons:

Chris Ballinger

Godfrey Cole

Ben Simpson

## **2. Declarations of Interest**

There were no declarations.

## **3. Election of Chair for the Council year 2018-19**

Councillor Aziz was elected Chair for the Council year 2018-19.

## **4. Election of Vice-Chair for the Council year 2018-19**

Councillor McManners was elected Vice Chair for the Council year 2018-19.

## **5. Update on ethical standards and Oxford City Council's response to the Committee on Standards in Public Life - Local Government Ethical Standards Consultation**

The Monitoring Officer introduced the report on the Committee on Standards in Public Life – Local Government Ethical Standards Consultation. She summarised the key points the Council had made in its response to the consultation as being that:

- Bullying behaviours were difficult to address under the current standards regime.
- Adopted codes of conduct did not adequately deal with the misuse of social media and ICT equipment.
- There was some confusion about what interests should be declared, resulting in members sometimes declaring too much or too little.
- The range of available sanctions was too limited to provide an effective deterrent.
- There was some confusion about role of independent persons.
- The seven 'Nolan' principles of public life remained relevant and continued to provide a sound basis for all codes of conduct.

In response to questions, the Committee noted that:

- Disclosable pecuniary interests (DPIs) were the compulsory provisions for registering and declaring interests. DPIs were considered to be somewhat limited and there was a need for members to think more broadly about their interests. For example, DPI's extended to a member's spouse but not to other family members.
- While the public might reasonably expect the behaviours stipulated in codes of conduct to apply at all times, the legal position was that codes were only applicable insofar as members were acting in an official capacity as a councillor (or purporting to act as a councillor).

The Committee noted the report.

## **6. Appointment of a Parish Council representative as a non-voting member of the Standards Committee**

The Monitoring Officer introduced the report and said that one nomination had been received for the position of parish council representative. Littlemore Parish Council was expected to confirm this nomination at its meeting later that day.

The Committee agreed to recommend to Council that Councillor Dorian Hancock of Littlemore Parish Council is appointed as the co-opted, non-voting member of the Standards Committee representing the four parish councils in Oxford until May 2020 (subject to confirmation of the formal nomination from Littlemore Parish Council).

## **7. Arrangements for the appointment of Independent Persons to the Standards Committee in 2019**

The Monitoring Officer introduced the report which set out proposed arrangements for the appointment of independent persons in 2019.

The Monitoring Officer highlighted the four roles that independent persons perform and said that their role in advising members against whom an allegation has been made could be better defined. Where independent persons advised a member who was the subject of a complaint, they could not take part in any hearing on that case.

In response to a question it was clarified that the four current independent persons had been appointed in 2012 for a five year term, which had been extended for a further two years in 2017. One of the independent persons appointed in 2012 had served prior to that, under the previous standards regime.

The Committee agreed to note and approve the Monitoring Officer's proposals for the proposed arrangements for the appointment of Independent Persons in 2019.

## **8. Dispensations - Localism Act 2011**

The Monitoring Officer introduced the report and explained that the recommendations were to approve certain general dispensations for all members for a period of four years and to delegate the granting of individual dispensations to the Monitoring Officer. This delegation was recommended because it would be impractical for the Standards Committee to convene in time to consider an individual dispensation before a matter came forwards for decision. The Monitoring Officer clarified that the granting of any collective dispensations (e.g. for all members of the City Executive Board) would remain with the Standards Committee so that members could provide an appropriate check and balance function in these cases.

The Committee commented that the general dispensation for members in receipt of housing benefit should be extended to include Universal Credit (UC), given that UC is replacing Housing Benefit and some decisions taken by members may impact UC recipients.

The Standards Committee resolved to recommend full Council to:

- a) Approve, under Section 33 of the Localism Act 2011, the general dispensations, listed in paragraph 4 of the report and extended to cover Universal Credit as well as Housing Benefit, for all elected and co-opted members of Oxford City Council;
- b) Agree that those general dispensations should remain in force for a period of four years; and
- c) Agree that the granting of individual dispensations under Section 33 of the Localism Act 2011 be delegated to the Monitoring Officer.

## **9. Code of Conduct Standards Report**

The Monitoring Officer introduced the statistical report on complaints received under the Members' Code of Conduct. She explained that the case referred to in the report that had been referred for a formal external investigation had very recently reached an outcome which was that there would be no further action because the member was not acting in a councillor capacity and the Members' Code of Conduct was therefore not engaged.

The Committee asked questions about the credentials of the external investigators, the time taken to reach an outcome and the merits of adopting a social media policy to offer additional guidance to members. The Monitoring Officer advised the Committee that a social media policy would be helpful in setting clear expectations and that this idea would be pursued. However, such guidance could only be advisory and would not broaden the scope of the standards regime in respect of members acting in a non-councillor capacity, as this position was based on case law.

Having operated the Council's arrangements for dealing with complaints for a period of time, the Monitoring Officer agreed to review the Council's complaint handling arrangements with a view to making the process more open and efficient if possible whilst continuing to ensure it remained fair and independent.

The Committee resolved to note the contents of the report.

## **10. Minutes of the previous meeting**

As the minutes of the last meeting had been omitted from the paperwork the Committee agreed to approve these at its next meeting.

## **11. Dates and times of future meetings**

The Committee agreed to meet again in early 2019 and that meetings should be scheduled quarterly from 2019-20 on the basis that these meetings would only go ahead if there was sufficient business for the Committee to consider. The Committee also agreed that future meetings would start at 6.00pm.

The Committee noted that future business could include consideration of:

- A new social media policy for councillors
- Revised complaint handling arrangements
- Proposals for member training

## **12. Matters exempt from publication**

The Committee did not consider any matters exempt from publication.

**The meeting started at 2.00 pm and ended at 3.20 pm**

**Chair .....**

**Date:**