

Agenda

Standards Committee

@ this meeting will be held by Zoom and streamed to the Council's YouTube channel when the meeting starts, <https://www.youtube.com/oxfordcitycouncil>

This meeting will be held on:

Date: **Tuesday 20 October 2020**

Time: **6.00 pm**

Place: **Zoom - Remote meeting**

For further information please contact:

Catherine Phythian, Committee and Member Services Officer, Committee Services Officer

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Members of the public can attend to observe this meeting and.

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

View or subscribe to updates for agendas, reports and minutes at mycouncil.oxford.gov.uk.

All public papers are available from the calendar link to this meeting once published

Committee Membership

Councillors: Membership 7: Quorum 3: substitutes are permitted.

Councillor Jamila Begum Azad (Chair)

Councillor Susanna Pressel (Vice-Chair)

Councillor Michael Gotch

Councillor Pat Kennedy

Councillor Mark Lygo

Councillor Christine Simm

Councillor Craig Simmons

Chris Ballinger	Independent Person non-voting
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Jill McCleery	Independent Person non-voting
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Andrew Mills-Hicks	Independent Person non-voting
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Osama Raja	Independent Person non-voting
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Dorian Hancock	Parish Council representative non-voting
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Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

Agenda

Pages

Information for those attending regulatory committees - Remote meetings guidelines

Regulations passed in April 2020 enable the Council to hold meetings without some or all Members being physically present together in a room. To ensure the smooth running of remote meetings the Council has agreed a Protocol for Remote Meetings and everyone is asked to follow these guidelines which are based on that Protocol.

Attendance at remote meetings

Members (councillors) are “in attendance” provided that they can hear and be heard by the other participants. Any loss of visual connection does not give rise to non-attendance but a loss of audio connection does.

Should you lose connection to the meeting try to reconnect immediately. If you cannot immediately re-join the meeting by video link, please dial in to the meeting using the telephone number provided in the joining instructions.

If a Councillor loses connectivity to this meeting they will be prohibited from participating in the debate and voting on that agenda item unless the discussion is paused for the period of their non-attendance.

If other participants lose connection, this does not affect the debate or vote.

Remote meetings etiquette

All participants are asked to:

- Stay visible on camera while your video feed is on. Turn the camera off if you stand up or leave your seat.
- Keep your microphone muted unless speaking. Un-mute / mute your own microphone before and after speaking.
- Use the “raise hand” icon to indicate a wish to speak. This is located in the “Participants” tab. Please be patient, the Chair will call you to speak and has absolute discretion to determine the order in which participants speak. Please lower your virtual hand after speaking.
- Not speak over other participants.
- Keep contributions relevant and concise.
- Councillors and officers must use the Chat function only to assist

with the smooth administration of the meeting, e.g. to alert officers to a loss of audio connectivity.

Voting at remote meetings

When determining an application the voting will be by a roll call.

When called by the Clerk, Councillors are asked to state how they are voting on the proposal (e.g. “for”, “against” or “abstain”). Any Member who has not been in attendance to hear the full presentation and debate on an agenda item will be required to abstain from voting on that matter.

1 Apologies for Absence

2 Declarations of Interest

3 Update report - Committee on Standards in Public Life

1 - 14

Purpose of report:

This report informs the Committee of the progress in implementing the recommendations of the Committee on Standards in Public Life report on Local Government Ethical Standards.

Recommendation:

That the Standards Committee resolves to note the report.

4 Code of Conduct: summary of complaints and individual dispensations - 1 June 2020 until 30 September 2020

15 - 18

Purpose of report:

To advise the Committee of:

1. the number of complaints received under the Members’ Code of Conduct which have been, or are to be, considered by the Head of Law and Governance (in her statutory capacity as the authority’s Monitoring Officer) and the Independent Persons. The report also notes the outcome, where complaints have been concluded; and
2. the number of dispensations to an individual member, granted under Section 33 of the 2011 Localism Act, by the Monitoring Officer, following consultation with an Independent Person.

Recommendation:

That the Standards Committee notes the content of the report.

5 Minutes of the previous meeting

19 - 24

Recommendation:

To approve the minutes of the meeting held on 29 June 2020 as a true and accurate record.

6 Dates of future meetings

The Committee is scheduled to meet at 6.00pm on the following dates:

- 8 March 2021

Public access to this meeting and members of the public speaking

Remote meetings will be held on Zoom.

Public access to remote meetings

1. You can watch the meeting remotely by clicking on the link in the comments section or under 'media' sited just above the agenda items.
2. The live link will appear on this page just as the meeting starts. This will launch a YouTube video of the live meeting. If it does not, then follow the link to the council's YouTube channel where the video will be playing.

Registering to speaking

3. Members of the public can register to speak at a meeting in accordance with the Procedure Rule within Council's Constitutions.
4. **For this committee you must register to speak before noon on the working day before the meeting**, giving the application name/number and whether you are supporting or objecting. You must also supply an email address and phone number.
5. **Members of the public registering to speak are recommended to submit their contribution in writing to democraticservices@oxford.gov.uk not less than 24 hours before the meeting is due to start.** This will ensure that their contribution can be taken into account and, where necessary, responded to, in the event that the connection is poor or they are otherwise unable to join the meeting. Members of the public who register to speak will be advised of any word limit for their written submission.

Public attendance and speaking at remote meetings

6. Members of the public viewing the meeting should do this through the weblink to the live stream as above.
7. Members of the public may register to speak at the meeting in accordance with the procedure rules (see 4 and the notes at the end of the agenda frontsheet)
8. Those registering to speak will be provided with joining instructions and guidance on public participation in remote meetings by the Committee and Member Services Team.
9. When the meeting starts, or during the agenda item before the one

they are speaking on, they should follow these instructions and join the meeting. When joining a meeting members of the public with a right to speak must ensure that they can be identified as a registered speaker otherwise their access to the meeting will be blocked.

10. They will be held as an 'attendee' and be able to see and hear the meeting but not take part.
11. The Meeting Host will 'enable' their microphone when they are called to speak, or may admit them to the meeting. They must not speak until are invited to do so by the Chair. Speeches are timed from the first words of the speech: there is no penalty for delays caused by the technology.
12. The member of the public may remain as an attendee or in the meeting to hear the remainder of the agenda item. Once their contribution has been heard the Meeting Host will mute their microphone and it must remain muted for the remainder of the meeting unless the Chair invites them to speak again, at which point the microphone will be enabled again.
13. At the end of the agenda item, the Chair may ask speakers attending for that item to disconnect from the remote meeting and the Meeting Host may remove their access to the meeting. Members of the public may continue to observe the meeting by watching the live stream accessed via a link on the Council's [meetings webpages](#).
14. If a member of the public exercising their right to speak at a remote meeting loses connectivity during their contribution, they should immediately dial back in to the meeting using the telephone number provided in the joining instructions.
15. If a member of the public exercising their right to speak at a remote meeting loses connectivity and is unable to re-join the meeting their previously submitted written contribution will be considered (it will be read out by an officer who will keep strictly to the allocated time limit). If no written contribution has been submitted the meeting will proceed without considering their contribution.

Press access to remote meetings

16. Journalists wishing to attend a remote meeting are advised to inform pressoffice@oxford.gov.uk not less than 24 hours before the meeting is due to start to be issued with joining instructions.
17. Journalists in remote attendance are asked to keep their microphone muted and their video camera turned off.
18. Alternatively journalists can access meetings by viewing the live stream as set out in 1 and 2 above.

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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To: Standards Committee
Date: 20 October 2020
Report of: Monitoring Officer / Head of Law and Governance
Title of Report: Committee on Standards in Public Life – Local Government Ethical Standards

Summary and recommendations	
Purpose of report:	This report informs the Committee of the progress in implementing the recommendations of the Committee on Standards in Public Life report on Local Government Ethical Standards.
Key decision:	No
Recommendation: That the Standards Committee resolves to note the report.	
Appendix 1	List of Recommendations
Appendix 2	List of Best Practice

Introduction and background

1. In 2018 the Committee on Standards in Public Life (“the CSPL”) undertook a review of local government ethical standards. The CSPL considers that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.
2. The CSPL published the [Local Government Ethical Standards report](#) on 30 January 2019 (the CSPL report).
3. The CSPL report contains 26 recommendations which are listed in **Appendix 1**. Many of these recommendations will involve legislative change. The Government has yet to publish a formal response to the CSPL report.
4. In addition the CSPL report includes 15 best practice recommendations for local authorities. The CSPL wrote to all local authorities in July 2020 confirming that it intended to review progress on the implementation of these best practice recommendations in the autumn of 2020. To date the Council has not heard further from the CSPL.

5. **Appendix 2** lists those best practice recommendations and summarises the Council's progress in implementing them. 13 of the best practice recommendations are already in place. The remaining 2 best practice recommendations relate to the Code of Conduct. These are under consideration in consultation with the other Oxfordshire local authorities who share a common code of conduct with the City Council.
6. The Council's ability to demonstrate compliance with these remaining best practice recommendations may not be possible until Government has responded to the CSPL report and enacted the necessary legislation and until such time as a new Code of Conduct, which addresses those points, is adopted by the Council and the other Oxfordshire local authorities.
7. The Monitoring Officer will continue to monitor this issue and report back to future meetings as appropriate.

Legal implications

8. None – for information only.

Financial implications

9. None – for information only.

Risk management

10. None – for information only.

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APPENDIX 1

List of recommendations

Committee on Standards in Public Life report on Local Government Ethical Standards.

#	Recommendation	Responsible body / Legislation required	OCC responsibility for implementation if/when appropriate	Status
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association	MO OSMOG (Oxfordshire Monitoring Officers' Group) Council	
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government	MO Elections ROI form & guidance	Implemented in relation to election candidates – see paragraph and 4 and Appendix 2
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government Legislative	MO Code of Conduct & complaints	

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4	4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government Legislative	MO Code of Conduct & complaints
	5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government Legislative	MO
	6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government	MO OCC chose to introduce this at the start of 2019 OSMOG re Code of Conduct Current practice for OCC To be included in future revised Code of Conduct

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Committee on Standards in Public Life report on Local Government Ethical Standards.

5	7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government Legislative	MO OSMOG re Code of Conduct	
	8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government Legislative	MO	OCC Independent Persons’ term expires 2024
	9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government	MO	
	10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government	MO Update to complaints handling documentation	

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9	11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government /all local authorities Legislative	MO
	12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government	Council
	13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government	MO OSMOG re Code of Conduct Update to complaints handling documentation
	14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government	MO OSMOG re Code of Conduct Update to complaints handling documentation

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✓	15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government	MO Standards Committee
	16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government	MO
	17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government	MO
	18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government Legislative	MO
	19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils	Parish Councils Oxfordshire Association of Local Councils (OALC)

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Committee on Standards in Public Life report on Local Government Ethical Standards.

	20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government Legislative	Parish Councils OSMOG
	21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government Legislative	MO OSMOG re Code of Conduct Update to complaints handling
∞	22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government Legislative	MO
	23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government	MO S151 Officer
	24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government	MO

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Committee on Standards in Public Life report on Local Government Ethical Standards.

25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties	Political groups
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards	Local Government Association	MO

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APPENDIX 2

List of best practice Committee on Standards in Public Life report on Local Government Ethical Standards.

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Oxford City Council position: this is not included in the Council's current Code of Conduct which is a common document adopted by all of the Oxfordshire local authorities. The Council indicated its support for this recommendation in its response to the LGA consultation on the Model Member Code of Conduct. This best practice proposal will be discussed by the Oxfordshire Monitoring Officers Group when they meet to consider the LGA Model Member Code of Conduct.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Oxford City Council position: included in the revised [Code of Conduct complaints handling documentation](#) – March 2019.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Oxford City Council position: Although there is no formal annual review of the current Code of Conduct it is subject to periodic review at meetings of the Oxfordshire Monitoring Officers' Group as it is a common document adopted by all of the Oxfordshire local authorities. At Oxford City Council the Code of Conduct is kept under regular review by the Monitoring Officer and the Council's Independent Persons as part of the process of investigating complaints about councillors' behavior and when the Constitution is reviewed annually. Any identified shortfall in the current Code of Conduct would be referred to the Council's Standards Committee and to the Oxfordshire Monitoring Officers' Group. This best practice proposal will be discussed by the Oxfordshire Monitoring Officers when they meet to consider the LGA Model Member Code of Conduct.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Oxford City Council position: The [Members' Code of Conduct](#) is published on the website and is available on request from the Monitoring Officer.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Oxford City Council position: Details of the "gifts and hospitality" received is available on line by searching the profile of an individual councillor.

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List of best practice Committee on Standards in Public Life report on Local Government Ethical Standards.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Oxford City Council position: We do this; it is included in the revised [Code of Conduct complaints handling documentation](#) – March 2019.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Oxford City Council position: The Council currently has four Independent Persons and proposed to appoint the same number in 2019 for a further 5 year term.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Oxford City Council position: We do this; it is covered by the revised [Code of Conduct complaints handling documentation](#) – March 2019.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Oxford City Council position: We do this; it is included in the revised [Code of Conduct complaints handling documentation](#). Following a formal investigation the Monitoring Officer's Decision Notice is published on the website under the Standards Committee – March 2019.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Oxford City Council position: We do this; it is covered by the revised [Code of Conduct complaints handling documentation](#) – March 2019.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Oxford City Council position: This is a matter for a parish council and the Monitoring Officer will remind all Parish Councils of this best practice proposal.

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List of best practice Committee on Standards in Public Life report on Local Government Ethical Standards.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Oxford City Council position: these arrangements are in place.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Oxford City Council position: these arrangements are in place and available when required. Members of the Law & Governance team have been commissioned to undertake investigations for other local authorities.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Oxford City Council position: These arrangements are in place. The Council's Annual Governance Statement (AGS) explains, each year, how it manages its corporate governance arrangements, makes decisions, manages its resources and promotes values and high standards of conduct and behaviour. The AGS sets out the annual spend, activity and governance arrangements for each of the Council's companies.

The AGS includes details for the Council's wholly owned direct services companies Oxford Direct Services Ltd (ODSL) and Oxford Direct Services Trading Limited (ODSTL) as well as its three housing companies (Oxford City Housing Limited (OCHL), Oxford City Housing (Investment) Limited (OCH(I)L) and Oxford City Housing (Development) Limited (OCH(D)L)). OCHL is wholly-owned by the Council, and OCH(I)L and OCH(D)L are both wholly-owned subsidiaries of OCHL. The Council also holds a 50% share in Oxford West End Development Limited ("OxWED"), a company jointly owned with Nuffield College and in 2011 entered into a Joint Venture ("JV") with Grosvenor Developments Ltd, known as Barton Oxford LLP (BOLLP) to enable the delivery of a new housing development at Barton Park.

Each of the Council's companies hold regular Board meetings throughout the year. In addition representatives of the housing companies and the direct service companies attended periodic reporting meetings with their shareholders. These shareholder meetings have been regularised into quarterly reporting meetings. The activities of the Council's Shareholder

APPENDIX 2

List of best practice Committee on Standards in Public Life report on Local Government Ethical Standards.

group have been and will continue to be scrutinised throughout the year by the Companies' Scrutiny Panel.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Oxford City Council position: These arrangements are in place.

To: Standards Committee
Date: 20 October 2020
Report of: Monitoring Officer
Title of Report: Code of Conduct: summary of complaints and individual dispensations – 1 June to 30 Sept 2020

Summary and recommendations	
Purpose of report:	To advise the Committee of: <ol style="list-style-type: none">1. The number and status of complaints received under the Members' Code of Conduct which have been, or are to be, considered by the Head of Law and Governance (in her statutory capacity as the authority's Monitoring Officer) in consultation with an Independent Person.2. The number of dispensations to an individual member, granted under Section 33 of the Localism Act 2011, by the Monitoring Officer, following consultation with an Independent Person.
Recommendation:	That the Standards Committee notes the content of the report.

Introduction and background

1. In compliance with legislation relating to the standards and conduct of elected councillors, the Council has in place complaints handling arrangements to enable an individual to make a formal complaint that an elected or co-opted member of the City Council, or of a Parish Council within the City Council's area, has failed to comply with the authority's Members' Code of Conduct.
2. The Standards Committee is responsible for promoting high standards of ethical behaviour by monitoring and making recommendations to Council on complaints handling arrangements. This report from the Monitoring Officer which identifies any issues or learning points arising from the complaints received contributes to that monitoring process.
3. The key stages of the complaints handling arrangements can be summarised as:

Initial tests	<p>The Monitoring Officer will apply the following “initial tests” to the complaint:</p> <ul style="list-style-type: none"> • It is a complaint against one or more named councillors of Oxford City Council or a Parish Council within the city boundaries; • The named councillor was in office at the time of the alleged conduct and the Code of Conduct was in force at the time; • The complaint, if proven, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.
Assessment	<p>The complaint will be assessed and a decision made by the Council’s Monitoring Officer in consultation with an Independent Person as to the next steps. At this stage the options open to the Monitoring Officer are:</p> <ul style="list-style-type: none"> • No further action • Informal resolution brokered by the Monitoring Officer and/or Group Leader • Referred for investigation • Referred to the police or other regulatory agency
Investigation	<p>A formal investigation may be conducted by an officer from Oxford City Council, an officer from another local authority or an independent investigator.</p> <p>The investigating officer will review the complaint and supporting evidence and may interview some or all of the people concerned.</p> <p>The investigating officer will then produce a draft report. The complainant and the subject councillor concerned will normally have an opportunity to comment on the draft report. The investigating officer will then submit the report to the Monitoring Officer.</p>
Local Hearing	<p>The Monitoring Officer will consider the findings of the investigation and, in consultation with the Independent Person(s), determine what action to take. At this stage the options open to the Monitoring Officer are:</p> <ul style="list-style-type: none"> • Local Hearing – complaint to be determined by the Standards Committee; • Local Resolution - a fair resolution of the complaint which is acceptable to all parties brokered by the Monitoring Officer; or • No action - complaint dismissed

Complaints made against members of Oxford City Council or a Parish Council

4. The Monitoring Officer received no complaints against members of the City Council in the period 1 June to 30 September 2020.

Dispensations granted to an individual Member

5. The Localism Act 2011 prevents Members from participating in any business of the Council where they have a Disclosable Pecuniary Interest (DPI) unless they have sought a dispensation under Section 33 of the Act. Applications must be made in writing and dispensations may be sought for a period of up to four years.
6. On 1 October 2018 Council granted a general dispensation, to remain in force for a period of 4 years (ending on 30 September 2022), to all Oxford City Council Members and co-opted Members, to speak and vote where they would otherwise have a DPI in the following matters:

- **Determining an allowance** (including special responsibility allowances), travelling expense, payment or indemnity given to Members
- **Housing:** where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Member (their spouse or partner);
- **Housing Benefit/Universal Credit:** where the Councillor (or spouse or partner) receives housing benefit;
- Any **Ceremonial Honours** given to Members;
- Setting the **Council Tax** or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation); and
- Setting a **Local Council Tax Reduction Scheme** or Local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation)

7. In October 2018 Council also delegated the granting of dispensations to an individual member under Section 33 of the Localism Act 2011 to the Monitoring Officer, following consultation with an Independent Person.
8. In the period covered by this report there have been no requests for an individual dispensation under Section 33 of the Localism Act 2011.

Legal implications

9. The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must also have in place a suitable procedure at a local level to investigate and determine allegations against elected Members and co-opted Members and arrangements to deal with requests for dispensations. The Council is also responsible for having arrangements in place to investigate and determine allegations against Parish Councillors.

Financial implications

10. There is a cost to the authority when a complaint is referred for external investigation this is determined by market factors in terms of the availability of investigators identified through complaint procurement processes.

Risk management

11. If the Council fails to adopt and maintain a Code of Conduct and process for the investigation of complaints which is fit for purpose, robust and transparent then there are risks to the Council's reputation and also to the integrity of its corporate governance and decision-making processes as it will not be compliant with legislation. Formal consideration of requests for dispensation minimises the risk of the Council not following lawful procedures in respect of members' interests.

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Minutes of a meeting of the Standards Committee on Monday 29 June 2020

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Committee members present:

Councillor Pressel (Vice-Chair)

Councillor Gotch

Councillor Lygo

Councillor Simmons

Councillor Azad (Chair)

Councillor Kennedy

Councillor Simm

Officers present for all or part of the meeting:

Anita Bradley, Monitoring Officer

Andrew Brown, Committee and Member Services Manager

Catherine Phythian, Committee and Member Services Officer

Emma Griffiths, Lawyer

Also present:

Jill McCleery, Independent Person, non-voting

Andrew Mills-Hicks, Independent Person, non-voting

Osama Raja, Independent Person, non-voting

Parish Councillor Dorian Hancock, Parish Council representative, non-voting

Apologies:

Councillor(s) Ballinger sent apologies.

1. Election of Chair for the year 2020-21

Councillor Jamila Azad was elected Chair for the year 2020-21.

2. Election of Vice Chair for the year 2020-21

Councillor Susannah Pressel was elected Vice -Chair for the year 2020-21.

3. Declarations of Interest

There were no declarations of interest.

4. Code of Conduct: summary of complaints and individual dispensations - 1 February to 31 May 2020

The Monitoring Officer introduced the report. There had been no complaints that councillors had breached the Members' Code of Conduct in the period covered by the report. Similarly there had been no requests for an individual dispensation under Section 33 of the Localism Act 2011.

The Standards Committee resolved to note the content of the report.

5. LGA consultation - Model Code of Conduct

The Monitoring Officer and the Lawyer introduced the report and summarised the key elements of the LGA draft Model Code of Conduct:

- it aims to be concise, written in plain English and be understandable to members, officers and the public.
- it has been designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office.
- it articulates behaviour which falls below the standards that would be expected of council members
- it is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The Committee discussion centred on the draft responses to the consultation, particularly questions 7,8, 9, 11 and 13 of Appendix 3 of the report. The revised draft response set out below reflects the Committee's views:

Q1: To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?
<i>"To a great extent" since it helps to clarify official capacity</i>
Q2: Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?
<i>"No", it is not clear</i>
Q3: Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?
<i>"Passive tense"</i>
Q4: To what extent do you support the 12 specific obligations?
<i>Support each of the 12 obligations "To a great extent"</i>
Q5: If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:
<i>"None"</i>
Q6: Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?
<i>"As a list", for ease of editing / copying if nothing else – and</i>

<i>without a list as an appendix you could be mistaken for thinking the 7 principles of public life are the basis of the code</i>
Q7: To what extent to you think the concept of ‘acting with civility’ is sufficiently clear?
<i>“To a moderate extent”</i>
Q7a: If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:
<i>“The concept and language of acting with civility seems relevant to the current political environment although perceptions will vary and it will not be easy to assess whether this obligation has been breached. The alternative concept of “respect” is suggested (although the same difficulties with recognising breaches apply).”</i>
Q8: To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?
<i>“To a moderate extent”</i>
Q8a: If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:
<i>“As with “civility” there may be contested views about what “disrepute” means e.g. a Member being associated with civil disobedience in the name of a particular cause that the Council would ordinarily support... the Code covers dishonest and deceitful behaviour which is helpful but is that broad enough – and what about Members acting illegally?”</i>
Q9: To what extent do you support the definition of bullying and harassment used in the code in a local government context?
<i>“To a great extent”</i>
Q10: Is there sufficient reference to the use of social media?
<i>“No”</i>
Q10a: Should social media be covered in a separate code or integrated into the overall code of conduct?
<i>“Separate code”</i>
Q10b: If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:
<i>“The Council has its own social media protocol which is quite detailed so the preference would be to keep the two codes separate.”</i>
Q11: To what extent to you support the code going beyond the current requirement to declare interests of the councillor and their partner?
<i>“To a great extent”</i>
Q11a: If you would like to elaborate on your answer please do so here:
<i>“There needs to be clear guidance around the definition of “family” as this would otherwise be difficult to interpret and may lead to difficulty/confusion especially in the context of large extended families”</i>

Q12: Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?
<i>"In the appendix"</i>
Q13: To what extent do you support the inclusion of these additional categories for registration?
<i>"To a moderate extent"</i>
Q13a: If you would like to propose additional or alternative categories for registration, please provide them here:
<i>"There needs to be clarification around different/additional levels of involvement in a particular body e.g. as an observer"</i>
Q14: To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?
<i>"To a great extent"</i>
Q15: The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?
<i>"Yes"</i>
Q16: The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.
<i>"1 for all categories" - All categories of guidance would be useful and helpful</i>
Q17: If you would like to make any further comments about the code please so here
<i>"None"</i>

The Standards Committee resolved to:

1. **Note** the report;
2. **Approve** the draft consultation response at Appendix 3 as amended above; and
3. **Authorise** the Head of Law and Governance to submit a consultation response to the LGA on the Council's behalf.

6. Member training 2020

The Monitoring Officer presented the report which set out the proposed arrangements for member training in 2020 as a result of the COVID-19 pandemic and the postponement of local authority elections until 2021. She advised the Committee that the compulsory induction and training programme planned for 2020 would now commence in 2021 and that 2020 would be treated as a "non-election year" for the purposes of member training under the terms of the agreed member Training and Development Scheme 2020-24, which had been endorsed by the Standards Committee at its meeting in March 2020.

In discussion the Committee noted that:

- There would be no compulsory training for Code of Conduct or Planning in 2020
- Where there are changes to councillor roles such as Lord Mayor (in November 2020), training will be offered to those councillors directly.
- Personal Safety training will be offered to candidates standing in the May 2021 local elections, subject to the availability of this training either on a face to face or online basis depending on the circumstances in early 2021.

- Briefings on topical issues will continue to be offered to councillors.
- Councillors may, with the agreement of their Group Leader, draw on the Member Training budget held by Committee and Member Services to access external training courses and events relevant to their special responsibilities or the reasonable learning and development of a councillor.
- Training, equipment and other support has been offered to all councillors in accessing meetings held remotely under new legislation passed in April 2020. The need for this training had not been anticipated in the Member Training and Development Scheme for 2020-24. Feedback from councillors has been broadly very positive about the support provided by ICT and Committee and Member Services.

In response to a question from the Committee the Monitoring Officer confirmed that supplementary training would be provided if there was a recognised need, for example regulatory changes which would impact on the planning or licensing committees.

The Committee were mindful of the changes in the patterns of exploitation that had been reported during the COVID-19 pandemic and considered that annual Safeguarding training should be provided. Members of the Committee who had been present for the previous discussion on training in March 2020 believed that this was what had been agreed at that meeting.

The Monitoring Officer undertook to amend the member Training and Development Scheme 2020-24 to reflect the view of the Committee and to instruct officers to provide Safeguarding training for councillors in 2020.

The Standards Committee resolved to:

1. **Endorse** the arrangements for member training in 2020/21 as set out in the report and subject to the amendment that Safeguarding training should be provided on an annual basis.

7. Minutes of the previous meeting

The Committee approved the minutes of the meeting held on 2 March 2020 as a true and accurate record subject to the following amendments:

- **Apologies:** delete “Councillors” and replace with “Independent Persons” before Chris Ballinger and Jill McCleery.
- **Minute 18, 4th bullet:** delete “biennial” so that minute reads: *Safeguarding training was vital and should be provided on an annual basis.*

8. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.15 pm

Chair

Date: Tuesday 15 September 2020

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