

STANDARDS COMMITTEE

MINUTES of the meeting held on Thursday, 1 December 2011 commencing at 10.00 am and finishing at 11.50 am

Present:

Voting Members: Ms A. Griffiths – in the Chair

Dr N. Alphey (Deputy Chairman)
Councillor Norman Bolster
Councillor Mrs Catherine Fulljames
Councillor David Robertson
Councillor Roz Smith
Councillor Val Smith
Professor M. Dean
Mr M. Greenwood

Officers:

Whole of meeting Peter Clark, County Solicitor & Monitoring Officer, Geoff Malcolm, Committee Officer

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

60/11 APOLOGIES FOR ABSENCE

(Agenda No. 1)

Apologies for absence were received from Councillor Mike Badcock and Councillor Ann Bonner.

61/11 MINUTES

(Agenda No. 3)

The Minutes of the meeting held on 26 May 2011 (ST3) were approved and signed.

Matters arising from the Minutes

- Minute 55/11:
The Hall Keepers had tested the Meeting Room microphones and found no matters of concern.

- Minute 57/11:
 - Gifts & hospitality: the Monitoring Officer was asked to circulate the advice to all councillors and co-opted members.
 - Call-in process: the Monitoring Officer was asked to circulate the advice to all Standards Committee members and voting independent members.

62/11 THE LOCALISM ACT AND THE STANDARDS REGIME

(Agenda No. 5)

The Committee considered a report by (ST5) which confirmed that on 15 November 2011 the Localism Act had received Royal Assent. The Act brought about a number of key changes to the standards regime operating in local authorities. Changes would be required to the code of conduct for councillors and co-opted members, including the registration of interests and the investigation of complaints. The Act also affected the future of the standards committee and abolished the national body Standards for England. The report summarised the changes and highlighted some practical implications for the Council.

Key points in debate were as follows:

Councils could adopt joint code of conduct arrangements. The Committee considered that such a uniform approach would be effective and efficient. Parish/town councils could adopt their district council's code of conduct or have their own. The Committee generally favoured the former approach.

The Committee considered a suggestion that the code of conduct and arrangements for investigating complaints of breach should aim for a 'light' touch. The Committee supported an aim for an 'appropriate' touch, in that the processes should be timely and hold members to account but not infringe their rights and be overly bureaucratic.

In considering whether the code should be the responsibility of the Monitoring Officer with a Panel or a Committee of the Council, members recognised that a Committee would be a more transparent approach in terms of the public perception. The value of the role of the existing voting independent members in the Standards regime, in particular for breach hearings, was also recognised and the Monitoring Officer was urged to promote this point where possible.

RESOLVED:

- (a) (on a motion by Cllr Roz Smith seconded by Cllr Val Smith and carried unanimously) to **RECOMMEND** the Council to appoint a Committee under the Localism Act;
- (b) (on a motion by Cllr Robertson seconded by Mr Greenwood and carried unanimously) to endorse the proposal to work with Oxfordshire's District Councils to develop a common code of conduct for approval by the Council;
- (c) (on a motion by Cllr Robertson duly seconded and carried unanimously) to agree the potential arrangements, including the appointment and involvement

ST3

of independent persons, for resolving allegations of breaches of the new code of conduct; and

- (d) (on a motion by Cllr Robertson seconded by Dr Alpey and carried unanimously) to agree that the Committee be responsible for potential areas of training for councillors and co-opted members arising from the Localism Act 2011.

63/11 INITIAL ASSESSMENT PANEL REPORTS

(Agenda No. 6)

On 26 May 2011 the Standards Committee asked for a formal report on the nature of complaints against councillors or co-opted members and the outcomes of the Initial Assessments.

The Committee considered a report (ST6) which summarised two cases which had occurred.

With reference to paragraph 4 of the report the Monitoring Officer undertook to:

- include the Voting Independent Members in the general reminder to members to review regularly their registerable interests; and
- explore whether the register of interests could include track changes and dates, for ease of use and transparency.

RESOLVED: to note the report.

64/11 CRIMINAL RECORDS AND VETTING AND BARRING CHECKS FOR COUNCILLORS & CO-OPTED MEMBERS

(Agenda No. 7)

In 2004, the Council agreed that councillors and co-opted members, as guardians of public standards, should be subject to a Criminal Records Bureau (CRB) check in the public interest. This arrangement provided some measure of public confidence in the ability of members to undertake their duties and responsibilities. However, changes were being made by the Government to the framework of criminal records checking and to the vetting and barring provisions which regulated those seeking to work with children and vulnerable adults.

The Committee considered a report (ST7) on the proposed changes under the Protection of Freedoms Bill to the twin requirements for Criminal Records Bureau checking and the Vetting and Barring provisions. The current position was that requirements under both processes continued to exist but would be formally merged and simplified by the time of the next county council elections in 2013.

RESOLVED to:

- (a) note the potential changes to the criminal records and barring regime under the forthcoming Protection of Freedoms Bill; and

- (b) **RECOMMEND** Council to make no changes at this time to the Council's current approach to criminal records checking.

65/11 WORK PROGRAMME

(Agenda No. 8)

The Committee was asked to determine its Work Programme in the light of the introduction of the Localism Act.

However, in the light of the changes proposed in the Localism Act and to the Standards Regime the Committee considered that it was not possible / appropriate to develop its programme at this time.

RESOLVED: to hold an informal meeting in January 2012 (followed by an additional formal Standards Committee meeting if necessary) to discuss with the Monitoring Officer progress towards / a proposed Code and Procedure prior to Council consideration.

..... in the Chair

Date of signing