

STANDARDS COMMITTEE Regulatory Committee Agenda

Date Thursday 20 October 2022

Time 3.30 pm

Venue Room 4E, Level 4 - Civic Centre, Oldham

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Peter Thompson in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Peter Thompson, telephone 0161 770 5151 or email via constitutional.services@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Monday, 17th October 2022.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE STANDARDS COMMITTEE IS AS FOLLOWS:
Councillors K Phythian, Williamson, M Bashforth, Byrne and Williams

Item No

- 1 Apologies For Absence
To receive any apologies for absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 2)
The Minutes of the meeting of the Standards Committee held on 12th July 2022 are attached for approval.
- 6 Procedures Under the Standards Framework (Pages 3 - 8)
Report of the Director of Legal to follow



STANDARDS COMMITTEE
12/07/2022 at 3.15 pm

Present: Councillors K Phythian, M Bashforth, Byrne and Williams

Independent Member: Karen Williams

Also in Attendance:

Paul Entwistle – Director of Legal Services

Peter Thompson – Constitutional Services

1 **APPOINTMENT OF CHAIR**

RESOLVED

That Councillor Williams be appointed as Chair of the Standards Committee for the duration of the 2022/23 Municipal Year.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Diane Williamson, Parish Councillor Beeley, Parish Councillor Rowlinson and Bushra Tabassum (Independent Member).

3 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

4 **MINUTES**

RESOLVED

That the Minutes of the meeting of the Standards Committee held 22nd April 2021 be approved as a correct record.

5 **URGENT BUSINESS**

There were no items of urgent business for this meeting of the Committee to consider.

6 **PUBLIC QUESTION TIME**

There were no public questions for this meeting of the Committee to consider.

7 **REVIEW OF THE CODE OF CONDUCT**

The Director of Legal reported that the new code of conduct has been in place since September 2021, and it was appropriate for the Standards Committees to review the Code and make any recommendations thereon to Council. The Code was introduced arising from the Local Government Association (LGA) developing a model code of conduct after extensive consultation with the sector as part of its work in supporting local government and is a template for councils to use which could be amended locally. The code had been adopted by several local authorities.

The Code referred to dispensations and the standards committee was asked to note the general dispensations provided under delegations to participate and vote on setting the council tax or a precept under the Local Government Finance Act 1992 (as amended from time to time and any superseding legislation) and

matters directly related to such decisions such as budget calculations and council tax reduction and discount schemes and allowances and indemnities given to members and readopt the dispensations as appropriate to do so under section 33 of the Localism Act



The Committee was requested to review the code and to consider whether any recommendations or amendments were required.

Resolved:

1. That no amendments be recommended for consideration in the revised code of conduct, but this be reviewed by the committee in approximately 12 months; training should be provided for all elected members after the May 2023 election.
2. The committee notes and confirms the general dispensations provided under delegations to participate and vote on setting the council tax or a precept under the Local Government Finance Act 1992 (as amended from time to time and any superseding legislation) and matters directly related to such decisions such as budget calculations and council tax reduction and discount schemes and allowances and indemnities given to members and readopt the dispensations as appropriate to do so under section 33 of the Localism Act.

The meeting started at 3.15pm and ended at 3.35pm.

Standards Committee

Procedure under standards framework

Report of: Director of Legal Services

20 October 2022

1.0 Background

1.1 Under the arrangements for dealing with complaints under the Members Code of Conduct, a Standards sub-committee is established to consider hearings where an investigator has found breach or breaches of the code and referred assessments. The standards sub-committee currently comprises three members, (one from each group represented on the Standards Committee), one independent person and one Parish Councillor if the matter refers to a Parish Council matter . The sub-committee considers whether a breach of the code has taken place and what sanction, if any to apply . The sub-committee also consider whether a referred complaint should be investigated

The sanctions available to the sub-committee are;-

- Publish its findings in respect of the Member's conduct
- Report its findings to Council (or the Parish Council) for information
- Recommend to Council that the Member be censured
- Recommend to the Member's group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council
- Recommend to the Leader of the Council that the Member be removed from the Executive , or removed from their portfolio responsibilities
- Instruct the Monitoring Officer (or recommend that that the Parish Council) arrange training for the Member
- Recommend to Council (or recommend to the Parish Council) that the Member be removed from all outside bodies , appointments to which they have been appointed or nominated by the Council (or the Parish Council)

- Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council such as a computer, website and/or e-mail and internet access; or
- Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises , with the exception of meeting rooms as necessary for attending Council, Committee and sub committee meetings or place such restrictions on access to staff as may be reasonable in the circumstances

1.2 It is appropriate for the committee to consider the procedure to be adopted at a hearing. The recommended procedure is outlined below.

1.3 **Procedure**

1. The sub-committee comprises currently three members of the Standards Committee, one from each group on the Standards Committee. An independent person will also attend the sub-committee and a Parish Councillor if the matter relates to a Parish Council Councillor.
2. The Chair shall explain the procedure and ask all present to introduce themselves. The member against whom the complaint has been made shall be known as the Subject Member for the purpose of this procedure.
3. The Investigating Officer outlines his/her report and presents the report, including any documentary evidence and calls such individuals as he/she considers appropriate to give evidence.
4. The Subject Member or their representative may question the Investigating Officer upon the content of their report and may question any witnesses called by the Investigating Officer.
5. Members of the sub-committee may ask questions of the Investigating Officer and any witnesses called.
6. The Subject Member or representative may present his/her case and call witnesses as required.
7. The Investigating Officer may question the Subject Member and/or any witnesses.
8. Members of the sub-committee may also question the Subject Member and/or any witnesses.
9. The Investigating Officer may sum up the complaint.
10. The Subject Member or representative may sum up their case.
11. Members of the sub-committee consider in private the complaint and consider whether there has been a breach of the code.

12. In the presence of all the parties, the Chair of the sub-committee will announce the decision that either the Subject Member has failed to follow the Code of Conduct or has not failed to follow the Code and will give reasons for their decision.
13. If the sub-committee decides that the Subject Member has failed to follow the code, the sub-committee will give the Subject Member the opportunity to make representations on whether action or sanctions should be taken.
14. The sub-committee will consider in private what action should be taken and then in the presence of all the parties, the chair shall announce the decision.
15. The chair will confirm that the decision will be provided in writing to the Subject Member within 7 days following the meeting.

1.4 The committee are also asked to consider a position when a standards complaint has not been concluded when a member ceases to be in office. A finding may not be made against a former member however there are some authorities that have decided that a complaint or investigation can be reinstated if the former member is re-elected within a certain period of time. It is recommended therefore that the committee consider that when a member ceases to hold office the outstanding complaint, investigation or hearing does not continue unless the person is re-elected within a certain period of time after ceasing to hold office. Members can determine the relevant period. If within that period the person is either re-elected or co-opted to the council, the complaint is reinstated and will be referred back to the Standards Committee for consideration. If the person is not re-elected or co-opted within that period, no further action is taken in the matter.

2. **Recommendation**

- 2.1 Members consider the procedure for a local hearing and confirm the composition of the sub-committee.
- 2.2 Members consider the position outlined in 1.4 and consider the period identified.

3 **Legal Services Comments**

- 3.1 Included within the report

4 **Cooperative Agenda**

- 4.1 N/a

5 **Human Resources Comments**

- 5.1 N/a
- 6 **Risk Assessments**
- 6.1 N/a
- 7 **IT Implications**
- 7.1 N/A.
- 8 **Property Implications**
- 8.1 N/A.
- 9 **Procurement Implications**
- 9.1 N/A.
- 10 **Environmental and Health & Safety Implications**
- 10.1 N/A.
- 11 **Equality, community cohesion and crime implications**
- 11.1 N/A.
- 12 **Equality Impact Assessment Completed?**
- 12.1 None.
- 13 **Key Decision**
- 13.1 N/A.
- 14 **Forward Plan Reference**
- 14.1 N/A.
- 15 **Background Papers**
 - None

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