

9 March 2006



the
Standards Board
for England

Mr Jeremy Thomas
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Dear Mr Thomas

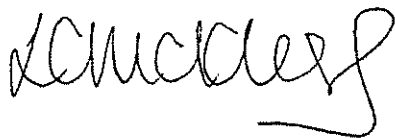
Ref: SBE14276.06

Please find attached notification of a recent decision on behalf of the Standards Board for England.

Under the Standards Board's procedures, the complainant has the right to ask for a review of this decision. The time limit for requesting a review is 30 days from the sending of our decision.

If we receive a request for a review, we will aim to deal with this within two weeks of receipt. An independent person within the Standards Board will carry out the review and we will write to you notifying you of the outcome.

Yours sincerely



Lucy Nickless
Principal Referrals Case Manager

Notification of a new allegation received by the Standards Board for England

SBE allegation reference no(s).	SBE14276.06
Name of person(s) making the allegation:	Councillor Antony Brett
Name of person allegation is against:	Councillor Lee Cole
Name of relevant authority/ies:	Oxford City Council

Introduction

The Local Government Act 2000 established the Standards Board for England and gave it a primary duty to consider written allegations. The Act also gave the Standards Board a wide discretion to decide whether or not a written allegation should be referred to an Ethical Standards Officer (ESO) for investigation.

Under powers granted by Section 112 of the Local Government Act 2003 the Board decided to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure which involves final approval by a senior manager.

Allegation recently considered

The Standards Board for England recently received an allegation and officers conducted an assessment to decide whether to refer it for investigation. The following is a general summary of the allegation:

The complainant, who is a member of the same authority, refers to an email sent from Councillor Cole to all members of Oxford City Council. The email was allegedly sent in response to a letter that the complainant had published in the local newspaper that referred to the alleged failure of members of Councillor Cole's political group to take part in the council's budget-setting process. The complainant considers that the email is disrespectful and deeply personally offensive. Copies of the correspondence were provided with the complaint.

Decision

Differences of opinions, and the defence of those opinions, through members' arguments and public debate are an essential part of the cut and thrust of politics. In a democracy, members of a public body should be able to publicly express disagreement with each other. However the Code of Conduct requires that members treat others with respect (including members of the authority with opposing views). When comments are aimed at the person and their personal characteristics, rather than the articulation of an idea of

argument, it is more likely to constitute a failure to comply with this area of the Code. On the basis of the information provided it was considered that the alleged comments of Councillor Cole had the potential to amount to a failure to treat the complainant with respect.

However, in all the circumstances, it was considered that the alleged conduct (even if it were found to have occurred) is not of such significance of itself to justify investigation and any consequent action.

Accordingly, the decision was that this allegation should NOT BE INVESTIGATED.

A copy of this notification letter has been sent to the person(s) making the allegation(s), the member against whom the allegation was made, the monitoring officer of the relevant authority, and the clerk to the parish council (where applicable).

It is the policy of the Standards Board to notify all the above parties in writing once we have received and assessed an allegation. Our assessment is made on the basis of the written allegation summarised in this notification. The assessment role of the Standards Board is separate and distinct from the investigative role of an Ethical Standards Officer. Consequently the Board makes no finding of fact at this stage; it only decides whether an allegation should be investigated.

If you have any form of disability, or special need, which means you will require additional support in respect of this or future contact with the Board, please let us know as soon as possible. If you have any difficulty reading this letter and require a large print, Braille, tape or translated version of the information please let us know.

Signed



Kathy Farrand – Head of Referrals
(On behalf of the Standards Board for England)

Date:

8/3/06