

Title of Report : STANDARDS BOARD FOR ENGLAND – DECISION NOTICE

Report of : Monitoring Officer

To : Standards Committee

Date : Friday 9th March 2007

Item No :

Purpose of report : To advise the Committee on an assessment conducted by the Standards Board for England into alleged breaches of the Members' Code of Conduct by a City Councillor.

Recommendation(s) : The Committee is RECOMMENDED to note the contents of the report

Key decision : No

Portfolio Holder : Not applicable

Scrutiny Responsibility : Not applicable

Ward(s) affected : All

Report Approved by : Jeremy Thomas (Legal)

Policy Framework : Not applicable

1. This Committee is responsible for considering matters to do with the Members Code of Conduct. In cases of alleged breaches of the Code, either the Standards Board for England may investigate and reach a decision; or the Standards Board for England may investigate and refer the matter to the local authority for determination; or the Standards Board for England may ask the local authority to investigate and reach a decision.

2. The Standards Board for England has considered whether to investigate a complaint that the Chair of a City Council Committee allowed an inquorate meeting to continue. The complainant also alleged that the Chair did not treat the complainant with respect at the meeting in that the complainant was not permitted to question officers at the meeting. The Standards Board's decision notice is appended to this report.

3. Decisions of the Standards Board for England not to investigate alleged breaches can be reviewed upon request. The complainant asked for a review to be conducted. The Standards Board reviewed the case "to check that the decision taken by officers was reasonable and that it was reached in accordance with our procedures". The Board advised that "after careful consideration it was concluded that the case was handled correctly and the final decision was reasonable". A review is the last stage in the process and cannot itself be reviewed.

4. The Committee is being recommended to note the contents of this report.

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Background Papers : None



Decision Notice

Reference SBE17001.06

The Complaint

The Standards Board for England recently received a complaint from Mr J Rodrigo concerning the alleged conduct of Councillor Gill Sanders of Oxford City Council. Officers conducted an assessment and decided not to refer the complaint for investigation. The following summarises the general nature of the allegation:

The complainant alleged that Councillor Sanders breached the Code of Conduct as a result of her conduct at a South East Area Committee meeting on 6 November 2006.

It was reported that halfway through the meeting, a number of councillors left, and in so doing rendered the committee inquorate. It was reported however that Councillor Sanders, in her capacity as chair of the committee, decided to allow the meeting to continue and allowed three council officers in attendance to present their reports to the remaining members. The complainant alleged that Councillor Sanders exceeded her authority in taking this course of action.

It was also alleged that Councillor Sanders refused to allow the complainant to question the housing development officer present at the meeting. The complainant alleged that by doing this, Councillor Sanders discriminated against him and abused her powers as chair of the committee.

Decision

The question of whether or not the area committee meeting should have been allowed to continue after it became inquorate is not a matter that falls within the Standards Board for England's jurisdiction to consider. Concerns regarding the procedural aspects of a local authority meeting would need to be addressed to the authority itself in the first instance.

It is not considered that Councillor Sanders' reported conduct in allowing the meeting to continue discloses a potential breach of the Code of Conduct. As outlined above, it is generally considered that the allegation relates to a matter of procedural concern, which the Standards Board cannot consider. In any event, however, it was noted from information provided with the complaint that Councillor Sanders only allowed the meeting to continue informally after it became inquorate, and that no decisions were taken or discussions minuted after that time.

The Standards Board does not generally have jurisdiction over the rules for the conduct of local authority meetings, including public speaking, and it is noted that chairs may sometimes use their discretion over the way those rules are applied. Nevertheless, there is an expectation that in so doing, they will treat others with respect. In the instance described in this allegation, it was considered that there was no information to support the claim that Councillor Sanders' alleged refusal to allow the complainant to speak to the housing officer disclosed any potentially discriminatory behaviour, or constituted a potential failure to treat him with respect.

The complainant has also provided significant detail on matters concerning the Rose Hill area of Oxford. However, the Standards Board cannot consider these issues, as they relate to the policies and actions of the council as a whole rather than the ethical conduct of individual members.

The Standards Board for England has decided that the allegation should not be referred to an ethical standards officer for investigation. Having taken account of the available information we do not believe that a potential breach of the Code of Conduct is disclosed. We have made no finding of fact.

We notify all concerned parties in writing once we have assessed a complaint. This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made, the monitoring officer of the relevant authority and (if appropriate) the clerk to the parish or town council.

Review

At the request of the complainant, the Standards Board's Chief Executive (or, in his absence, another senior officer) can review and change a decision not to refer an allegation for investigation. However, he will generally only do this if he is persuaded that the decision was unreasonable in law. This would be if the decision was flawed because of the irregular way in which we processed the allegation, or because we made an irrational judgement on the reported facts.

A request for the Chief Executive to conduct a review has to be made in writing. We must receive the complainant's written request within 30 days of the date of this notice, explaining in detail on what grounds our decision should be reviewed.

If we receive a request for a review, we aim to deal with it within two weeks of receipt. We will write to the parties mentioned above, notifying them of the outcome.

Terms of Reference

The Standards Board for England was established by the Local Government Act 2000 with a primary duty to consider written allegations. The Act also gave the Board a wide discretion to decide whether or not a written allegation should be referred to an ethical standards officer for investigation.

The Local Government Act 2003 permitted the Standards Board for England to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure.

Only the information provided by the complainant is assessed. For this reason, and to avoid unnecessary anxiety for members, officers do not normally contact the parties before notifying them of the decision.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice, require large print, or a Braille or taped transcript, or translated version of the information in this letter, we are able to assist you.

Signed Lucy Morris Date 04/01/2007

Lucy Morris – Acting Head of Referrals
(On behalf of the Standards Board for England)