

**Title of Report : STANDARDS BOARD FOR ENGLAND – INVESTIGATION
– CASE SUMMARY**

Report of : Monitoring Officer

To : Standards Committee

Date : Friday 7th September 2007

Item No : 4

Purpose of report : To advise the Committee on an investigation conducted by the Standards Board for England into alleged breaches of the former Members' Code of Conduct by two City Councillors.

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 : Lindsay Cane (Legal Services)

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 investigated a complaint under the former Code of Conduct that councillors failed to treat others with respect; brought their office and the authority into disrepute; and sought improperly to secure an advantage. The Standards Board's case summary is appended to

this report. In summary the Standards Board found that the Code had not been breached and that no further action needed to be taken.

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

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Background Papers : None

Case summary

SBE case number	SBE16839.06 and SBE16840.06
member	Councillor Elise Benjamin and Councillor Mary-Jane Sareva
authority	Oxford City Council
allegation	Members failed to treat others with respect, brought their office or authority into disrepute and improperly secured an advantage or disadvantage.
date received	27 November 2006
date completed	29 May 2007
SBE outcome	The Ethical Standards Officer found that in the circumstances of the case, no action needs to be taken.

Summary

It was alleged that Councillor Benjamin and Councillor Sareva sought to persuade a landlord to serve a notice to vacate on a tenant in order that the tenant could apply to Oxford City Council to re-home her and her family. It was further alleged that when the landlord said he had no grounds to evict the tenant and that the council's homelessness officers would ask him why he had done so, the councillors told him to tell the officers the tenancy had expired or he needed the property back for repairs.

It was also alleged that Councillor Sareva made derogatory remarks about the council's housing service and told the landlord that if he served the notice, his future business with the council would not be affected. The complainant considered this to be an implied threat about how the landlord's business might be affected if he did not co-operate.

Councillor Benjamin and Councillor Sareva stated that they visited the landlord because the property he had let to the tenant was in a poor state and needed repairs. Their view was that the necessary work was too extensive for the tenant and her children to stay there while it was carried out. The councillors denied asking the landlord to serve a notice to vacate without proper cause and suggesting that he lie to council officers.

Councillor Sareva also denied making derogatory comments about the council's housing service and stated that she did not make any threat to the landlord or refer to his future business.

The Ethical Standards Officer considered that, while the councillors' concern about the tenant staying in the property might have been open to misinterpretation, their approach to the landlord was, on the balance of probabilities, not an improper use of their position rather than an action motivated by their desire to assist a member of the public and their concerns for the welfare of her and her children while the property was repaired.

The Ethical Standards Officer noted that there were conflicting reports regarding the alleged remarks about the housing service, but took the view that even if Councillor Sareva had made the remarks, the alleged comments had not mentioned specific officers and could not reasonably be considered to be disrespectful or to bring her office or authority into disrepute.

The Ethical Standards Officer also took the view that the alleged comments about the landlord's future business, which Councillor Sareva denied making, would not necessarily have amounted to any implied threat and therefore could not amount to a breach of the Code of Conduct.

The Ethical Standards Officer found that, in the circumstances of this case, no further action needed to be taken.

relevant paragraphs of the Code of Conduct

The allegations in this case relate to paragraphs 2(b), 4 and 5(a) of the Code of Conduct. Paragraph 2(b) states that a member must "treat others with respect". Paragraph 4 states that "a member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute". Paragraph 5(a) states that "a member must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage".

recommendations

Ends.