

To: Standards Committee

Date: 5 March 2010

Item No: 8

Report of: Head of Law and Governance

Title of Report: Assessment Panel update

Summary and Recommendations

Purpose of report: To inform the committee of the work of Assessment Panels held since the last meeting of the Standards Committee.

Report Approved by:

Finance: N/A

Legal: N/A

Policy Framework: N/A

Recommendation(s): To note the report

1. This report provides the Committee with a breakdown of the work of Assessment Panels held since the last ordinary meeting of the Standards Committee.
2. A simple analysis of the Code breach allegations and Panel meetings is as follows:-
 - Number of assessment panels – 6
 - Number of review panels – 0 (1 is being arranged)
 - Number of “no action” findings – 6
 - Number of “alternative action” decisions – 0
 - Number of investigation decisions – 0
 - Nature of complaints :-
 - Failure to treat others with respect – 3
 - Bringing office or authority in disrepute – 6
 - Interests declaration breach – 2
 - Bullying - 3

- Origin of complaints:-
 - Action / behaviour at area committee – 2
 - Action / behaviour at other council meeting – 2
 - Action / behaviour at a Parish Council meeting – 1
 - Other - 1
- Complainants:-
 - Members of the public – on all occasions
- Members complained about :-
 - One Member – 2 occasions
 - Three members – on 1 occasion
 - Two members – on 1 occasion

The Decision Notices from the complaints received in this period are appended to this report.

Meeting one dealt with one complaint and was attended by:
 Martin Gardner
 Anne Gwinnett
 Sushila Dhall
 Fred Mogridge

Meeting two dealt with five complaints and was attended by:
 Meryl Dean
 Chris Ballinger
 Gill Sanders

At the December meeting, the Committee requested information on committee members who had volunteered but were not selected to sit on panels. There were offers to sit from three further members of the Standards Committee. In order to distribute the work more evenly, officers made the decision on which members for selected for each panel. In addition, due to the nature of some of the complaints, not all members were eligible to sit.

The ready availability of members is very much appreciated by officers and contributes greatly to the efficient administration of the Local Filter process.

3. As the complaints received do not appear to show any trend, there are no specific learning points to mention in this report.

Name and contact details of author:-

Alec Dubberley
 Democratic Services Officer on (01865) 252402

Background papers: None identified.

OXFORD CITY COUNCIL

STANDARDS COMMITTEE

ASSESSMENT PANEL

Members: Anne Gwinnett (Chair)
Martin Gardner
Councillor Sushila Dhall
Parish Councillor Fred Mogridge

Tuesday 6th January 2010

DECISION NOTICE: NO FURTHER ACTION

**Councillor Patrick Stannard (Blackbird Leys Parish Council)
Case Reference 703/4/19**

1. ALLEGATION AND FUNCTION OF PANEL

It is alleged that Councillor Patrick Stannard (a member of Blackbird Leys Parish Council) failed to comply with the Members' Code of Conduct. The function of the Assessment Panel is to decide if allegations of breaches of the Members' Code of Conduct merit investigation.

2. SUMMARY OF COMPLAINT

It is alleged that Councillor Stannard failed to comply with the Members' Code of Conduct because of remarks made during the open session at a meeting of Blackbird Leys Parish Council.

These allegations could potentially engage the following paragraphs of the Members' Code of Conduct:

Paragraph 3(1) "Treating others with respect"
Paragraph 3(2) (b) "Bullying"
Paragraph 5 "Bring your office or authority into disrepute"

3. DECISION

In accordance with Section 57A(2)(c) of the Local Government Act 2000, as amended, the Assessment Panel of the Standards Committee decided to take no further action in respect of this complaint.

The Panel was satisfied that the Councillor was both holding the office of Councillor and acting in his official capacity at the time of and in relation to the alleged conduct and that the Code of Conduct was therefore engaged.

With regard to Paragraph 3(1) of the Code which states that Members should “treat others with respect”, the Panel concluded that insufficient evidence had been presented by the complainant to justify referring the allegation for investigation.

With regard to Paragraph 3 (2) (b) which states that Members should not “bully any person”, the Panel was satisfied that the Member’s conduct did not constitute bullying

With regard to paragraph 5, the Panel felt that even if proven, the allegations were not sufficiently serious to bring the office of Councillor or the parish council into disrepute.

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the Clerk to the Parish Council.

4. RIGHT OF REVIEW

At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different Panel to that involved in the original decision will undertake the review.

A request for a review of this decision must be made in writing within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If a request for a review is received, it will be dealt with within three months of receipt. We will write to all the parties mentioned above, notifying them of the outcome of any such review.

5. 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 we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Please contact Alec Dubberley, Democratic Services Officer on 01865 252402 or adubberley@oxford.gov.uk if you require any further assistance.

Signed *Anne Gwinnett*

Date 8 January 2010

Anne Gwinnett
Chair of the Standards Committee Assessment Panel

Authority under which the decision is made

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 which now provides for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out a framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2000, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

OXFORD CITY COUNCIL

STANDARDS COMMITTEE

ASSESSMENT PANEL

Members: Chris Ballinger (Chair)
Meryll Dean
Councillor Gill Sanders

Tuesday 20 January 2010

DECISION NOTICE: NO FURTHER ACTION

**Councillor Edward Turner (Oxford City Council)
Case Reference 703/4/21**

1. ALLEGATION AND FUNCTION OF PANEL

It is alleged that Councillor Edward Turner (a member of Oxford City Council) failed to comply with the Members' Code of Conduct. The function of the Assessment Panel is to decide if allegations of breaches of the Members' Code of Conduct merit investigation.

2. SUMMARY OF COMPLAINT

It is alleged that Councillor Turner failed to comply with the Members' Code of Conduct because of his conduct at a meeting of the Council's South East Area Committee. The complainant further alleged that Councillor Turner acted inappropriately when he did not use the Council's "call-in" mechanism to have a specific planning application considered at Area Committee level. The complainant also alleged that Councillor Turner had personal and/or prejudicial interests that should have been declared to the Council in connection with the previously mentioned application.

These allegations could potentially engage the following paragraphs of the Members' Code of Conduct:

Paragraph 5 "Bring your office or authority into disrepute"
Paragraphs 8-10 and 12 set out what is expected of Councillors in respect of declaring interests.

3. DECISION

In accordance with Section 57A(2)(c) of the Local Government Act 2000, as amended, the Assessment Panel of the Standards Committee decided to take no further action in respect of this complaint.

The Panel was satisfied that the Councillor was both holding the office of Councillor and acting in his official capacity at the time of and in relation to the alleged conduct and that the Code of Conduct was therefore engaged.

With regard to paragraph 5, the Panel concluded that the conduct complained of in no way breached the Code of Conduct

With regard to the allegations concerning failure to declare interests, the Panel concluded that there would be no reason for Councillor Turner to have declared any interests in connection with the planning application referred to by the complainant as the application was not considered by any of the committees that Councillor Turner is a member of.

This decision notice is sent to the person or persons making the allegation and the member against whom the allegation was made.

4. RIGHT OF REVIEW

At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different Panel to that involved in the original decision will undertake the review.

A request for a review of this decision must be made in writing within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If a request for a review is received, it will be dealt with within three months of receipt. We will write to all the parties mentioned above, notifying them of the outcome of any such review.

5. 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 we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Please contact Alec Dubberley, Democratic Services Officer on 01865 252402 or adubberley@oxford.gov.uk if you require any further assistance.

Signed *Chris Ballinger* **Date** 20 January 2010

Chris Ballinger
Chair of the Standards Committee Assessment Panel

Authority under which the decision is made

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 which now provides for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out a framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2000, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

OXFORD CITY COUNCIL

STANDARDS COMMITTEE

ASSESSMENT PANEL

Members: Chris Ballinger (Chair)
Meryll Dean
Councillor Gill Sanders

Tuesday 20 January 2010

DECISION NOTICE: NO FURTHER ACTION

Councillor Antonia Bance (Oxford City Council)
Case Reference 703/4/21

1. ALLEGATION AND FUNCTION OF PANEL

It is alleged that Councillor Antonia Bance (a member of Oxford City Council) failed to comply with the Members' Code of Conduct. The function of the Assessment Panel is to decide if allegations of breaches of the Members' Code of Conduct merit investigation.

2. SUMMARY OF COMPLAINT

It is alleged that Councillor Bance failed to comply with the Members' Code of Conduct because of her conduct at a meeting of the Council's South East Area Committee. The complainant further alleged that Councillor Bance acted inappropriately when he did not use the Council's "call-in" mechanism to have a specific planning application considered at Area Committee level. The complainant also alleged that Councillor Bance had personal and/or prejudicial interests that should have been declared to the Council in connection with the previously mentioned application.

These allegations could potentially engage the following paragraphs of the Members' Code of Conduct:

Paragraph 5 "Bring your office or authority into disrepute"

Paragraphs 8-10 and 12 set out what is expected of Councillors in respect of declaring interests.

3. DECISION

In accordance with Section 57A(2)(c) of the Local Government Act 2000, as amended, the Assessment Panel of the Standards Committee decided to take no further action in respect of this complaint.

The Panel was satisfied that the Councillor was both holding the office of Councillor and acting in her official capacity at the time of and in relation to the alleged conduct and that the Code of Conduct was therefore engaged.

With regard to paragraph 5, the Panel concluded that the conduct complained of in no way breached the Code of Conduct.

With regard to the allegations concerning failure to declare interests, the Panel concluded that there would be no reason for Councillor Bance to have declared any interests in connection with the planning application referred to by the complainant as the application was not considered by any of the committees that Councillor Bance is a member of.

This decision notice is sent to the person or persons making the allegation and the member against whom the allegation was made.

4. RIGHT OF REVIEW

At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different Panel to that involved in the original decision will undertake the review.

A request for a review of this decision must be made in writing within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If a request for a review is received, it will be dealt with within three months of receipt. We will write to all the parties mentioned above, notifying them of the outcome of any such review.

5. 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 we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Please contact Alec Dubberley, Democratic Services Officer on 01865 252402 or adubberley@oxford.gov.uk if you require any further assistance.

Signed *Chris Ballinger* **Date** 20 January 2010

Chris Ballinger
Chair of the Standards Committee Assessment Panel

Authority under which the decision is made

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 which now provides for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out a framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2000, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

OXFORD CITY COUNCIL

STANDARDS COMMITTEE

ASSESSMENT PANEL

Members: Chris Ballinger (Chair)
Meryll Dean
Councillor Gill Sanders

Tuesday 20 January 2010

DECISION NOTICE: NO FURTHER ACTION

Councillor Clarke Brundin (Oxford City Council)
Case Reference 703/4/20

1. ALLEGATION AND FUNCTION OF PANEL

It is alleged that Councillor Clarke Brundin (a member of Oxford City Council) failed to comply with the Members' Code of Conduct. The function of the Assessment Panel is to decide if allegations of breaches of the Members' Code of Conduct merit investigation.

2. SUMMARY OF COMPLAINT

It is alleged that Councillor Brundin failed to comply with the Members' Code of Conduct because of his conduct at the December meeting of the Council's Strategic Development Control Committee.

The allegations could potentially engage the following paragraphs of the Members' Code of Conduct:

Paragraph 3(1) "Treating others with respect"
Paragraph 3(2) (b) "Bullying"
Paragraph 5 "Bring your office or authority into disrepute"

3. DECISION

In accordance with Section 57A(2)(c) of the Local Government Act 2000, as amended, the Assessment Panel of the Standards Committee decided to take no further action in respect of this complaint.

The Panel was satisfied that the Councillor was both holding the office of Councillor and acting in his official capacity at the time of and in relation to the alleged conduct and that the Code of Conduct was therefore engaged.

With regard to Paragraph 3(1) of the Code which states that Members should “treat others with respect”, the Panel concluded that insufficient evidence had been presented by the complainant to justify referring the allegation for investigation.

With regard to Paragraph 3 (2) (b) which states that Members should not “bully any person”, the Panel was satisfied that the alleged conduct of the Member, even if proven, did not constitute bullying.

With regard to paragraph 5, the Panel felt that even if proven, the allegations were not sufficiently serious to bring the office of Councillor or the authority into disrepute.

This decision notice is sent to the person or persons making the allegation and the member against whom the allegation was made.

4. RIGHT OF REVIEW

At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different Panel to that involved in the original decision will undertake the review.

A request for a review of this decision must be made in writing within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

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5. ADDITIONAL HELP

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Please contact Alec Dubberley, Democratic Services Officer on 01865 252402 or adubberley@oxford.gov.uk if you require any further assistance.

Signed *Chris Ballinger*

Date 27 January 2010

Chris Ballinger
Chair of the Standards Committee Assessment Panel

Authority under which the decision is made

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 which now provides for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

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OXFORD CITY COUNCIL

STANDARDS COMMITTEE

ASSESSMENT PANEL

Members: Chris Ballinger (Chair)
Meryll Dean
Councillor Gill Sanders

Tuesday 20 January 2010

DECISION NOTICE: NO FURTHER ACTION

Councillor Roy Darke (Oxford City Council)
Case Reference 703/4/20

1. ALLEGATION AND FUNCTION OF PANEL

It is alleged that Councillor Roy Darke (a member of Oxford City Council) failed to comply with the Members' Code of Conduct. The function of the Assessment Panel is to decide if allegations of breaches of the Members' Code of Conduct merit investigation.

2. SUMMARY OF COMPLAINT

It is alleged that Councillor Darke failed to comply with the Members' Code of Conduct because of his conduct at the December meeting of the Council's Strategic Development Control Committee.

These allegations could potentially engage the following paragraphs of the Members' Code of Conduct:

Paragraph 3(1) "Treating others with respect"
Paragraph 3(2) (b) "Bullying"
Paragraph 5 "Bring your office or authority into disrepute"

3. DECISION

In accordance with Section 57A(2)(c) of the Local Government Act 2000, as amended, the Assessment Panel of the Standards Committee decided to take no further action in respect of this complaint.

The Panel was satisfied that the Councillor was both holding the office of Councillor and acting in his official capacity at the time of and in relation to the alleged conduct and that the Code of Conduct was therefore engaged.

With regard to Paragraph 3(1) of the Code which states that Members should “treat others with respect”, the Panel concluded that insufficient evidence had been presented by the complainant to justify referring the allegation for investigation.

With regard to Paragraph 3 (2) (b) which states that Members should not “bully any person”, the Panel was satisfied that the Member’s conduct, whether proven or not, did not constitute bullying.

With regard to paragraph 5, the Panel felt that even if proven, the allegations were not sufficiently serious to bring the office of Councillor or the authority into disrepute.

This decision notice is sent to the person or persons making the allegation and the member against whom the allegation was made.

4. RIGHT OF REVIEW

At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different Panel to that involved in the original decision will undertake the review.

A request for a review of this decision must be made in writing within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If a request for a review is received, it will be dealt with within three months of receipt. We will write to all the parties mentioned above, notifying them of the outcome of any such review.

5. ADDITIONAL HELP

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We can also help if English is not your first language.

Please contact Alec Dubberley, Democratic Services Officer on 01865 252402 or adubberley@oxford.gov.uk if you require any further assistance.

Signed *Chris Ballinger*

Date 27 January 2010

Chris Ballinger
Chair of the Standards Committee Assessment Panel

Authority under which the decision is made

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 which now provides for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out a framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2000, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

OXFORD CITY COUNCIL

STANDARDS COMMITTEE

ASSESSMENT PANEL

Members: Chris Ballinger (Chair)
Meryll Dean
Councillor Gill Sanders

Tuesday 20 January 2010

DECISION NOTICE: NO FURTHER ACTION

Councillor Val Smith (Oxford City Council)
Case Reference 703/4/21

1. ALLEGATION AND FUNCTION OF PANEL

It is alleged that Councillor Val Smith (a member of Oxford City Council) failed to comply with the Members' Code of Conduct. The function of the Assessment Panel is to decide if allegations of breaches of the Members' Code of Conduct merit investigation.

2. SUMMARY OF COMPLAINT

The complainant alleged that Councillor Smith acted inappropriately when she did not use the Council's "call-in" mechanism to have a specific planning application considered at Area Committee level. The complainant also alleged that Councillor Smith acted inappropriately by forwarding an email to a fellow councillor.

These allegations could potentially engage the following paragraph of the Members' Code of Conduct:

Paragraph 5 "Bring your office or authority into disrepute"

3. DECISION

In accordance with Section 57A(2)(c) of the Local Government Act 2000, as amended, the Assessment Panel of the Standards Committee decided to take no further action in respect of this complaint.

The Panel was satisfied that the Councillor was both holding the office of Councillor and acting in her official capacity at the time of and in relation to the alleged conduct and that the Code of Conduct was therefore engaged.

With regard to paragraph 5, the Panel concluded that the conduct complained of in no way breached the Code of Conduct. Even if the conduct complained of was true, the Panel concluded that it would not have amounted to a breach of the code of conduct.

This decision notice is sent to the person or persons making the allegation and the member against whom the allegation was made.

4. RIGHT OF REVIEW

At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different Panel to that involved in the original decision will undertake the review.

A request for a review of this decision must be made in writing within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If a request for a review is received, it will be dealt with within three months of receipt. We will write to all the parties mentioned above, notifying them of the outcome of any such review.

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We can also help if English is not your first language.

Please contact Alec Dubberley, Democratic Services Officer on 01865 252402 or adubberley@oxford.gov.uk if you require any further assistance.

Signed *Chris Ballinger*

Date 20 January 2010

Chris Ballinger
Chair of the Standards Committee Assessment Panel

Authority under which the decision is made

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 which now provides for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

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