

## Standards and Ethics

### Welcome from the Chair

“The people of Oxford are entitled to expect the very highest standards of ethical behaviour from the people they elect to the City Council. As a Standards Committee we work very closely with Council staff and elected members to ensure that sound ethical behaviour is embedded into the culture of the organisation.

We welcome public involvement in our work and hope this website provides a useful insight into what we do “

### The Standards Committee

The principal role of the Standards Committee is to promote and maintain high standards of conduct by Councillors across the City and Parish Councils of Oxford and to deal with certain complaints against individual members.

The Standards Committee is supported by an officer of the Council who is known as the Monitoring Officer. At Oxford City Council Jeremy Thomas the Head of Law and Governance and the Council's most senior lawyer undertakes this role.

The Standards Committee does not deal with issues of maladministration or service. These should be addressed to the Council through the Council's complaints procedure ([details here click](#))

Oxford City Council has created a Standards Committee which has an important role in the governance of the Council. It must:

- Give the Council advice on adopting a Local Code of Conduct
- Monitor the effectiveness of the Code
- Train Members on the Code, or arrange for such training
- Promote and maintain high standards of conduct by Members
- Help Members to follow the Code of Conduct
- Hear and make decisions on allegations of misconduct made against City Councillors and members of our Parish Councils.

At Oxford City Council, the committee also takes on a range of other duties which are listed in full below.

The work of the Standards Committee is communicated openly to a wider public through this website. The Chair regularly meets with Senior Councillors

and the Chief Executive to monitor the effectiveness of Ethical Standards policies throughout the Council.

Where appropriate, the council has taken effective action, learning from issues arising from local investigations and determinations.

Standards for England (formerly the Standards Board for England) works with authorities to help them provide support and guidance to members regarding ethical behaviour. Further information on the role of Standards for England and the Code of Conduct can be found on their [website](#).

#### Membership of the Standards Committee

The Committee is made up of five City Council Members and Five Independent Members and two members drawn from our Parish Councils.

Chair: John Lay (independent member)

#### Photo (maybe a pen portrait after each?)

Vice-Chair: Dr Anne Gwinnett (independent member)

Chris Ballinger (independent member)

Meryll Dean (independent member)

Martin Gardner (independent member)

Councillor Clark Brundin (City Councillor)

Councillor Stuart Craft (City Councillor)

Councillor Gill Sanders (City Councillor)

Councillor Val Smith (City Councillor)

Councillor Dick Wolff (City Councillor)

Nils Bartleet (Parish Council Representative)

Fred Mogridge (Parish Council Representative)

The Standards Committee can be contacted through the secretary to the Committee Alec Dubberley on [adubberley@oxford.gov.uk](mailto:adubberley@oxford.gov.uk) or by telephone 01865 252402

#### How the Conduct of Councillors is regulated

The City Council has a Code of Conduct that sets out the rules governing the behaviour of its Members.

Within **two months** of being elected, Members must sign up to the City Council's Code of Conduct. This includes all Elected Members, Co-opted and Independent Members.

Members must also sign a Declaration of Interest Form and declare interests where relevant at meetings. Copies of City Councillor's declarations of interest forms can be viewed here

The Standards Committee can monitor the effectiveness of the code. Where a complaint is made that it has been breached, it can decide whether to

investigate the complaint. When a complaint has been investigated it must then decide whether the complaint is well founded, and set a sanction ranging from no further action to three months suspension.

If you believe that a City or Parish Councillor has breached the code of conduct visit the [Councillor Complaints](#) section.

## STANDARDS COMMITTEE

### POWERS AND DUTIES IN FULL

- (a) Promoting high standards of conduct in the council
- (b) Advising full council on adopting or revising the members' code of conduct and monitoring how the code is working
- (c) Advising and arranging training for councillors and co-opted and independent committee members on all aspects of the members' code of conduct
- (d) Considering recommendations made by case tribunals held under Section 80 of the Local Government Act 2000
- (e) Considering reports by the monitoring officer or any matter referred by an ethical standards officer
- (f) Carrying out initial assessments, reviews and hearings into allegations of breaches of the members' code of conduct.
- (g) Giving special permission to councillors and co-opted committee members to speak and vote on things they have an interest in
- (h) To consider the granting of dispensations to officers for politically restricted posts
- (i) Considering anything relevant in the Audit Commission's management letter or other correspondence from the Audit Commission
- (j) Overseeing the whistle blowing policy
- (k) Monitoring the council's handling of complaints and considering ombudsman reports
- (l) Monitoring the register of members' interests
- (m) Overseeing the code on councillor–officer relations
- (n) Advising on any other codes of practice or guidance for councillors

The standards committee will carry out roles (a) to (g) for parish councils in the city too.



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## Council and Democracy

### Complaints Process Against a Councillor

This page tells you how to make a complaint if you are unhappy about the way that a Councillor or member of either Oxford City Council or a Parish Council within the City has behaved.

It also explains:-

- How to make a complaint;
- Who you can complain about;
- What you can complain about;
- What will happen to your complaint.

If you have any questions or difficulties or if for any reason are in need of support in reading or understanding the information on this page, please contact us using the details on the right.

You can also download and print off the guidance on this page which can be found in the document below:

[Councillor Complaints Guidance](#) (161kB PDF)

#### How To Make a Complaint

Your complaint needs to be made in writing. This can be done:

- In writing by completing the complaints form below and sending it to the address stated in the contact details box on the right of this page

[Councillor Complaints Form](#) (133kB PDF)

- In writing by letter, in which case please make sure that the letter includes all the information we need
- By email, in which case the email should be clearly marked for the attention of the Monitoring Officer and should also include all the information we need. It should be sent to: [standards\\_monitoringofficer@oxford.gov.uk](mailto:standards_monitoringofficer@oxford.gov.uk)

Please send any documents that support your complaint with your form, letter or email.

The following sections on this page are intended to help you make sure you are sending us all the information we need.

If you cannot write your complaint in English, we can arrange to have it translated for you.

#### Section 1 - Your Contact Details

- Please provide your full name, address, contact telephone number and e-mail.
- Please also specify the type of complainant e.g., an Officer of the Council, member of the public etc.

Please note that:

- An officer from the Council may need to contact you personally to go through the details of your complaint.
- Unless you indicate that you would like us to communicate with you via letter, we will where possible communicate with you via email.

#### Section 2 - Who Can You Complain About?

You can complain about Councillors or co-opted/Independent Members of Oxford City Council or members of a Parish Council. A full list of current Members is available on our [Councillor pages](#).

The Parish Councils within Oxford City are:- Blackbird Leys; Littlemore; Marston; Risinghurst and Sandhills.

Please note, we can only consider complaints about individual Councillors or Co-opted/Independent members. We cannot consider complaints about the Council as a whole or about any people employed by it. A complaint about a service is dealt with under a separate procedure. Please see our [Corporate Complaints page](#) for full details.

The Monitoring Officer will forward complaints to an Assessment Panel (made up of members of the Standards Committee) for the initial assessment and for a decision as to whether further action will be taken.

If the complaint is clearly not about a Member's conduct, or does not fall within the matters which you can complain about as described below, then the Monitoring Officer does not have to pass it to the Panel for assessment.

#### Section 3 - What Can You Complain About: Breach of Code of Conduct

You can complain about a Member breaking any part of the Council's Code of Conduct for Members. A copy of the Code can be found in Part 23 of the Council's Constitution. Visit the [Councillors' Code of Conduct section](#) of our Constitution pages for full details.

A complaint can be made if you believe a Councillor or Member has breached any part of the Code whilst acting in their official capacity which includes:-

- Unlawfully discriminating against someone;
- Failing to treat people with respect;
- Bullying any person;
- Intimidating any person involved in any investigation or proceedings about someone's misconduct;
- Doing something to prevent those who work for the Authority from being unbiased;
- Revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law;
- Damaging the reputation of their office or authority;
- Using their position improperly, to their own or someone else's advantage or disadvantage;
- Misusing their Authority's resources;
- Allowing their Authority's resources to be misused for the activities of a registered political party;
- Failing to register financial or other interests;
- Failing to reveal a personal interest at a meeting;
- Taking part in the discussion or making a decision where they have an interest that is so significant that it is likely to affect their judgement of the public interest (known as a 'prejudicial interest');
- Improperly influencing a decision about a matter that they have a prejudicial interest in;
- Failing to register any gifts or hospitality (including its source), that they have received in their role as a Member worth over £25.

#### What we cannot investigate

There are some complaints we cannot investigate, including:-

- Complaints where a Member is not named;
- Complaints that are not in writing;
- Incidents or actions that are not covered by the Code of Conduct;
- Incidents that are about a fault in the way the Council has or has not done something. Matters relating to the policies or performance of the authority generally. This is known as maladministration and may be a matter for the Local Government Ombudsman. Visit the [Local Government Ombudsman website](#) for further information;
- Complaints about employees;
- Incidents that happened before a Member was elected.

#### Evidence

If you believe a Member has breached the Code of Conduct for Members it would be useful to attach any evidence that you feel is relevant to your complaint. For example, details of any witnesses or details of any dates/times of any incidents etc. You can send accompanying documents if you wish.

#### Section 4 - Confidential Information

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe that they have a right to be provided with a summary of the complaint. We are unlikely therefore to withhold your identity or the details of your complaint unless there is a good reason. For example, where the disclosure of personal details may result in the evidence being compromised or destroyed by the subject member or if there is a real possibility of intimidation of the complainant or witnesses by the subject member.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. A decision on your request will be made by the Panel who will carry out the initial assessment of your complaint. We will then contact you with the decision. If your request is not granted, we will allow you the option of withdrawing your complaint. It is important to understand that in certain exceptional circumstances where the matter complained of is very serious, we can proceed with an investigation or other action and disclose your name even if you have asked us not to.

#### Section 5 - What Happens to Your Complaint

##### Initial Assessment

When we receive your complaint, we will write to you to let you know that we have received it. An Assessment Panel will make an initial assessment of your complaint within an average of 20 working days. The Panel will decide whether or not your complaint will be investigated. The Panel may refer the complaint to the Monitoring Officer for investigation or take other action. The Panel may alternatively refer the matter to the Standards Board for England.

An Assessment Panel will apply the following questions to the facts set out in the complaint in deciding whether to investigate the complaint:

- Is the complaint about the conduct of a Member?  
If yes, then
- Is the conduct of a type, which is covered by the Code?  
If yes, then
- Does the complaint merit an investigation?

The Panel are unlikely to consider that a complaint merits investigation if;

- it appears to be malicious, politically motivated or a tit-for-tat complaint;
- it is not significant enough to justify spending public money and/or officer and member time on conducting an investigation
- it is about something that happened so long ago that there would be little benefit in taking action now;
- it has already been the subject of an investigation or other action relating to the Code of Conduct or has been the subject of an investigation by other regulatory authorities;
- insufficient information has been submitted to satisfy the Panel that an investigation is merited.

##### Review

If the Assessment Panel decide that your complaint should not be referred for investigation, we will write to you explaining the reasons why.

If you are unhappy with the outcome you may seek a review of this decision by making a further request in writing with reasons, within 30 days after the initial assessment decision is received. A differently constituted Review Panel must make a decision in relation to the review within three months but we aim to deal with it in 20 working days.

If following the review the decision not to investigate is upheld we will write to you with the decision. There is no right of appeal. However, if you are dissatisfied with regard to the procedures adopted by the Authority then you can write to the Local Government Ombudsman.

##### Investigation/Determination Hearing

If your complaint is referred to the Monitoring Officer for investigation, we will write to you and inform you of the timescales for completing the investigation, and details of any hearings (if appropriate). You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. Usually you will be able to attend the hearing, and we will of course write to you to tell you the outcome of the hearing.

Remember, full details of your complaint and your details will normally be shared with the subject Member and all parties involved in the case. See Section 4 above for more details.

##### Assessment Panel Decisions

You can download some examples of decisions made by the Standards Committee Assessment Panel below:

[\[Download link\]](#)

<a href="#">Assessment Decision 1</a> (75kB PDF)
<a href="#">Assessment Decision 2</a> (76kB PDF)
<a href="#">Assessment Decision 3</a> (77kB PDF)
<a href="#">Assessment Decision 4</a> (92kB PDF)
<a href="#">Assessment Decision 5</a> (75kB PDF)
<a href="#">Assessment Decision 6</a> (82kB PDF) - <a href="#">Annex 1</a> (77kB PDF)
<a href="#">Assessment Decision 7</a> (76kB PDF)
<a href="#">Assessment Decision 8</a> (76kB PDF)
<a href="#">Assessment Decision 9</a> (79kB PDF)
<a href="#">Assessment Decision 10</a> (29kB PDF)
<a href="#">Assessment Decision 11</a> (28kB PDF)
<a href="#">Assessment Decision 12</a> (27kB PDF)
<a href="#">Assessment Decision 13</a> (34kB PDF)
<a href="#">Assessment Decision 14</a> (34kB PDF)
<a href="#">Assessment Decision 15</a> (34kB PDF)
<a href="#">Assessment Decision 16</a> (33kB PDF)
<a href="#">Assessment Decision 17</a> (34kB PDF)
<a href="#">Assessment Decision 18</a> (37kB PDF)

#### Review Panel Decisions

<a href="#">Review Decision 1</a> (86kB PDF)
<a href="#">Review Decision 2</a> (33kB PDF)
<a href="#">Review Decision 3</a> (33kB PDF)
<a href="#">Review Decision 4</a> (33kB PDF)

#### Standards Committee Decisions

<a href="#">Standards Decision 1</a> (101kB PDF)
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#### Section 6 - At the End of an Investigation

Following a hearing, Standards Committee will make one of the following findings about the Member subject to the complaint:-

- The Member had not failed to comply with the Code of Conduct;
- The Member had failed to comply with the Code of Conduct but that no action needs to be taken;
- The member had failed to comply with the Code of Conduct and that a sanction should be imposed.

If the member is no longer a Member of the Authority the Standards Committee can only censure that person. Otherwise, it can impose any one or a combination of the following sanctions:-

- Censure;
- Restriction for up to a maximum of 6 months of that Member's access to the premises and/or resources of the Authority. This is provided that any such restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the Members' ability to perform their functions as a Member;
- Partial suspension of that Member for up to a maximum of 6 months;
- Suspension of that Member for up to a maximum of 6 months;
- A requirement that the member submit a written apology in a form specified by the Standards Committee;
- Partial suspension of the Member for up to a maximum of 6 months or until such time as the Member submits a written apology in a form specified by the Standards Committee;
- Partial suspension of a Member for up to a maximum of 6 months or until such time as the Member undertakes any training or conciliation specified by the Standards Committee;
- Suspension of the member for up to a maximum of 6 months or until such time as the Member submits a written apology in a form specified by the Standards Committee;
- Suspension of the Member for up to a maximum of 6 months or until such time as the member undertakes such training or conciliation as the Standards Committee specifies.

The Standards Committee can decide that any sanction will start on any specified date up to 6 months after the date of the hearing.

#### Points to Remember

- We can only consider complaints that are about individual Councillors or Members of this Council or one of the Parish Councils within the City;
- We can only investigate matters that you believe a Member has breached the Code of Conduct;
- Your complaint must be in writing and cover all the points set out in the complaints form;
- Your details and details of the complaint are unlikely to remain confidential as we need to share it with all parties involved in the process including the subject Member;
- Do send us as much information as you can in order for us to decide whether or not the matter should be investigated.

#### Further Information

If you have any more questions, please contact us using the details on the right of this page.

Page last reviewed 26 Apr 2010