

CASE REF: 703/4/30
COUNCILLOR NUALA YOUNG OF OXFORD CITY COUNCIL

Report by: Clerk of the Standards Committee

1. The Monitoring Officer has received a complaint from Councillor Edward of 2 Orchard Court, Rose Hill, Oxford, that Councillor Nuala Young may have failed to comply with the Members' Code of Conduct.
2. The complainant alleges that Councillor Young should have declared a personal and/or prejudicial interest at the meeting of the Full Council on 21 February 2011 when she asked questions relating to the Tourist Information Centre in Oxford. The full questions and the answers given are included in this report pack.

It is alleged that the interest exists because of Councillor Young's employment as a "Freelance Tour Guide" – a fact she declares in her register of interests.

The complainant alleges further alleges that Councillor Young improperly used her position as a Councillor to ask formal questions on matters that "were far more obviously related to her professional interests than those of residents in her ward"

This allegation may engage Part 2 of the Code of conduct relating to interests. The section sets out the expectations and rules around the declaring of personal and prejudicial interests.

This allegation may also engage paragraph 6a of the Code of Conduct for Members which states – Councillors "must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;"

The Assessment Panel may consider that further parts of the Code of Conduct are relevant in relation to this complaint.

3. The following papers are attached:-
 - a. Complaint form dated 22 February 2011
 - b. Draft Minute extracts from the meeting of Full Council held on 21 February 2011.
 - c. Councillor Young's register of interests dated 16 May 2009
 - d. The Council's Code of Conduct
4. The Assessment Panel is asked to consider the complaint and make one of the following decisions, together with reasons for the decision:-
 - a. Refer the allegation to the Monitoring Officer for investigation;
 - b. Refer the allegation to the Monitoring Officer for alternative action such as mediation or training;
 - c. Refer the allegation to Standards for England; or
 - d. Decide that no action should be taken in respect of the allegation.

COMPLAINT FORM

If you have any questions or difficulties filling in this form or if for any reason you are in need of support in completing this form, please telephone 01865 252402

You can also e-mail us on **standards_monitoringofficer@oxford.gov.uk**

Please note

- a. Complaints can only be accepted in writing;
- b. An officer from the Council may contact you personally to go through the details of your complaint;
- c. The Council is unlikely to be able to keep your identity or the information you have provided confidential. If you have serious concerns about disclosure of your name and a summary of your complaint, please complete Section 4 on confidential information;
- d. Please read the leaflet *How to make a complaint* prior to completing this form.

Section 1: Your contact details

Title:	Mr
First Name:	Edward
Surname:	Turner
House Number/Name	2 Orchard Court
Road/Street	Rose Hill
Town/City:	Oxford
Postcode:	OX4 4HJ
Telephone/Mobile:	01865 778358 / 07769 534849
E-mail address:	e.o.turner@gmail.com

Please tick the box which complainant type best describes you:-

- Member of the Public
- Elected/Co-opted Member of the Authority
- Independent Member of the Standards Committee
- Member of Parliament
- Local authority Monitoring Officer
- Other Local Authority Officer/Employee
- Other (Please specify)

Section 2: Your complaint

Who are you complaining about?

Please give the name of the Councillor/s, Member/s Independent or Co-opted Member/s of Oxford City Council or Parish Council within the City that you consider has broken the Code of Conduct.

Name of individual/s (include both first and last names)

1. Cllr Nuala Young
2.
3.
4.
5.

Section 3: What are you complaining about?

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the date and details of the alleged misconduct, and any information that supports the allegation. If you are complaining about more than one member you should clearly explain what each individual member has done that you believe has breached the Code of Conduct.

We can only investigate complaints that a member has broken the Code of Conduct for members (please see the document **How to make a complaint** referred to above). You can continue on a separate sheet if there is not enough space on this form.

At the Full Council meeting on 21st February, Cllr Young tabled a series of questions about the Tourist Information Centre and the promotion of tourism. In the council meeting, Cllr Young then asked supplementary questions, mentioning the services provided to tour guides.

At no point did Cllr Young declare an interest, either personal or prejudicial.

I understand, at Value and Performance Scrutiny Committee on 22nd February, Cllr Young again repeatedly spoke about tourism. I am not aware that Cllr Young declared an interest on this occasion either.

I note that, in the Register of Members' Interests, Cllr Young mentions that she is a freelance tour guide.

It seems clear to me that, at the very least, Cllr Young has a personal interest in matters relating to tourism in Oxford and the Tourist Information Centre; any matters in relation to that affect her well-being more than the majority of other people in the ward in which the TIC is located.

In addition, if (as happened in the case of the Full Council meeting of 21st February) Cllr Young raises in specific terms the services provided to tour guides, this seems to me a prejudicial interest, as such services could well affect her financial interests as a freelance tour guide.

As a result, at the very least Cllr Young is guilty of failing to declare personal interests, and most probably prejudicial interests.

I also believe it is not an appropriate use of her position to ask questions at Full Council about matters in which she has such clear interests. There is a cost to the authority in researching these matters and providing answers, and the questions are far more obviously related to her professional interests than those of residents in her ward. It would instead be appropriate for Cllr Young to raise these matters as any other freelance tour guide would – in correspondence with the authority, or if necessary through public questions to the Council.

Evidence (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please briefly describe the *documents* you will be enclosing:-

1.
2.
3.
4.
5.
6.

Tick this box if you would like us to return the evidence to you.

Section 4: Confidential information (this part only applies if you are asking for your identity to be kept confidential)

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. The assessment of your request will be undertaken 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.

Please provide details of why you believe we should withhold your name/details of your complaint below:-

Please consider the complaint I have described above and the evidence attached. I understand and accept that the details will normally be disclosed to the Member and any parties involved in the complaints procedure or outside authorities required to monitor the Council's complaints procedure by law. It may also be shared with the police in the prevention or detection of crime.

Signature: _____ *Edward O Turner* _____ Date: _____ 22nd February 2011 _____

Please send this form together with any attachments to:-

**The Monitoring Officer
Oxford City Council
The Town Hall
Blue Boar Street
Oxford OX1 4EY.**

Or by e-mail to standards_monitoringofficer@oxford.gov.uk

OXFORD CITY COUNCIL

REGISTER OF MEMBERS' INTERESTS

GENERAL NOTICE OF REGISTERABLE INTERESTS

I, Nuala Young

A member of Oxford City Council, give notice that I have set out under the relevant headings my interests which I am required to declare under the Council's Code of Conduct that was adopted by the Council on 25th June 2007, and I have put "none" where I have no such interests under any heading.

1. Membership of other bodies

- (a) You should list in the following box any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority:-

Write "None" if applicable

Local Authority Governor of Oxford School

- (b) You should list in the following box any body of which you are a member or in a position of general control or management and which (i) exercises functions of a public nature; (ii) is directed to charitable purposes; or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):-

Write "none" under any heading if applicable

(i) Body/bodies exercising functions of a public nature

(ii) Body/bodies directed to charitable purposes

(iii) Body/bodies, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Oxford Green Party
Oxford Network for Global Justice and Peace
Network of Oxford Women
Oxford Campaign for Nuclear Disarmament

2. Employment or business carried on by you

Write "none" if applicable

Note: include employer as well as type of employment

Freelance tour guiding

3. Payments for election or other expenses incurred by you in carrying out your duties

Write "none" if applicable

4. Interests in Companies and Securities

Write "none" if applicable

None

5. Contracts with the Authority

Write "none" if applicable

None

6. Gifts and hospitality

Write "none" if applicable

None

7. Land in the area of the Authority

Write "none" if applicable

Note: Include the property you live in if it is within the Council's area, and give an address or other description sufficient to identify any land or buildings included here.

I have the lease of the field at the very end of the Abingdon Road – owned by the City

8. Tenancies

Write "none" if applicable

9. Licences to occupy land

Write "none" if applicable

Note: Give an address or other description sufficient to identify the land or buildings included here.

Changes to Registered Interests

I understand that I must, within 28 days of becoming aware of any change to the interests included in this Notice, provide written notification to the Council's Monitoring Officer of that change.

I recognise that it is a breach of the Council's Code of Conduct to:-

- (i) Omit information that ought to be given in this notice;
- (ii) Provide information that is materially false or misleading;
- (iii) Fail to give further notices in order to:-
 - Bring up to date any information given in this notice;
 - Declare an interest that I acquire after the date of this notice and have to declare.

I understand that any breach of the Code of Conduct by me can be the subject of a complaint.

Signed:.....N. A. Young..... Date completed:..23.07.2009..
Councillor

Signed:.....J. Thomas..... Date received:..23.7.09.....
Monitoring Officer

MINUTES OF FULL COUNCIL

Monday 21 February 2011

COUNCILLORS PRESENT: The Lord Mayor (Councillor John Goddard), the Sheriff (Councillor Colin Cook), Councillors Mohammed Niaz Abbasi, Alan Armitage, Antonia Bance, Laurence Baxter, Elise Benjamin, Tony Brett, Stephen Brown, Jim Campbell, Mary Clarkson, Van Coulter, Jean Fooks, Michael Gotch, Beverley Hazell, Rae Humberstone, Graham Jones, Bryan Keen, Shah Jahan Khan, Ben Lloyd-Shogbesan, Mark Lygo, Sajjad Malik, Stuart McCready, Joe McManners, Mark Mills, Matthew Morton, Susanna Pressel, Bob Price, Nathan Pyle, Mike Rowley, Gwynneth Royce, Gill Sanders, Scott Seamons, Val Smith, John Tanner, Bob Timbs, Ed Turner, Oscar Van Nooijen, Ruth Wilkinson, David Williams, Richard Wolff and Nuala Young.

95. DECLARATIONS OF INTEREST

Councillors declared interests as follows:-

Councillor Antonia Bance declared a personal interest in agenda item 12 (City Executive Board Recommendations – Budget for 2011/12 – Table 2 re-instatement of independent housing advice) as she had recently accepted a position with Shelter (Minute 105 refers).

Councillor Sajjad Malik declared a personal interest in agenda item 12 (City Executive Board Recommendations – Budget for 2011/12 – 33/35 George Street which appeared as a line in the capital programme). (Minute 105 refers).

110. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

(a) Questions notified in time for replies to be provided in writing for Council

Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Nuala Young

“Some years ago our Information Centre was running so impressively that it won awards. The cost/loss to the city of running the service has been said to be between £80,000 to £100,000 a year, did that figure include the nominal cost of the loss of rental of the building as well as the staffing?”

Answer: The TIC continues to run impressively and to win awards.

This year the TIC will bring in a gross income in the region of £700,000, this includes income from sub-letting parts of the Broad St. premises (£37k)

The net cost to the Council in 10/11 of running a tourism service that includes the TIC and its other Tourism activities, such as the web site and marketing is £160,000. This includes the recharge costs to be borne by the Service, (as other Council front line services), of support from finance, legal, HR, IT and corporate services (Democracy, Chief Exec, Communications).

In a supplementary question Councillor Young asked if Councillor Cook would agree that the service provided to Guides and Guesthouses had reduced due to the reduced numbers of staff at the Tourist Information Centre,

In response, Councillor Cook, said no, he did not agree with Councillor Young.

Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Nuala Young

“What is the estimated cost of the Information Centre in loss of rent and staffing?”

Answer: There is no estimate in the Budget for loss of rent. TIC staff costs are in the region of £333,000

Councillor Young in a supplementary question asked if Councillor Cook could supply the number of staff employed in the TIC. In response Councillor Cook said that he believed it was 12.

Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Nuala Young

“In the last five years Oxford has attracted more visitors than ever, with people often choosing to come to Oxford rather than London. Most visitors expect to visit a college but the colleges are now saying that they cannot take more visitors and need to limit visitors to the present numbers. There is no room for growth. Given these two factors how can it make sense for us in this year of financial difficulty to contribute £100,000 to Destination Management Oxford as well as our Information Centre building and staff, since it can only really benefit the County, which has room for growth in tourism, but is only contributing £40,000 and using our building and staff as well?”

Answer: I can find no evidence to support the assertion that “colleges are now saying that they cannot take more visitors” nor that they need “to limit visitors to the present numbers”. I would be grateful if the questioner could let me have the evidence to support such assertions.

Anecdotally I am informed that some colleges are introducing or increasing the charges they make for tourists and guided tours, and that some colleges are reducing the numbers permitted on any single guided tour, however this clearly does not represent an overall limit on the numbers visiting a particular college given that far more people will visit as individuals or as a family rather than as an organised tour group.

I disagree with the questioner's assertion that there is "no room for growth". In partnership with private businesses, through Visit Oxfordshire, one of our objectives is to increase the length of stay of the tourists who do come to Oxford, and to encourage them to spend more money whilst they're here. This can but strengthen the local visitor economy. Visit Oxfordshire is estimated to have a turnover next year in the region of £1 million, with private tourist businesses making a similar scale of contribution through membership as the City Council.

The visitor economy of the City has much more to offer than a visit to the Colleges and this County-wide partnership will bring benefits to:

- The TIC itself with increases business and sales, such as the walking tours,
- Our hotels and guest houses which will benefit from guests staying in Oxford but trekking out into the county each day
- Our restaurants, pubs and other eating places and the wealth of cultural and other attractions in the City including the Museums.

Councillor Young in a supplementary question asked which businesses had contributed towards the £100k. In response Councillor Cook said that over 26 businesses had expressed an interest in joining Destination Management for Oxfordshire. The Administration would welcome involvement in a sector that was worth £770m and created 12% of the jobs in the County.

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