

STANDARDS COMMITTEE

ASSESSMENT PANEL

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**Members: Martin Gardner (Chair)
Chris Ballinger
Councillor Gill Sanders**

Monday 14 March 2011

DECISION NOTICE: REFERRAL FOR INVESTIGATION

**Councillor Nuala Young (Oxford City Council)
Case Reference 703/4/30**

NOTE: The subject member and complainant should note that the complaint remains in an unconcluded state. Until it is concluded you should restrict the passing on of any information that could breach the provisions of the Data Protection Act 1998, impede any investigation, represent a breach of confidentiality or otherwise constitute a breach of the Code of Conduct.

1. ALLEGATION AND FUNCTION OF PANEL

It is alleged that Councillor Nuala Young (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 Young failed to comply with the Members' Code of Conduct because of her failure to declare a personal and/or a prejudicial interest at a meeting of the Full Council on 21 February 2011.

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 refer the allegation to the Monitoring Officer for investigation

Potential breaches of the Code of Conduct identified

We have identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct:

- Section 2 – Declaration of interests

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

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 *Martin Gardner*

Date 16 March 2011

Martin Gardner
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.

Tim O'Gara

From: LYNCH Helen [hlynch@oxford.gov.uk]
Sent: 28 June 2011 09:14
To: Tim O'Gara
Cc: Karen Trickey
Subject: Standards Investigation - Councillor Young (My ref:hml/703/4/30)

Dear Tim,

Further to the observation in your draft report regarding the wording of the decision notice in the above matter and the remit of the investigation being limited to the alleged failure of Councillor Young to declare a personal and prejudicial interest.

For the avoidance of doubt, the Assessment Panel did not make an express decision that the allegation that Councillor Young sought to use her position improperly was not expressly excluded from the investigation.

Having been present at the Assessment Panel, it was the Panel's intention that the entirety of the complaint be referred to investigation and that it should not be limited to the alleged failure to declare interests. Unfortunately, the wording of the decision notice does not make this clear.

I would therefore be grateful if you would consider the allegation that Councillor Young sought to use her position improperly in your report.

Many thanks

Helen
Helen Lynch
Lawyer
Law and Governance
Oxford City Council

Tel : 01865 252806

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