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| To: | **Standards Committee** |
| Date: | **11 September 2018** |
| Report of: | **Monitoring Officer** |
| Title of Report: | Members’ Code of Conduct: Standards report |

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| Summary and recommendations | |
| Purpose of report: | **To advise the Committee of the number of complaints received under the Members’ Code of Conduct from 1 November 2017 until 31 August 2018 which have or are to be considered by the Head of Law and Governance (in her statutory capacity as the authority’s Monitoring Officer) and the Independent Persons. The report also notes the outcome, where complaints have been concluded.** |
| Key decision: | No |
| Recommendation:  That the Standards Committee notes the content of the report. | |

# Introduction and background

1. In compliance with legislation relating to the standards and conduct of elected councillors, the Council has in place complaints handling arrangements to enable an individual to make a formal complaint that an elected or co-opted member of the City Council, or of a Parish Council within the City Council’s area, has failed to comply with the authority’s Members’ Code of Conduct.
2. In summary there are two stages to the complaints handling arrangements:
   * Stage 1: The complaint will be assessed and a decision made by the Council’s Monitoring Officer in consultation with an Independent Person as to the next steps. At this stage the options open to the Monitoring Officer are:

* Investigation – refer the matter for formal investigation;
* Other action - such as informal resolution, acceptance of an apology or training; or
* No action – complaint dismissed.
  + Stage 2: If the complaint has been referred for independent investigation. The Monitoring Officer will consider the findings of the investigation and, in consultation with the Independent Person(s), determine what action to take. At this stage the options open to the Monitoring Officer are:
* Local Hearing – complaint to be determined by the Standards Committee;
* Local Resolution - a fair resolution of the complaint which is acceptable to all parties; or
* No action - complaint dismissed as no breach of the Code of Conduct.

1. The Standards Committee is responsible for promoting high standards of ethical behaviour by developing, maintaining and monitoring the Members’ Code of Conduct. It does this by considering this report from the Monitoring Officer which identifies any issues or learning points arising from the complaints received.

**Complaints made against Members of Oxford City Council or Parish Council**

1. Since the last meeting of the Standards Committee on 1 November 2017 up to and including 31 August 2018 the Monitoring Officer has received three complaints. Two of these complaints concerned Oxford City Councillors, whilst the other one related to members of a parish council.
2. Of the three complaints received, the following paragraphs of the Oxford City Council Members’ Code of Conduct were identified as allegedly having been breached:

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| **Paragraph** | **Behaviour** | **No. received** | |
| **City** | **Parish** |
| 3 | Selflessness |  |  |
| 4 | Objectivity |  |  |
| 5 | Accountability |  |  |
| 6 | Openness |  |  |
| 7 | Honesty and Integrity | 2 |  |
| 8 | Leadership | 1 |  |
|  | General Obligations |  |  |
| 9 | Respect for others | 1 | 1 |
| 10 | Bullying |  |  |
| 11 | Impartiality | 2 |  |
| 12 | Confidential information |  |  |
| 13 | Knowledge |  |  |
| 14 | Professional advice |  | 1 |
| 15 | Council resources |  |  |
| 16 - 19 | Registering and declaring interests |  |  |
| Note: the numbers may not tally with the number of complaints received as a complainant may identify none or more than one paragraph in their complaint. | | | |

1. The Monitoring Officer, in consultation with the Independent Person(s), considered each of the two complaints against the Oxford City Councillors. The second complaint against members of a parish council is still active and further information is required before this can be assessed. The decision of the Monitoring Officer, following consultation with the Independent Person(s), was:

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| **Action** | | **City** | **Parish** |
| **No action** | no further action should be taken in respect of the allegation | 1 | 0 |
| **Informal resolution** | Referred to the Monitoring Officer and/or Group Leader for informal resolution | 0 | 0 |
| **Investigation** | Referred for formal external investigation | 1 | 0 |
| **Referral** | Referred to the police or other regulatory agency | 0 | 0 |

1. No common issues or learning points were identified in relation to these two complaints.

**Legal implications**

1. The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must also have in place a suitable procedure at a local level to investigate and determine allegations against elected Members and co-opted Members. The Council is also responsible for having arrangements in place to investigate and determine allegations against Parish Councillors.

**Financial implications**

1. There is a cost to the authority when a complaint is referred for external investigation this is determined by market factors in terms of the availability of investigators identified through complaint procurement processes.

**Risk management**

1. If the Council fails to adopt and maintain a Code of Conduct and process for the investigation of complaints which is fit for purpose, robust and transparent then there are risks to the Council’s reputation and also to the integrity of its corporate governance and decision-making processes as it will not be compliant with legislation.

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