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**STANDARDS COMMITTEE - WRITTEN DECISION NOTICE OF HEARING  
IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE CODE OF CONDUCT**

<b>Case reference number:</b>	703/4/30
<b>Name of authority:</b>	Oxford City Council
<b>Subject member, who the allegation has been made about:</b>	Councillor Nuala Young
<b>Member representative</b>	N/A
<b>Name of the person(s) who made the original allegation:</b>	Councillor Ed Turner
<b>Investigating officer(s):</b>	Tim O’Gara
<b>Investigating officer representative:</b>	N/A
<b>Date of hearing:</b>	4 October 2011
<b>Chair of the standards committee hearing:</b>	Anne Gwinnett
<b>Standards committee members attending the hearing:</b>	Anne Gwinnett (Chair), Meryll Dean and Martin Gardner (Independent Members) Councillors Clark Brundin, Mike Gotch, Gill Sanders, and Val Smith (Local Authority) Fred Mogridge (Parish Council Representative)
<b>Legal advisor to the hearing :</b>	Jeremy Thomas
<b>Clerk for the hearing:</b>	Alec Dubberley
<b>Date of report:</b>	25 July 2011

<p><b>Summary of the allegation:</b></p>	<p>The complainant alleges that the Subject Member failed to declare a personal and prejudicial interest at the meeting of Full Council on 21 February 2011 in respect of her employment as a freelance tour guide. It is further alleged that she used her position as Councillor to confer an advantage on herself.</p>
<p><b>Code of Conduct:</b></p>	<p>Oxford City Council Members' Code of Conduct paragraphs 6(a), 8(1)(a)(iii), 8(1)(b), 9(1), 10(1) and 12(1).</p>
<p><b>Hearing panel's decision on any procedural matter:</b></p>	<p>The Committee confirmed with the Subject Member and the Clerk to the Committee that the pre-hearing process had been completed. There was no dispute as to the finding of facts contained within the Investigating Officers' report dated 25 July 2011.</p>
<p><b>Summary of the evidence considered and representations made:</b></p>	<p>The Committee invited the Investigating Officer to introduce his report and summarise his findings. The Subject Member was invited to make representations to the Committee. The Subject Member confirmed that she agreed with the conclusions of the Investigating Officer and went on to give the following justification for not declaring an interest at the Council meeting on 21 February 2011:</p> <ol style="list-style-type: none"> <li>1) As the interest arose from asking questions at a meeting of Full Council and not from an item for decision or debate, Councillor Young felt that it was not necessary to declare a personal or prejudicial interest</li> <li>2) She felt that the complaint was unjustified as she considered that the questions she asked in Council would not have had a direct effect on her financial position and that her specialist knowledge of tourism should not have precluded her from participating in the meeting of Council. She added that she did not think the Code was very clear about when interests needed to be declared.</li> </ol>
<p><b>Findings of fact:</b></p>	<p>The Committee accepted the findings of fact as set out in the Investigating Officer's report as these were accepted by the Subject Member.</p>
<p><b>Findings as to whether or not the member failed to follow the Code of Conduct including the reasons for that finding:</b></p>	<p><u>Paragraphs 8 and 9: Declaring Personal Interests</u></p> <p>The Committee found that Councillor Young had breached paragraph 8(1)(a) of the Oxford City Council's Code of Conduct in that she failed to declare a personal interest at the meeting of Full Council on 21 February 2011.</p> <p>The Committee concluded that because Councillor Young works as a freelance tour guide in Oxford that she should have declared an interest when she asked questions in Council relating to tourism and services provided to/by tour guides operating from the City's Tourist Information Centre.</p>

	<p>The Committee agreed that it was important that Councillors were able to draw on their own specialist knowledge/expertise when acting as a Councillor. The declaration of a personal interest does not preclude a member from taking in part in the business of the Authority to which the interest relates.</p> <p><u>Paragraphs 10 and 12: Declaring Prejudicial Interests</u></p> <p>The Committee concluded that the personal interest was not so significant in this case that it would prejudice Councillor Young's judgement of the public interest. The Committee also found that the personal interest did not have any bearing on Councillor Young's financial position.</p> <p>The Committee therefore found that Councillor Young did not fail to declare a prejudicial interest at the same meeting of Full Council on 21 February 2011. There was no breach of paragraph 10(1) of the Members' Code of Conduct.</p> <p><u>Paragraph 6(a): Conferring an advantage on oneself</u></p> <p>The Committee found that Councillor Young was not attempting to directly confer an advantage on herself as the questions that she asked at the Council meeting did not in any way seek to confer an advantage either financially or otherwise on herself.</p>
<p><b>Penalties applied:</b></p>	<p>The Committee took into account the guidance provided by Standards for England when considering sanctions.</p> <p>It took into account that throughout the complaints process and hearing Councillor Young maintained her view that she should not have declared an interest of any kind when addressing her questions to Council. The Committee was concerned that Councillor Young's understanding of the Code was not as it should be. She should have been aware of the importance of declaring an interest particularly when the issues under discussion clearly affected the interests of Councillor Young. Furthermore the Committee was concerned about Councillor Young's assertion that she did not regard the Code of Conduct as an integral part of the paperwork she needed to refer to in her role as Councillor.</p> <ol style="list-style-type: none"> <li>I. The Standards Committee decided to censure Councillor Young for failing to declare a personal interest at the meeting of Full Council on 21 February 2011.</li> <li>II. Having regard to Councillor Young's apparent unfamiliarity with and lack of understanding of the Code of Conduct, the Committee directed that the Monitoring Officer should arrange training specifically covering the declaration of interests and how this is important to the role of Councillor. This training must be completed by 16 December 2011.</li> </ol>

	<p>III. In the event that Councillor Young fails to complete such training by 16 December 2011, she will be suspended for a period of one month with effect from 17 December 2011.</p> <p>The Committee emphasised that suspension would be a last resort, only being implemented in the event that Councillor Young did not participate in the required training. Members added that there was no reason to expect Councillor Young would not cooperate fully with the Committee's direction.</p>
<p><b>Recommendations to the authority:</b></p>	<p>The Committee instructed Jeremy Thomas as Monitoring Officer to take the following actions:-</p> <p>To write to the editors of local newspapers to explain the nature of Standards Committee hearings and the importance of accurate coverage of such matters in the local media. It should be made clear that prior to the relevant hearing a final decision as to whether or not there has been a breach of the Code has not been made. It is therefore inaccurate to quote conclusions reached by investigating officers as the final outcome, as had occurred in this case. It is the job of the Standards Committee to make a determination (taking into account the investigating officer's report and representations from the Subject Member) on whether or not members have breached the Code of Conduct.</p> <p>To remind elected members of the Council of the need to be cautious when speaking to journalists prior to Standards Committee hearings. Members should also be reminded that it is the role of the Standards Committee to determine whether or not the Code of Conduct has been breached.</p>
<p><b>Right to appeal:</b></p>	<p>Under the provisions of Regulation 8(4) of the Local Authorities (Code of Conduct) (Local Determinations) Regulations 2003, the member concerned may apply, within 28 days, for permission to appeal against the Committee's decision.</p>

Signed *Anne Gwinnett*  
**Chair of the Standards Committee**

Dated: **10 October 2011**

**Standards Committee  
Oxford City Council  
St Aldate's, Oxford, OX1 1BX**