

<b>Decision Maker:</b>	<b>Standards Committee</b>
<b>Relevant Authority:</b>	<b>Oxford City Council</b>
<b>Reference Number:</b>	<b>703/4/29</b>
<b>Complainant:</b>	<b>Ms. Jane Alexander</b>
<b>Councillor:</b>	<b>Councillor Bryan Keen</b>
<b>Date Complaint Received:</b>	<b>28 November 2010</b>
<b>Date of Assessment Panel:</b>	<b>17 January 2011</b>
<b>Date of Decision Notice:</b>	<b>20 June 2011</b>
<b>Outcome:</b>	<b>Not referred for hearing</b>

## Complaint

The Standards Committee of Oxford City Council received a complaint from Ms Jane Alexander in relation to Councillor Bryan Keen. The nature of the allegation is summarised below:

Councillor Keen behaved inappropriately during a meeting of the Council's Cowley Area Committee on 3 November 2010. The Complainant is a member of the public who spoke during the 'open session' of the meeting, She alleges that Councillor Keen, while Chair of the meeting, "came up to me in what I felt was a highly threatening and intimidating manner, jabbing his finger at me as he got closer. He was talking loudly as he came, clearly trying to shut me up..." The complaint continues "... he grabbed me with both hands just below my shoulders in an effort to turn me towards the door to physically remove me from the meeting.

The complaint was made on 28 November 2010 and, following pre-assessment enquiries by the Monitoring Officer, referred to an Assessment Panel on 17 January 2011.

The Assessment Panel determined to refer the matter to the Monitoring Officer for investigation. On 17 January 2011, the Monitoring Officer assigned the

complaint to an Investigating Officer to examine. The final report was completed on 25 May 2011.

Oxford City Council has adopted the Model Code of Conduct as prescribed in The Local Authorities (Model Code of Conduct) Order 2007. The relevant sections of the Code were:-

3 (1) *You must treat others with respect*

3 (2)(b) *You must not bully any person*

5 *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority in to disrepute*

## **Decision**

Before considering the Investigating Officer's report, the Committee had to consider the request from Councillor Keen to hold the consideration meeting in private. The Committee had regard to the advice of Officers and the Standards for England Guidance, which recommends that, in most cases, the public interest in transparent decision making will outweigh the subject member's interest in limiting the publication of an unproven allegation.

The Committee concluded that the report should be considered in public and that the public interest in being able to observe the consideration process and the work of the Committee outweighed the request by Councillor Keen to hold the consideration meeting in private.

The Committee then considered the Investigation Report. The finding of the Investigating Officer was that there was no evidence to support the allegation that there had been a failure to comply with the Code of Conduct.

Having considered the Investigating Officer's report, the committee was required to decide whether, based on the facts presented:

- To uphold the Investigating Officer's conclusion, or
- That there was a case to answer and the matter should be referred to a hearing.

Before reaching its decision, the Committee had the opportunity to question the Investigating Officer and discuss his findings. The Committee resolved to uphold the finding of the Investigating Officer that Councillor Keen did not fail to comply with the provisions of any paragraph of Oxford City Council's Code of Conduct. 9 Members of the Committee voted to uphold the Investigating Officers conclusion and 2 Members abstained. Consequently there was no reason to refer the complaint for hearing.

## **Reasons for decision.**

The Committee gave a great deal of weight to the evidence collected from Inspector Coburn, an experienced officer of Thames Valley Police. The Committee agreed with the investigating officer that Inspector Coburn was a valuable witness in that he was independent and unaware of the issues of swimming pool provision in the Cowley area – the subject of the complainant’s address to the Area Committee.

The Committee felt that there would have been no merit in interviewing further witnesses as their impartiality and independence could not be guaranteed. Interviewing further witnesses would not have assisted the Investigating Officer further in reaching his conclusion.

The Committee also placed significant weight on paragraphs 11 and 12 of the complainant’s statement, which said that the subject member was “trying to pacify” the complainant and that as soon as she protested “he immediately backed off.”

The Committee considered that the subject member’s actions were intended to be passive and conciliatory and that there was insufficient evidence to suggest that the subject member deliberately set out to intimidate or threaten the complainant.

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

## **Additional Help**

If you need additional help in relation to this decision notice, 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](mailto:adubberley@oxford.gov.uk) if you require any further assistance.

---

**Signed** John Lay

**Date** 20 June 2011

**John Lay**  
**Chair of the Oxford City Council Standards Committee.**

This page is intentionally left blank