

Monitoring Officer Decision Notice – Wednesday 1 May 2019

1. **Monitoring Officer Decision Notice - Cllr David Henwood (Pages 1 - 4)**

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Consideration of a Code of Conduct Complaint Decision Notice



Complaint No.:	Complaint received	Deadline for assessment
0014755	20 November 2018	18 December 2018
Monitoring Officer:	Independent Person(s)	Date of Meeting(s):
Anita Bradley	Godfrey Cole	5 and 11 December 2018
Name of complainant(s):	Name of Subject Councillor:	City / Parish Council:
Littlemore Parish Councillors: Cllr Lynda Comber (Chair) Cllr Macer Wicker (Vice Chair) Cllr Kim Wicker Cllr Tina Hill Cllr Michael Evans	Cllr David Henwood	Littlemore Parish Council
Initial decision (18/12/18)	That the matter be referred for formal investigation.	
Final decision (27/02/19)	That no further action be taken as it was not in the public interest.	

Purpose of the assessment

1. For the Monitoring Officer, in consultation with the Independent Person, to undertake an initial assessment of the complaint and to determine what action, if any, should be taken.

Summary of complaint

2. The complaint was submitted by five members of Littlemore Parish Council and their allegations covered a number of occasions from early 2017 to the present day. Specifically the Littlemore Parish Councillors believed that the Subject Councillor's behaviour may engage the following paragraphs of the Code of Conduct:

HONESTY AND INTEGRITY

7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

LEADERSHIP

8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

GENERAL OBLIGATIONS

9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law;

10. You must not bully any person.

Information for the Assessment

3. The Monitoring Officer and Independent Person considered the following readily available information:
- The complaint form and supporting statements and emails.
 - A written response to the complaint from the subject member.
 - The code of conduct.

Application of initial tests

4. The Monitoring Officer, in consultation with the Independent Person undertook an initial assessment of the complaint. They were satisfied that the complaint was against a named member of Littlemore Parish Council who was in office at the times of the alleged conduct and that the Code of Conduct was in force at the time.

Consideration of assessment criteria

5. The Monitoring Officer, in consultation with the Independent Person considered the complaint against the following assessment criteria and concluded that:

Adequate information	The Monitoring Officer had enough information before her to form a decision.
Official capacity	The Subject Councillor was acting in an official capacity.
Timescale	The complaint from five individuals covered allegations of behaviours dating from early 2017 to the present. The number and duration of the occurrences identified by the Complainants suggested a pattern of behaviour rather than an isolated incident and therefore it was appropriate to consider all instances cited.
Seriousness	These were serious allegations which warranted further consideration. The Monitoring Officer was particularly mindful of allegations of bullying, the fact that relationships had broken down to the extent that more than attempted mediation was required and the impact on the complainants.
Public interest test	An investigation would serve a useful purpose and was proportionate. The efficient conduct of Parish Council business was at risk.

Interim view of the Monitoring Officer (pending any response from the Subject Councillor):

6. That the matter be referred for formal investigation.

Response of the Subject Councillor

7. The Subject Councillor submitted a written statement on 10 December 2018 in response to the complaint; this was considered by the Monitoring Officer and Independent Person on 11 December 2018. They noted that the Subject Councillor had denied certain of the allegations, disputed the accuracy of other allegations and offered a general apology. However, they did not feel that the Subject Councillor had made any real attempt to deal with the most serious points raised by the five Complainants.
8. Having reviewed the response submitted by the Subject Councillor the Monitoring Officer and Independent Person agreed that there was nothing in that submission which would change their assessment of the complaint.

Decision of the Monitoring Officer on 18 December 2018: That the matter be referred for formal investigation¹.

Reason for initial decision on 18 December 2019

9. The complaint concerned allegations of a serious nature which had a bearing on the reputation of both the Subject Councillor and on the Parish Council.
10. The substance of the complaint and allegations made by the Littlemore Parish Councillors were not new. The Oxford City Council Monitoring Officer, and her predecessor, had been approached by members of the Littlemore Parish Council expressing concerns over the Subject Councillor's behaviour on several occasions since 2017. The Monitoring Officer had attended Parish Council meetings to observe the situation. The Oxfordshire Association of Local Councils has also been involved in advising, training and supporting members of Littlemore Parish Council.
11. The allegations, if proven to have been undertaken in an official capacity, could constitute a breach of the Code of Conduct.

Re-assessment

12. On 28 January 2019 the Monitoring Officer received notification that the Subject Councillor had resigned from Littlemore Parish Council.
13. On 5 February 2019 the Monitoring Officer sent an email to the spokesperson for the five Complainants indicating that she considered that the public interest in pursuing an investigation relating to the complaint had diminished greatly as a result of the Subject Councillor's resignation. On 17 February 2019 the

¹ An external investigator was appointed to undertake a formal review of the complaint in January 2019; that appointment has been cancelled.

Monitoring Officer prompted the spokesperson for the Complainants to respond to her earlier email. On 18 February 2019 the spokesperson for the Complainants sent an email to the Monitoring Officer confirming that they were *"all happy that no further action is needed"*.

14. On 22 February 2019 the Monitoring Officer and Independent Person re-assessed the complaint in light of the Subject Councillor's resignation and the confirmation by the five Complainants that they did not wish to proceed.

Decision of the Monitoring Officer on 27 February 2019: That no further action be taken as not in the public interest.

Reason for Decision

15. The detail of the original complaints, the consistency of content and the behaviours that they described were weighty matters that could not be ignored or allowed to continue. However, as the Subject Councillor had resigned and the Complainants had formally confirmed that they no longer wished to pursue their complaint there was no longer any public interest in undertaking an investigation.
16. The Monitoring Officer decided to publish this Decision Notice as the original assessment of the complaint was that the complaint should be referred for investigation.

Signed



Name

Anita Bradley, Monitoring Officer, Oxford City Council

Date

12 March 2019