

Agenda

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Standards Committee

This meeting will be held on:

Date: **Wednesday 2 March 2022**

Time: **5.00 pm**

Place: **St Aldate's Room - Oxford Town Hall**

For further information please contact:

Andrew Brown, Committee and Member Services Manager

☎ 01865 252230

✉ standards@oxford.gov.uk

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- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

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Committee Membership

Councillors: Membership 7: Quorum 3: substitutes are permitted.

Councillor Susanna Pressel (Chair)

Councillor Mark Lygo (Vice-Chair)

Councillor Mohammed Altaf-Khan

Councillor Rae Humberstone

Councillor Edward Mundy

Councillor Marie Tidball

Councillor Dr Christopher Smowton

Chris Ballinger

Independent Person non-voting

Jill McCleery

Independent Person non-voting

Andrew Mills-Hicks

Independent Person non-voting

Osama Raja

Independent Person non-voting

Peter Nowland

Parish Council representative

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

Agenda

	Pages
1 Apologies for Absence	
2 Declarations of Interest	
3 Code of Conduct: summary of complaints and individual dispensations - 1 November 2021 until 31 January 2022	1 - 6
Purpose of report:	
To advise the Committee of:	
1. the number of complaints received under the Members' Code of Conduct which have been, 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; and	
2. the number of dispensations to an individual member, granted under Section 33 of the 2011 Localism Act, by the Monitoring Officer, following consultation with an Independent Person.	
Recommendation:	
That the Standards Committee notes the content of the report.	
4 Members' Code of Conduct	7 - 26
The Head of Law and Governance has submitted a report proposing the adoption of a new Councillors' Code of Conduct. The proposed Code will be common to all of the local authorities in Oxfordshire and is based on the Local Government Association's Model Councillor Code of Conduct.	
Recommendation: That the Standards Committee resolves to:	
1. Recommend to Council to adopt the revised Councillors' Code of Conduct for implementation from May 2022.	

5 Minutes of the previous meeting

27 - 30

The Committee is recommended to approve the minutes of the meeting held on 16 November 2021.

6 Dates of future meetings

The Committee is scheduled to meet at 6.00pm on the following dates:

- 11 July 2022
- 23 November 2022
- 22 March 2023

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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To: Standards Committee
Date: 2 March 2022
Report of: Head of Law and Governance
Title of Report: Code of Conduct: summary of complaints and individual dispensations – 1 November 2021 until 31 January 2022

Summary and recommendations	
Purpose of report:	To advise the Committee of: <ol style="list-style-type: none">1. The number and status of complaints received under the Members' Code of Conduct which have been, 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.2. The number of dispensations to an individual member, granted under Section 33 of the 2011 Localism Act, by the Monitoring Officer, following consultation with an Independent Person.
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. The Standards Committee is responsible for promoting high standards of ethical behaviour by developing, maintaining and monitoring the Members' Code of Conduct. This report from the Monitoring Officer which identifies any issues or learning points arising from the complaints received contributes to that monitoring process.

3. The key stages of the complaints handling arrangements can be summarised as:

<p>Initial tests</p>	<p>The Monitoring Officer will apply the following “initial tests” to the complaint:</p> <ul style="list-style-type: none"> • It is a complaint against one or more named councillors of Oxford City Council or a Parish Council within the city boundaries; • The named councillor was in office at the time of the alleged conduct and the Code of Conduct was in force at the time; • The complaint, if proven, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.
<p>Assessment</p>	<p>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:</p> <ul style="list-style-type: none"> • No further action • Informal resolution brokered by the Monitoring Officer and/or Group Leader • Referred for investigation • Referred to the police or other regulatory agency
<p>Investigation</p>	<p>A formal investigation may be conducted by an officer from Oxford City Council, an officer from another local authority or an independent investigator.</p> <p>The investigating officer will review the complaint and supporting evidence and may interview some or all of the people concerned.</p> <p>The investigating officer will then produce a draft report. The complainant and the councillor concerned will normally have an opportunity to comment on the draft report. The investigating officer will then submit the report to the Monitoring Officer.</p>
<p>Local Hearing</p>	<p>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:</p> <ul style="list-style-type: none"> • Local Hearing – complaint to be determined by the Standards Committee; • Local Resolution - a fair resolution of the complaint which is acceptable to all parties brokered by the Monitoring Officer; or • No action - complaint dismissed

Complaints made against members of Oxford City Council or a Parish Council

4. In the period 1 November 2021 up to and including 31 January 2022 the Monitoring Officer dealt with the following three complaints concerning a total of seven city councillors. A complaint received in August 2021 concerning a parish councillor, which was referenced in a report to the previous meeting of the Standards Committee, remains at the investigation stage.

Ref	Received	City/Parish	Code – alleged breach in behaviour
0017417	Sept 2021	City	<ul style="list-style-type: none"> • Accountability • Respect for others • Professional advice
0017655	Nov 2021	City	<ul style="list-style-type: none"> • Accountability • Honesty and Integrity • Respect for others
0017848	Dec 2021	City	<ul style="list-style-type: none"> • Accountability • Openness • Honesty and integrity • Respect for others • Confidential information

5. The Monitoring Officer, in consultation with the Independent Person(s), considered the complaints and made the following decisions:

Action		Reference	
Assessment		City	Parish
• No action	No further action should be taken in respect of the allegation	2	
• Informal resolution	Referred to the Monitoring Officer and/or Group Leader for informal resolution	1	
• Investigation	Referred for formal external investigation		
• Referral	Referred to the police or other regulatory agency		
Local Hearing			
• Local Resolution	A fair resolution of the complaint which is acceptable to all parties		
• No action	Complaint dismissed as no breach of the Code of Conduct		

Summary of complaints and learning points

6. Complaint #0017417 concerned the alleged failure of two councillors to respond to correspondence regarding noise nuisance. The Monitoring Officer took into account a number of factors including known ICT issues affecting some councillors' email accounts, the fact it was over the holiday period, and a misunderstanding about whether officers were dealing with the matter. The Monitoring Officer concluded that the conduct complained of was not sufficiently

serious for any action to be taken but proposed that the subject councillors make contact with the complainant to see whether there were any other outstanding ward matters that they could assist the complainant with.

7. Complaint #0017655 concerned the alleged failure of a councillor to respond to correspondence relating to a planning application. The planning application was not in the subject councillor's ward but was a matter in which the Council had some responsibilities and the Monitoring Officer considered that there was a nexus between the correspondence and the subject councillor's role as an elected member of the Council. The subject councillor advised that they had not received the emails at the time but had since found them. The Monitoring Officer took into account the fact that the subject councillor had been in the practice of relying on auto forwarding of councillor emails to a personal email account. This practice is contrary to Council advice and indeed the Council has recently made changes to its procedures around auto forwarding which may or may not have affected the receipt of these emails. The Monitoring Officer concluded that the matter could be resolved by requiring the subject councillor to apologise, respond to the outstanding correspondence, and receive advice and support from the Council's data protection officer and ICT officers concerning the management of Council emails. The key learning point is the need for all councillors to have suitable arrangements in place for accessing their "councillor" email accounts. A second learning point is that councillors will be expected to respond to correspondence relating to any matter in which the Council has some responsibilities, not just matters that affect a councillor's local ward, committees, or any special responsibilities.
8. Complaint #0017848 alleged that four councillors failed to respond to correspondence. The Monitoring Officer took into account that she had personally advised some councillors not to respond to further correspondence from the complainant and that she had written to the complainant asking them to desist from contacting councillors further about non Council related matters. The Monitoring Officer concluded that in one case the subject councillor was not acting in capacity since the emails were sent to their personal email account, did not relate to Council business and nor had any nexus with the subject councillor's role as a councillor. In the three other cases the Monitoring Officer concluded that the complaints could be considered to be trivial and were probably vexatious.

Dispensations granted to an individual Member

9. The Localism Act 2011 prevents Members from participating in any business of the Council where they have a Disclosable Pecuniary Interest (DPI) unless they have sought a dispensation under Section 33 of the Act. Applications must be made in writing and dispensations may be sought for a period of up to four years.
10. On 1 October 2018 Council granted a general dispensation, to remain in force for a period of 4 years (ending on 30 September 2022), to all Oxford City Council Members and co-opted Members, to speak and vote where they would otherwise have a DPI in the following matters:

- **Determining an allowance** (including special responsibility allowances), travelling expense, payment or indemnity given to Members
- **Housing:** where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Member (their spouse or partner);
- **Housing Benefit/Universal Credit:** where the Councillor (or spouse or partner) receives housing benefit;
- Any **Ceremonial Honours** given to Members;
- Setting the **Council Tax** or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation); and
- Setting a **Local Council Tax Reduction Scheme** or Local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation)

11. In October 2018 Council also delegated the granting of dispensations to an individual member under Section 33 of the Localism Act 2011 to the Monitoring Officer, following consultation with an Independent Person.
12. In the period covered by this report there have been no requests for an individual dispensation under Section 33 of the Localism Act 2011.

Legal implications

13. 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

14. 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

15. 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. Formal consideration of requests for dispensation minimises the risk of the Council not following lawful procedures in respect of members' interests.

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To: Standards Committee
Date: 2 March 2022
Report of: Monitoring Officer / Head of Law and Governance
Title of Report: Adoption of revised Councillors' Code of Conduct

Summary and recommendations	
Purpose of report:	This report introduces a proposed revised Code of Members' Conduct for adoption and implementation from May 2022
Key decision:	No
Recommendations: That the Standards Committee resolves to:	
1. Recommend to Council to adopt the revised Councillors' Code of Conduct for implementation from May 2022	
Appendix 1	Draft Councillors' Code of Conduct

Introduction and background

1. Section 27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'
2. Oxford City Council adopted the Members' Code of Conduct in July 2012 and it forms part of the Constitution (Section 22). All Oxfordshire local authorities are covered by a single, jointly-agreed Code of Conduct which ensures that councillors who are members of multiple authorities within the area are covered by a single code, providing clarity and consistency. The same Members' Code of Conduct has been adopted by each of the four parish councils in Oxford (Blackbird Leys, Littlemore, Old Marston, and Risinghurst & Sandhills Parish Councils).
3. In 2018 the Committee on Standards in Public Life ("the CSPL") undertook a review of local government ethical standards. The Committee on Standards in Public Life considered that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. A consultation period ran from 29 January to 18 May 2018 with which the Council engaged.

4. The terms of reference for the review were to:
 - i. examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
 - ii. assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
 - iii. make any recommendations for how they can be improved
 - iv. note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation
5. The Committee on Standards in Public Life (“the CSPL”) published the [Local Government Ethical Standards report](#) (“the Report”) on 30 January 2019 and Standards Committee considered the Report on 25 February 2019.
6. The Local Government Association (“the LGA”) then released a draft Model Member Code of Conduct on 8 June 2020 and sought views on it. The Standards Committee considered the draft Model Code on 29 June 2020 and the Head of Law and Governance submitted a consultation response to the LGA on behalf of the Council.
7. The LGA published a [Model Member Code of Conduct](#) in December 2020 which was updated in January and May 2021. The LGA issued some accompanying [guidance](#) in July 2021.

LGA Model Code of Conduct

8. The LGA Model Code is said to “have been designed to protect our democratic role, encourage good conduct, and safeguard the public’s trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the code. It is also to protect councillors, the public, local authority officers and the reputation of local government.”
9. The LGA Model Code does not differ significantly in content from the local code already in operation in Oxfordshire, although some of the language used is different. The Oxfordshire authorities have worked collaboratively to consider whether to adopt the model code from the LGA, to keep the current Members' Code of Conduct or to adopt an amended Members' Code of Conduct. The Head of Law & Governance has drafted an amended Councillors' Code of Conduct which will be considered by each of the Oxfordshire Authorities for approval. The proposed draft is contained in Appendix1 to this report and it is intended that all of

the Oxfordshire Authorities adopt the Code for implementation from May 2022 onwards.

10. The draft Code sets out general principles of conduct expected of all Councillors as well as specific obligations in relation to standards of conduct. The fundamental aim of the draft Code is to create and maintain public confidence in the role of the Councillor and in Local Government. The Code of Conduct will apply to each Councillor as soon as they sign the declaration of acceptance of the office of Councillor or attend their first meeting as a co-opted member and continues to apply until the role as a Councillor ceases.
11. The draft Code is attached at Appendix 1. The Standards Committee will note that it:-
 - a) Applies to members acting in their capacity as a Councillor which may include when:
 - the position as a Councillor is misused; or when
 - the impression is given to a reasonable member of the public with knowledge of all the facts that an individual is acting as a Councillor.

Members are expected to uphold high standards of conduct and show leadership at all times.

- b) Applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments;
- c) Includes the following standards/obligations, with guidance given for each obligation to help explain the reasons for the obligations and how they should be followed:
 - (i) Respect - A Councillor:

Shall treat everyone, including other Councillors and members of the public with respect and shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word.
 - (ii) Bullying, Harassment and Discrimination – A Councillor:

Shall not bully or harass any person and shall promote equalities and not discriminate against any person.

Bullying is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular

pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

(iii) Impartiality of Officers of the Council – A Councillor:

Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

(iv) Confidentiality and access to information – A Councillor:

Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless:

- they have received the consent of a person authorised to give it; or
- they are required by law to do so; or
- the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.

Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.

Shall not prevent anyone from getting information that they are entitled to by law.

When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.

(v) Disrepute - A Councillor:

Shall not bring their role or local authority into disrepute.

- (vi) Use of position - A Councillor:
Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.

 - (vii) Local authority Resources and Facilities - A Councillor:
Shall not misuse council resources.
Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.

 - (viii) Compliance with the Code of Conduct - A Councillor:
Shall undertake Code of Conduct training as required by the local authority.
Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.
Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

 - (ix) Gifts and Hospitality - A Councillor:
Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.
- d) Sets out the obligations for councillors in relation to the registration/declaration of interests including Disclosable Pecuniary Interests (DPI) and other registrable interests. It also contains guidance on the steps that must be taken if a councillor has an interest in a matter that is under consideration by the Council, including when it relates to a non-registrable interest. Where a matter arises at a meeting which directly relates to a

councillor's financial interest or wellbeing (and does not fall within the definition of disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, it is a non-registrable interest.

Legal implications

12. None

Financial implications

13. None

Risk management

14. None

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Oxfordshire Councils' Councillor Code of Conduct 2022

February 2022

1.0 Introduction

The Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council, and formally adopt a code of conduct, in accordance with the *Localism Act 2011*.

2.0 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.

3.0 Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of the local authority. A "co-opted member" is defined in the *Localism Act 2011 Section 27(4)* as "a person who is not a member of the authority but who

- 3.1 is a member of any committee or sub-committee of the authority, or;
- 3.2 is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

4.0 General Principles of Councillor Conduct

Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles, (see Appendix A).

Building on these principles of selflessness, objectivity, accountability, openness, honesty and integrity and leadership, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in Councillors, on all occasions a Councillor shall:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.
- impartially exercise their responsibilities in the interests of the local community

- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

These general principles have been incorporated into the obligations of the Code of Conduct as set out below.

5.0 Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

6.0 Standards of Councillor Conduct

This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

6.1 Respect

A Councillor:

- 6.1.1 Shall treat everyone, including other Councillors and members of the public with respect.**
- 6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word.

Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant social media provider and/or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

6.2 Bullying, Harassment and Discrimination

A Councillor:

6.2.1 Shall not bully any person.

6.2.2 Shall not harass any person.

6.2.3 Shall promote equalities and not discriminate against any person.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

6.3 Impartiality of Officers of the Council

A Councillor:

6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

6.4 Confidentiality and access to information

A Councillor:

- 6.4.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless**
- i. They have received the consent of a person authorised to give it; or**
 - ii. They are required by law to do so; or**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.**
- 6.4.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.**
- 6.4.3 Shall not prevent anyone from getting information that they are entitled to by law.**
- 6.4.4 When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.**

6.5 Disrepute

A Councillor:

- 6.5.1 Shall not bring their role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.

6.6 Use of position

A Councillor:

6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.

A Councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

6.7 Local authority Resources and Facilities

A Councillor:

6.7.1 Shall not misuse council resources.

6.7.2 Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.

A Councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.

6.8 Compliance with the Code of Conduct

A Councillor:

6.8.1 Shall undertake Code of Conduct training as required by the local authority.

6.8.2 Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.

6.8.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

6.8.4 Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

It is extremely important for a Councillor to demonstrate high standards, to have your actions open to scrutiny and not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

7.0 Registering and Declaring Interests

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know

early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

7.1 Disclosable Pecuniary Interests

A Councillor must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see Appendix B), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the Councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

Following any disclosure of an interest not on the Council's register, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

7.2 Other Registerable Interests

You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix C), you must

disclose the interest. Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

7.3 Non-Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests at 7.1 above), or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.2 above and appendix C you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

8.0 Gifts and Hospitality

A Councillor:

- 8.1 Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 8.2 Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 8.3 Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.**

The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a Councillor.

It is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B: Discloseable Pecuniary Interests

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issues share capital of that class.

* 'Director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix C: Disclosure of Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Minutes of a meeting of the Standards Committee on Tuesday 16 November 2021



Committee members present:

Councillor Pressel (Chair)	Councillor Lygo (Vice-Chair)
Councillor Altaf-Khan	Councillor Mundy
Councillor Tidball	Councillor Smowton
Councillor Fry (for Councillor Humberstone)	

Officers present for all or part of the meeting:

Susan Sale, Monitoring Officer and Head of Law & Governance
Andrew Brown, Committee and Member Services Manager
Catherine Phythian, Committee and Member Services Officer
Emma Griffiths, Lawyer

Also present:

Peter Nowland, BBL Parish Council (Blackbird Leys Ward)
Andrew Mills-Hicks, Independent Person, Independent Person non-voting

Apologies:

Councillor Humberstone, Ballinger, McCleery and Raja sent apologies.
Substitutes are shown above.

Welcome

The Chair introduced Parish Councillor Peter Nowland, the Parish Council representative designate, and welcomed him to the meeting.

The Chair noted that she had asked the Head of Law & Governance to write to the outgoing Parish Council representative, Dorian Hancock, to record the Committee's thanks for his service.

7. Declarations of Interest

There were no declarations of interest.

8. Appointment of a Parish Council representative as a non-voting member of the Standards Committee

The Standards Committee noted the report and resolved to recommend that Full Council appoints Councillor Peter Nowland of Blackbird Leys Parish Council as the co-

opted, non-voting member of the Standards Committee representing the four Parish Councils in Oxford until May 2022.

9. Code of Conduct: summary of complaints and individual dispensations - 15 June - 31 October 2021

The Standards Committee noted the content of the report.

10. Member training 2022

The Committee and Member Services Manager introduced the report which detailed the review of the delivery of Member training in 2021 and the proposed arrangements for member training in 2022.

The Committee made a number of suggestions for improvements to Member training in 2022:

- Recordings of the Zoom training sessions should be made available to members
- The timing of training sessions needed further consideration; lunchtimes were difficult for members in employment; early evening sessions were difficult for members and officers with children; one option would be to run the evening sessions from 7.30pm
- More emphasis should be given to casework in the training modules; ideally using actual casework scenarios and following the whole process; this would be of particular benefit in relation to safeguarding
- Planning training needed to re-inforce the importance of basing decisions on policy and material considerations; the suggestion of running a mock planning committee as part of the initial training for new members was welcomed
- The option to go on a “walkabout” with service teams should be promoted more widely
- There should be more information and detail on the Council structure and the links between service areas, and between the Council and its wholly owned company Oxford Direct Services.
- Also more information and detail on the personnel, roles and responsibilities of the different service areas; particularly for the Council companies
- In some areas the training content was pitched too low and resulted in low take up by members; the Cabinet Portfolio Holder should be more closely involved in the development of training modules
- Notwithstanding the challenges presented by the pandemic in 2021 it was felt that the “Buddy” system for new members could be more structured in future years

The Standards Committee resolved to:

1. Note the review of member training and development in 2021

2. Endorse the proposals for member training in 2022 including:
- a) the requirement that Code of Conduct and Planning training will be compulsory for all members following the local elections in May 2022 (instead of in 2023 which is a non-election year); and
 - b) the continued delivery of most member training and briefing sessions remotely over Zoom in 2022.

11. Minutes of the previous meeting - 22 June 2021

The Committee resolved to approve the minutes of the meeting held on 22 June 2021 as a true and accurate record.

The Head of Law & Governance said that work on the new Code of Conduct for Members was on-going and that she expected to bring it to the Committee early in 2022 for recommendation to Council for adoption.

12. Dates of future meetings

The Committee noted that, in addition to the next scheduled meeting on 23 March 2022, it would be necessary to convene an extra meeting in January 2022 in order to consider the proposals for the new Code of Conduct.

The meeting started at 6.00 pm and ended at 6.25 pm

Chair

Date:

When decisions take effect:

Cabinet: after the call-in and review period has expired

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

All other committees: immediately.

Details are in the Council's Constitution.