

# Agenda

www.oxford.gov.uk



## Standards Committee

This meeting will be held on:

Date: **Monday 11 July 2022**

Time: **6.00 pm**

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

**For further information** please contact:

Lucy Tyrrell, Committee and Member Services Officer, Committee Services Officer

☎ 01865 252574

✉ [standards@oxford.gov.uk](mailto:standards@oxford.gov.uk)

**Members of the public can attend to observe this meeting and.**

- 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](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

*View or subscribe to updates for agendas, reports and minutes at [mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk).*

*All public papers are available from the calendar link to this meeting once published*

## Committee Membership

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

Councillor Lizzy Diggins

Councillor Dr Hosnieh Djafari-Marbini

Councillor Rae Humberstone

Councillor Lois Muddiman

Councillor Susanna Pressel

Councillor Dr Christopher Snowton

Councillor Imogen Thomas

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

	<b>Pages</b>
<b>1 Election of Chair for the year 2022/23</b>	
<b>2 Election of Vice Chair for the year 2022/23</b>	
<b>3 Apologies for Absence</b>	
<b>4 Declarations of Interest</b>	
<b>5 Parish Council representation on the Standards Committee</b>	1 - 2
<b>Purpose of report</b>	
This report details the proposal for Parish Council representation on the Standards Committee.	
<b>Recommendation:</b>	
That the Standards Committee 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 2026.	
<b>6 Code of Conduct: summary of complaints and individual dispensations - 01 February 2022 until 31 May 2022</b>	3 - 10
<b>Purpose of report:</b>	
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) in consultation with the Independent Person. 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.	
<b>Recommendation:</b>	
That the Standards Committee notes the content of the report.	

## **7 Minutes of the previous meeting**

11 - 12

The Committee is recommended to approve the minutes of the meeting held on 2 March 2022.

## **8 Dates of future meetings**

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

- 23 November 2022
- 22 March 2023
- 10 July 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.

This page is intentionally left blank

**To:** Standards Committee  
**Date:** 11 July 2022  
**Report of:** Head of Law and Governance  
**Title of Report:** Parish Council representation on the Standards Committee

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	<b>This report details the proposal for Parish Council representation on the Standards Committee.</b>
<b>Key decision:</b>	No
<b>Recommendation: That the Standards Committee:</b>	
1. <b>Recommend</b> 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 2026.	

## **Introduction and background**

1. The Council may appoint members of committees who are not members of the local authority. Such persons may be appointed because they can offer specialist knowledge, expertise or enthusiasm in the work of the committee or because they represent sections of the local community that are relevant to the work of the committee.
2. Effective from May 2022, the Members' Code of Conduct is shared by all District Councils and the County Council within Oxfordshire. It is the intention that all local authorities within Oxfordshire will share the same Code of Conduct once the new Code has been considered by Parish Councils in the next few months. If adopted by all local authorities within Oxfordshire, the Members' Code of Conduct will apply equally to parish councillors as to city (and county) councillors.

## **Parish Council representation on the Standards Committee**

3. The Oxford City Council Standards Committee membership provides for one co-opted (non-voting) member to represent the four Parish Councils in Oxford.

4. On 29 November 2021, Council resolved to appoint Councillor Peter Nowland to the position until May 2022 (when his term of office ended, pending re-election). That period has now lapsed, therefore Council is required to agree an appointment.
5. The Parish Councils may agree jointly on a single nominee or they may submit individual nominations from each Parish Council.
6. There are no rules concerning the qualifications but common sense suggests that:
  - The appointment would be for the duration of the representative's term of office on the Parish Council; this is to provide a degree of consistency and continuity.
  - The appointment should not be for a dual-hatted City and Parish Councillor.
7. Only one Parish Council submitted a nomination, with no objections from the remaining Parish Councils:
  - Councillor Peter Nowland, Blackbird Leys Parish Council
8. Councillor Nowland's current term of office at Blackbird Leys Parish Council ends in May 2026. Councillor Nowland has been a member of the Parish Council since 2016.

### **Legal implications**

9. The Council has the power under Section 102 of the Local Government Act 1972 to appoint persons other than members of the authority to committees. The composition of the Standards Committee is set out in Part 14.3 of the Constitution and provides for a non-voting co-opted member to represent the parish councils in Oxford.

### **Financial implications**

10. There are no financial implications arising from this report. Co-opted members of committees are not entitled to be paid allowances under the Councillors' Allowances Scheme (Part 26 of the Constitution).

<b>Report author</b>	Alice Courtney
Job title	Committee and Members Services Manager (Interim Acting)
Service area or department	Law and Governance
Telephone	01865 529834
e-mail	<a href="mailto:acourtney@oxford.gov.uk">acourtney@oxford.gov.uk</a>

**To:** Standards Committee  
**Date:** 11 July 2022  
**Report of:** Head of Law and Governance  
**Title of Report:** Code of Conduct: summary of complaints and individual dispensations – 1 February 2022 until 31 May 2022

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To advise the Committee of: <ol style="list-style-type: none"><li>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) in consultation with the Independent Person.</li><li>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.</li></ol>
<b>Key decision:</b>	No
<b>Recommendation: That the Standards Committee notes the content of the report.</b>	

## 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><b>Initial tests</b></p>	<p>The Monitoring Officer will apply the following “initial tests” to the complaint:</p> <ul style="list-style-type: none"> <li>• It is a complaint against one or more named councillors of Oxford City Council or a Parish Council within the city boundaries;</li> <li>• The named councillor was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;</li> <li>• The complaint, if proven, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.</li> </ul>
<p><b>Assessment</b></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"> <li>• No further action</li> <li>• Informal resolution brokered by the Monitoring Officer and/or Group Leader</li> <li>• Referred for investigation</li> <li>• Referred to the police or other regulatory agency</li> </ul>
<p><b>Investigation</b></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><b>Local Hearing</b></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"> <li>• Local Hearing – complaint to be determined by the Standards Committee;</li> <li>• Local Resolution - a fair resolution of the complaint which is acceptable to all parties brokered by the Monitoring Officer; or</li> <li>• No action - complaint dismissed</li> </ul>

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

4. In the period 1 February 2022 up to and including 31 May 2022 the Monitoring Officer dealt with the following five complaints concerning twenty city councillors and one parish councillor. A complaint received in August 2021 concerning a parish councillor, which was referenced in a report to the previous meeting of the Standards Committee, is subject to a Local Hearing Panel to be held following this Standards Committee meeting.

Ref	Received	City/Parish	Code – alleged breach in behaviour
0017982	March 2022	City	<ul style="list-style-type: none"> <li>• Accountability</li> <li>• Respect for others</li> <li>• Confidential Information</li> </ul>
0018058	March 2022	Parish	<ul style="list-style-type: none"> <li>• Respect for others</li> <li>• Bullying</li> </ul>
0018156	May 2022	City	<ul style="list-style-type: none"> <li>• Selflessness</li> <li>• Objectivity</li> <li>• Accountability</li> <li>• Openness</li> <li>• Honesty and Integrity</li> <li>• Leadership</li> <li>• Respect for others</li> <li>• Bullying</li> <li>• Impartiality</li> <li>• Confidential Information</li> <li>• Knowledge</li> <li>• Professional advice</li> <li>• Council resources</li> <li>• Registering and declaring interests</li> </ul>
0018166	May 2022	City	<ul style="list-style-type: none"> <li>• Selflessness</li> <li>• Objectivity</li> <li>• Accountability</li> <li>• Openness</li> <li>• Honesty and Integrity</li> <li>• Respect for others</li> <li>• Impartiality</li> <li>• Knowledge</li> </ul>
018244	May 2022	City	<ul style="list-style-type: none"> <li>• Selflessness</li> <li>• Objectivity</li> <li>• Accountability</li> <li>• Openness</li> <li>• Honesty and Integrity</li> <li>• Leadership</li> <li>• Respect for others</li> <li>• Bullying</li> <li>• Impartiality</li> <li>• Confidential Information</li> </ul>

			<ul style="list-style-type: none"> <li>• Knowledge</li> <li>• Professional advice</li> <li>• Council resources</li> <li>• Registering and declaring interests</li> </ul>
--	--	--	--

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

<b>Action</b>		<b>Reference</b>	
		<b>City</b>	<b>Parish</b>
<b>Assessment</b>			
• <b>No action</b>	No further action should be taken in respect of the allegation	2	
• <b>Informal resolution</b>	Referred to the Monitoring Officer for informal resolution	1	
• <b>Investigation</b>	Referred for investigation		1
• <b>Referral</b>	Referred to the police or other regulatory agency	1	
<b>Local Hearing</b>			
• <b>Local Resolution</b>	Complaint upheld as a breach of the Code of Conduct		
• <b>No action</b>	Complaint dismissed as no breach of the Code of Conduct		

### Summary of complaints and learning points

6. Complaint #0017982 concerned the alleged use of confidential information from a non-open register. The Monitoring Officer took into account a number of factors including that the information was imparted during a debate via a community page on Facebook, and that this information was readily available for all those who contributed. The Monitoring Officer concluded that the complaint was not sufficiently serious for any action to be taken other than a private apology to the Complainant and dismissal of the complaint.
7. Complaint #0018058 concerned the alleged use of aggressive and threatening behaviour during telephone and emailed conversations with a Council, which was in breach of the Parish Council's Code of Conduct (para 9) and it's Member and Officer Protocol (para 3.2.d) which states that officers can expect from councillors respect, dignity and courtesy. The Monitoring Officer took into account the evidence presented, which if proven would likely amount to a breach. The Monitoring Officer also considered if an informal resolution by way of an apology would be an appropriate action in circumstances where a Subject Councillor accepted that there had been wrongdoing on their part. It was noted that the Subject Councillor did not appear to accept any wrongdoing on their part and had stated the complaint was racially motivated and therefore deemed appropriate that this be followed up further in an investigation. Therefore, the Monitoring Officer concluded that the time and cost involved in an investigation would be justified in these circumstances.

8. Complaint #0018156 concerned the alleged unlawful use of undercover intelligence surveillance, participation of secret court proceedings and refusal to answer questions. The Monitoring Officer took into account the limited information provided by the Complainant, and that several code of conduct complaints had been received over recent months, none of which had been proven or upheld, which pointed to a pattern of behaviour that the complaint may be vexatious, malicious, or trivial. The Monitoring Officer concluded that this complaint alleging that the Subject Councillors have breached the Code of Conduct was probably vexatious i.e. a groundless complaint made with an adverse primary intent to cause distress, detriment or harassment to the subject members; or alternatively it may be that the complaint was brought maliciously in the knowledge that there is no merit to it, or at the very least, it could be considered to be trivial, and therefore was dismissed and no further action taken.
9. Complaint #0018166 concerned alleged fabricated evidence to persuade the electorate to vote against the complainant. The Monitoring Officer took into account that adequate information had been provided, however noted that the complainant alleged that either the Subject Member or the political group were responsible for the tweet referenced in the complaint. The Monitoring Officer also noted that election campaigning does not relate to Council business, and therefore considered that the Subject Member was not acting in their capacity as a Councillor, that the code of conduct was not engaged at the relevant time and that the Council had no jurisdiction to consider the complaint. The Monitoring Officer concluded that the complaint be referred to Thames Valley Police for consideration and that no further action taken by the Council under the code of conduct as the Subject Member was not acting in capacity as a Councillor at the relevant time and therefore the Council had no jurisdiction.
10. Complaint #0018244 concerned the allegation that a false PREVENT report had been filed and that Councillors had engaged in a multi-year campaign to have the Complainant assassinated, shared data with foreign agents, unlawfully hacked personal devices and had been monitored/followed in collusion with Thames Valley Police. The Monitoring Officer took into account that there was no evidence to suggest that the Subject Councillors were acting in their capacity as councillors at the relevant time and that the Council had no jurisdiction as the Code of Conduct was not engaged, no evidence had been provided to substantiate the alleged claims and that the complaint had been made to be vexatious i.e. a groundless complaint made with an adverse primary intent to cause distress, detriment or harassment to the subject members; or alternatively that the complaint was brought maliciously in the knowledge that there is no merit to it, or at the very least, it could be considered to be trivial. The Monitoring Officer concluded that there was a suggestion of potential criminal activity within the complaint and advised the Complainant to go through the correct channels (i.e. Thames Valley Police) should the Complainant wish to pursue the matter and that the complaint be dismissed.

#### **Dispensations granted to an individual Member**

11. 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.
12. 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)

13. 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.
14. 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**

15. 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**

16. 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**

17. 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.

<b>Report author</b>	Lucy Tyrrell
Job title	Committee and Members Services Officer
Service area or department	Law and Governance
Telephone	01865 252784
e-mail	<a href="mailto:ltyrrell@oxford.gov.uk">ltyrrell@oxford.gov.uk</a>

This page is intentionally left blank

## **Minutes of a meeting of the Standards Committee on Wednesday 2 March 2022**

www.oxford.gov.uk



### **Committee members present:**

Councillor Pressel (Chair)

Councillor Humberstone

Councillor Mundy

Councillor Tidball

Councillor Snowton

### **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

Lucy Tyrrell, Committee and Member Services Officer

Emma Griffiths, Lawyer

### **Also present:**

Andrew Mills-Hicks, Independent Person, Independent Person non-voting

Peter Rowland, BBL Parish Council (Blackbird Leys Ward)

### **13. Apologies for Absence**

Councillors Altaf-Khan and Lygo sent apologies.

### **14. Declarations of Interest**

There were no declarations of interest.

### **15. Code of Conduct: summary of complaints and individual dispensations - 1 November 2021 until 31 January 2022**

The Standards Committee noted the contents of the report.

### **16. Members' Code of Conduct**

The Standards Committee noted the report from the Head of Law and Governance proposing the adoption of a new Councillors' Code of Conduct and resolved to recommend that this be adopted by Full Council.

### **17. Minutes of the previous meeting**

The Committee resolved to approve the minutes of the meeting held on 16 November 2021 as a true and accurate record.

**18. Dates of future meetings**

11 July 2022

23 November 2022

**The meeting started at 5.00 pm and ended at 5.10 pm**

**Chair .....**

**Date: Monday 11 July 2022**

*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.*