

# Agenda

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## Standards Committee

This meeting will be held on:

Date: **Wednesday 23 November 2022**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

**For further information** please contact:

Lucy Brown, Committee and Member Services Officer, Committee Services Officer

☎ 01865 252784

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

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## Committee Membership

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

Councillor Dr Hosnieh Djafari-Marbini

Councillor Rae Humberstone

Councillor Lois Muddiman

Councillor Susanna Pressel

Councillor Dr Christopher Snowton

Councillor Imogen Thomas

Councillor Lizzy Diggins

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 Apologies for Absence</b>	
<b>2 Declarations of Interest</b>	
<b>3 Code of Conduct: summary of complaints and individual dispensations - 1 June 2022 until 1 October 2022</b>	1 - 6
<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) 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.	
<b>Recommendation:</b>	
That the Standards Committee notes the content of the report.	
<b>4 Minutes of the previous meeting</b>	7 - 10
The Committee is recommended to approve the minutes of the meeting held on 11 July 2022 and the Local Panel Hearing held on 13 October 2022.	
<b>5 Dates of future meetings</b>	
The Committee is scheduled to meet at 6.00pm on the following dates:	
<ul style="list-style-type: none"><li>• 22 March 2023</li><li>• 10 July 2023</li></ul>	

## **Information for those attending**

### **Recording and reporting on meetings held in public**

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- To follow the protocol which can be found on the Council's [website](#)
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- 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.

**To:** Standards Committee  
**Date:** 23 November 2022  
**Report of:** Head of Law and Governance  
**Title of Report:** Code of Conduct: summary of complaints and individual dispensations – 1 June 2022 until 31 October 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 June 2022 up to and including 31 October 2022 the Monitoring Officer dealt with the following three complaints concerning three city councillors and two parish councillors. This includes the conclusion of a complaint received in August 2021 concerning a parish councillor, which was referenced in a report to the previous meeting of the Standards Committee, and was subject to a Local Hearing Panel as reported below.

Ref	Received	City/Parish	Code – alleged breach in behaviour
0017352	August 2021	Parish	<ul style="list-style-type: none"> <li>• Respect for others</li> <li>• Bullying</li> </ul>
0018243	June 2022	City (2)	<ul style="list-style-type: none"> <li>• Objectivity</li> <li>• Accountability</li> <li>• Honesty and Integrity</li> <li>• Leadership</li> <li>• Respect for others</li> <li>• Impartiality</li> <li>• Knowledge</li> <li>• Council resources</li> </ul>
0018644	October 2022	Parish	<ul style="list-style-type: none"> <li>• Accountability</li> <li>• Honesty and Integrity</li> <li>• Respect for others</li> <li>• Bullying</li> <li>• Confidential information</li> <li>• Knowledge</li> </ul>

5. The status of a separate complaint (#0018058) made in March 2022 concerning a parish councillor was reported to the Standards Committee in July 2022; this complaint was referred for investigation, which found the need for a Local Hearing Panel to be convened. An update on the status of the complaint will be reported to a future meeting of the Standards Committee. In addition, two complaints concerning two parish councillors (#018387 and #018576) were received in July and September 2022 which are at the assessment stage; an update on their status will be reported to a future meeting of the Standards Committee.
6. The Monitoring Officer, in consultation with the Independent Person(s), considered the complaints contained in the table above and made the following decisions:

Action		Reference	
Assessment		City	Parish
• <b>No action</b>	No further action should be taken in respect of the allegation	1	
• <b>Informal resolution</b>	Referred to the Monitoring Officer for informal resolution	1	
• <b>Investigation</b>	Referred for investigation		

• <b>Referral</b>	Referred to the police or other regulatory agency		
<b>Local Hearing</b>			
• <b>Sanction Imposed</b>	Complaint upheld as a breach of the Code of Conduct	1	
• <b>No action</b>	Complaint dismissed as no breach of the Code of Conduct		

### Summary of complaints and learning points

7. Complaint #0017352 concerned the allegation that a Parish Councillor had breached the Member and Officer Protocol para 3.2.d which states that officers can expect from councillors respect, dignity and courtesy. The case was assessed by the Monitoring Officer and Independent Person and referred for further investigation. Following completion of the investigation report, a Local Hearing Panel of the Standards Sub-Committee was convened. The Panel upheld the complaint as a breach of the Code of Conduct and the decision notice was published on the Oxford City Council website.
8. Complaint #0018243 concerned complaints from five Complainants that two City Councillors had posted comments on the social media platform, Twitter, on 28 May 2022, relating to Low Traffic Neighbourhoods (LTNs) that amounted to the condoning of vandalism to highways furniture. The Monitoring Officer was of the view that although the Tweets demonstrated a lack of judgement, concluded that there was not a breach of the Code of Conduct as it does not prevent Councillors from expressing their views in an appropriate manner. Both Tweets had been removed as soon as the Councillors were aware that they had been misinterpreted and no further action taken.
9. Complaint #0018644 concerned an allegation that a Parish Councillor had made a false claim on a social media site which included the use of demeaning and disparaging language. The Monitoring Officer considered that the complaints were minor allegations of which had been resolved between the Councillors via the social media site, and there would not be sufficient public interest to justify the time and costs involved in an investigation into this matter. The Monitoring Officer concluded that the appropriate outcome would be a private apology made through the Monitoring Officer within an appropriate timescale and a recommendation that both Councillors attend social media training.

### Dispensations granted to an individual Member

10. 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.
11. 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)

12. 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.
13. In the period covered by this report there have been no requests for an individual dispensation under Section 33 of the Localism Act 2011.
14. The general dispensation expired on 30 September 2022, therefore a recommendation to Council to grant a further general dispensation and delegation of the granting of dispensations to an individual member under Section 33 of the Localism Act 2011 to the Monitoring Officer will be sought from the Standards Committee.

### **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 Brown
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Service area or department	Law and Governance
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## Minutes of a meeting of the Standards Committee on Monday 11 July 2022

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### Committee members present:

Councillor Diggins

Councillor Djafari-Marbini

Councillor Humberstone

Councillor Muddiman

Councillor Pressel

Councillor Snowton

### Officers present for all or part of the meeting:

Marcia Ecclestone, Legal Services Manager

Lucy Tyrrell, Committee and Member Services Officer

### Also present:

Peter Nowland, Blackbird Leys Parish Council

Chris Ballinger, Independent Person, Independent Person non-voting

### 1. Election of Chair for the year 2022/23

Cllr Pressel was elected Chair for the Council year 2022/23.

### 2. Election of Vice Chair for the year 2022/23

Cllr Humberstone was elected Vice-Chair for the Council year 2022/23.

### 3. Apologies for Absence

Apologies were received from Cllr Thomas.

### 4. Declarations of Interest

None received.

### 5. Parish Council representation on the Standards Committee

The Standards Committee noted the report which detailed the proposal for Parish Council representation on the Standards Committee.

The Standards Committee were **resolved to** recommend that Full Council appoints 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.

**6. Code of Conduct: summary of complaints and individual dispensations - 01 February 2022 until 31 May 2022**

The Standards Committee noted the contents of the report.

**7. Minutes of the previous meeting**

The Committee agreed to **approve** the minutes of the meeting held on 2 March 2022 as a true and accurate record.

**8. Dates of future meetings**

The Committee noted the dates and times of future meetings.

**The meeting started at 6.00 pm and ended at 6.10 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.*

**Minutes of a meeting of the  
Standards Committee (Local Hearing Panel  
0017352)  
on Thursday 13 October 2022**

**Committee members present:**

Councillor Diggins (Chair)

Councillor Djafari-Marbini

Councillor Humberstone

**Officers present for all or part of the meeting:**

Susan Sale, Monitoring Officer

Emma Griffiths, Investigating Officer

Lucy Tyrrell, Committee and Member Services Officer

**Also present:**

Chris Ballinger, Independent Person (non-voting)

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

Michael Evans, Littlemore Parish Council (Subject Councillor)

**Apologies:**

No apologies were received

**1. Declarations of Interest**

None.

**2. Local Hearing Panel (Case No. 0017352)**

The Monitoring Officer had submitted a report to provide the Local Hearing Panel with the Investigator's Report and all associated evidence to enable them to determine the allegation that Littlemore Parish Councillor, Michael Evans, had breached the Littlemore Parish Council Code of Conduct for Members.

In accordance with Section 28 of the Localism Act 2011, which provides that arrangements must be in place to deal with complaints of Councillors breaching their code of conduct, the Local Hearing Panel conducted a hearing into complaint reference 0017352.

*Cllr Michael Evans (Littlemore Parish Council) left the meeting before the Panel announced its determination of whether there had been a breach of the Littlemore Parish Code of Conduct for Members and did not return.*

A copy of the decision notice is attached to these minutes.

Chair .....

Date: **Wednesday 23 November 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.*

# Consideration of a Code of Conduct Complaint

## Decision Notice

<b>Complaint No.:</b>	<b>Complaint received</b>	<b>Deadline for assessment</b>
0017352	26 August 2021	30 September 2021 <sup>1</sup>
<b>Monitoring Officer:</b>	<b>Independent Person(s)</b>	<b>Date of Meeting(s):</b>
Susan Sale	Chris Ballinger Andrew Mills-Hicks	11 July 2022 (adjourned)
<b>Investigating Officer:</b>		13 October 2022 (reconvened)
Emma Griffiths		
<b>Name of complainant(s):</b>	<b>Name of Subject Councillor:</b>	<b>City / Parish Council:</b>
Parish Cllr Sue Stewart	Parish Cllr Michael Evans	Littlemore Parish Council

### Power to determine the Complaint

1. Section 27(1) Localism Act 2011 provides that a relevant authority must promote and maintain high standards of conduct by members and co-opted members of the authority. Section 27(2) Localism Act 2011 provides that a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members of the authority, when they are acting in that capacity.
2. In response to these obligations, Littlemore Parish Council adopted a code of conduct, governing the conduct expected of Littlemore Parish Councillors.
3. Section 28 Localism Act 2011 provides that arrangements must be in place to deal with complaints of Councillors breaching their code of conduct and in this case the arrangements provide that the District Council is responsible for considering and determining allegations of breach of the code relating to Parish Councillors within their Districts.
4. The Code of Conduct complaint against Parish Cllr Michael Evans has been determined under Section 22 of the constitution for Oxford City Council. The decision was made by a Local Panel Hearing of the Standards Committee held on 11 July 2022, adjourned and reconvened on 13 October 2022, in accordance with the 'Procedure for dealing with Code of Conduct complaints against Councillors'.

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<sup>1</sup> Deadline extended due to diary and leave commitments of all parties

## Summary of complaint

5. The Complainant alleged that the Subject Councillor sent an abusive and hostile email to the Parish Clerk, copied to various other Parish Councillors, which was in breach of the Parish Council's Code of Conduct (para 9) and its Member and Officer Protocol (para 3.2.d) which states that Officers can expect from Councillors respect, dignity and courtesy. The following sections of the Code were therefore relevant:

General Obligations	
9	Respect for others 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 of co-opted member of the council and act within the law;
10	Bullying You must not bully any person

6. Upon receipt of the complaint, the Monitoring Officer undertook an assessment of the complaint, in consultation with the Independent Person, and concluded that the complaint merited further investigation. An Investigating Officer of Oxford City Council was appointed to carry out the investigation and provided a report to the Monitoring Officer.
7. The Monitoring Officer received the Investigator's report and noted that evidence was provided to support a breach of paragraphs 9 and 10 of the Code. The Monitoring Officer therefore concluded to refer the complaint to the Local Hearing Panel of the Standards Committee for determination.

### Local Hearing Panel of the Standards Committee 11 July 2022

8. The Local Hearing Panel, comprised of three members of the Standards Committee, and met on 11 July 2022 to consider the Investigating Officer's report and to make a determination as to whether the Subject Member had breached the Littlemore Parish Code of Conduct. The Subject Councillor was in attendance. The Sub-Committee did not resolve to exclude the public from the meeting.
9. The Investigating Officer and the Subject Councillor presented their case and both had the opportunity to call witnesses and ask questions of each other's witnesses.
10. The Subject Member left the meeting after the evidence had been heard and the Sub-Committee determined to adjourn and re-convene at a later date.

### Reconvened Local Panel Hearing of the Standards Committee 13 October 2022

11. The Local Panel Hearing reconvened on 13 October 2022.

12. The Monitoring Officer clarified that the previous hearing had adjourned at the point of summing up, and that the hearing should commence from this point to avoid repetition.
13. The Investigating Officer summed up her report that the Subject Councillor in sending the email, considered in her opinion to be disrespectful and of a bullying nature, had let his frustrations get the better of him and failed to act in a manner acceptable to a Councillor. Given the nature of the professional relationship between the Clerk and the Subject Councillor, it was not appropriate for the Subject Councillor to write such an email. In citing paragraphs 9 and 10 of the Littlemore Parish Code of Conduct, concluded that the Subject Councillor had breached the Members' Code of Conduct.
14. The Subject Councillor summed up his case and stated that he did not feel that he had bullied anyone and questioned how one email could constitute bullying. He stated that he was not a bully, and therefore the case against him was null and void. He stated that he had acted as a whistleblower and would have more to say, however would use the correct forum to do so.

### **Considerations and Conclusions**

15. The Local Hearing Panel had before them the following documentation:
1. Monitoring Officer Report
  2. Investigator's Report
  3. Complaint Form
  4. Subject Member's response
  5. Arrangements for dealing with code of conduct complaints
  6. Littlemore Parish Code of Conduct
  7. Local Hearing Panel Procedure Rules

### Views of the Independent Person

16. The Independent Person was called to present his opinion to the Local Hearing Panel prior to decision and advised that in the first allegation of respect, he found that the Members' Code of Conduct had been breached as the Subject Councillor had used language that was not only disrespectful in language and tone, but had grievous intent in the act of copying in other members of the Parish Council. He went on to consider the allegation of bullying and advised that whilst it had been made clear throughout the hearing that bullying can be for a singular event and not a pattern of behaviour, the Panel should also consider that bullying is also an exercise of power over another, and when taken in the context of the Member/Officer protocol, the Subject Councillor had exploited his position in exercising his strength against the former Clerk. In response to the Subject Councillor's assertion of acting in the role as whistleblower, he felt it more appropriate that 'the Subject Councillor has blown his top, rather than his whistle' in venting his frustration of the former Clerk in an email to other members of Littlemore Parish Council.

### Paragraph 9: Respect

17. The Local Hearing Panel considered whether the Subject Councillor had breached the Members' Code of Conduct paragraph 9. The Panel took into account that the Subject Councillor, both in his response to the Monitoring Officer, and at the Local Hearing Panel, stated that he felt his comments were not derogatory as he had not used any derogatory comments, he had not said 'anything about race or sexuality etc and only said what was his genuine opinion'. The Local Hearing Panel reviewed this against the information provided within the Investigator's Report that when considering respect for others, 'as an elected representative of the public, it is important for a parish councillor to treat others with respect and to act in a respectful way', and that was not appropriate in the context of his position on the Parish Council, or to be directed towards an employee of the Parish Council. The Local Hearing Panel also noted that the email was critical of both the former Clerk's personality and attributes, and appeared to be a personal attack, as well as his ability to do his job, and that the criticism was carried out in a public way, as a copy of the email was sent to a number of other Councillors of the Parish Council.
18. The Local Hearing Panel considered the Subject Councillor's view of his right to freedom of speech as reported in his response to the complaint, and considered this against Article 10 of the European Convention on Human Rights (as incorporated in the Human Rights Act 1998) included within the paperwork provided to the Panel. The Local Hearing Panel noted this information, but felt that it did not qualify as an absolute, and should be considered within the context of its delivery.
19. In the case of the email sent to the former Clerk of Littlemore Parish Council, it was not deemed acceptable to be claimed as freedom of expression as it indicated a disregard as to the effect of his conduct on others.
20. Therefore the Local Hearing Panel were in agreement that the Subject Councillor had breached the code of conduct in paragraph 9.

#### Paragraph 10: Bullying

21. The Local Hearing Panel proceeded to consider the alleged breach of paragraph 10 of the Members' Code of Conduct, in that 'you must not bully another person'. The Panel considered the Subject Councillor's comments made both in the paperwork and at both hearings, that 'he was not a bully', and although he had accepted that one email would constitute bullying behaviour, he had not bullied the former Clerk because 'he is not a bully so that is null and void'. The Panel considered the evidence provided in the paperwork against these comments, and found that not only was the behaviour bullying, it was also an abuse of power in respect of Member and Office protocol, and written in a manner to cause humiliation to the former Clerk by copying in other Councillors of the Parish Council.
22. Therefore the Local Hearing Panel were in agreement that the Subject Councillor had breached the code of conduct in paragraph 10.

#### Sanctions

23. The Local Hearing Panel invited the Investigating Officer to address them in terms of appropriate sanctions. The Subject Member had left the hearing, and was not represented, and so the Local Hearing Panel was not able to hear representations from the Subject Member concerning sanctions.
24. Having determined that the Subject Councillor had breached the Littlemore Code of Conduct in respect of paragraph 9 and 10, and having taken account of the representations made by the Investigating Officer and the views of the Independent Person, the Local Hearing Panel voted in favour of advising the Parish Council to impose the following sanctions:
1. The Subject Councillor provides a formal written apology to the former Clerk of Littlemore Parish Council, copying in those from the original email.
  2. The Subject Councillor provides a formal apology to Littlemore Parish Council for breaching the code of Conduct.
  3. The Subject Councillor attends Code of Conduct training, either via the Parish Clerk or Monitoring Officer, within 3 months of the date of this decision notice.
  4. The Local Hearing Panel recommends to Littlemore Parish Council that they consider whether it is appropriate for the Subject Councillor to be appointed to the Personnel Committee, for the time being.
25. The decision notice has been sent to the Subject Councillor, the Complainant, the Independent Persons and Littlemore Parish Council, and will be published on the council's website.
26. Under Paragraph 10, of the 'Procedure for dealing with code of conduct complaints against councillors' of Oxford City Council's Constitution, there is no right of appeal for the Complainant or for the Subject Councillor against a decision of the Monitoring Officer or of the Standards Committee. However, the Monitoring Officer reports these decisions to the Council's Standards Committee so there is oversight of how these matters are dealt with.

**Signed**



**Name**

Susan Sale, Monitoring Officer, Oxford City Council

**Date**

17<sup>th</sup> October 2022

**Publication**

Internal: to Parish Council/Complainant/Subject Councillor  
External: Oxford City Council website

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