

Agenda

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Standards Committee

This meeting will be held on:

Date: **Wednesday 22 March 2023**

Time: **6.00 pm**

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

For further information please contact:

Lucy Brown,, Committee Services Officer

☎ 01865 252784

✉ standards@oxford.gov.uk

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Committee Membership

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

Councillor Susanna Pressel (Chair)

Councillor Dr Hosnieh Djafari-Marbini

Councillor Rae Humberstone (Vice-Chair)

Councillor Lois Muddiman

Councillor Ajaz Rehman

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

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 - 01 November 2022 until 31 January 2023	1 - 6
Purpose of report:	
To advise the Committee of:	
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 one of the Council's 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 Minutes of the previous meeting	7 - 10
The Committee is recommended to approve the minutes of the meeting held on 23 November 2022 and the Local Hearing Panel of 11 January 2023.	
5 Dates of future meetings	
The Committee is scheduled to meet at 6.00pm on the following dates:	
<ul style="list-style-type: none">• 10 July 2023• 16 November 2023• 12 March 2024	

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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: 22 March 2023
Report of: Head of Law and Governance
Title of Report: Code of Conduct: summary of complaints and individual dispensations – 1 November 2022 until 31 January 2023

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) in consultation with one of the Council's 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 Council, or of a parish council within the 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 2022 up to and including 31 January 2023 the Monitoring Officer dealt with the following seven complaints concerning three city councillors and two parish councillors. This includes the conclusion of a complaint received in March 2022 (#18058) 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.
5. The Monitoring Officer, in consultation with the Independent Person(s), considered the complaints contained in the table above and made the following decisions:

Ref	Received	City/Parish	Code – alleged breach in behaviour	Action taken	
				Complaint heard at:	Outcome:
0018058	March 2022	Parish	<ul style="list-style-type: none"> • Respect for others • Bullying 	Local Hearing	Sanctions imposed
0018387	July 2022	Parish (2)	<ul style="list-style-type: none"> • Objectivity • Honesty and Integrity • Leadership • Respect for others • Bullying 	Assessment	Informal resolution
0018576	Sept 2022	Parish	<ul style="list-style-type: none"> • Bullying 	Assessment	Informal resolution
0018780	Nov 2022	City (2)	<ul style="list-style-type: none"> • Selflessness • Objectivity • Accountability • Openness • Honesty and Integrity • Leadership • Respect for others • Impartiality • Knowledge • Professional advice 	Assessment	No further action
0018782	November 2022	City	<ul style="list-style-type: none"> • Accountability • Respect for others • Bullying • Impartiality • Professional advice 	Assessment	No further action

Summary of complaints and learning points

6. Complaint #0018058 concerned the allegation that a parish councillor had breached the Member Code of Conduct and the local Member and Officer Protocol para 3.2.d for the parish council 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. At this stage, there has been no response from the Parish Council that any of the sanctions imposed have been carried out.

7. Complaint #0018387 concerned two complaints from one Complainant that two parish councillors had posted comments on social media platforms, both relating to Low Traffic Neighbourhoods (LTNs). The first on Facebook, that was aggressive and bullying in nature, and the second on Twitter that was not acceptable for a local representative. The Monitoring Officer was of the view that the posts demonstrated disrespect and poor taste, and concluded that there was a breach of the Code of Conduct and both councillors would benefit from social media training, be asked to remove the posts and should make a formal apology to the Complainant via the same social media platform. In the case of the first complaint, as far as the Monitoring Officer is aware, no such remedies have been carried out, and the second complaint was subsequently dismissed as the parish councillor had resigned.
8. Complaint #0018576 concerned an allegation that a parish councillor had made incorrect public statements about the Complainant, and that the Complainant had reported the parish councillor to the police in April 2022 for Treating during the local election campaign. The Monitoring Officer, in consultation with the Independent Person considered that the statements, made on such a public platform, were in poor taste and inappropriate conduct for a parish councillor. The Monitoring Officer also advised that no evidence had been provided by the parish councillor to support the allegations that had been made on Twitter. The Monitoring Officer concluded that the appropriate outcome would be a public apology (through the same social media platform) copying in the Monitoring Officer within 14 days, and a recommendation that the parish councillor attend social media training. At this date, no confirmation that this had been carried out has been received by the Monitoring Officer.
9. Complaint #0018780 concerned two complaints from one Complainant that two councillors had ignored the Complainant at a public meeting. The Complainant also alleged that one councillor had knowingly parked her bike outside a Polling Station on election day displaying campaign materials. The Monitoring Officer, whilst finding it regrettable that the Complainant had felt both councillors' actions to be disrespectful and humiliating, dismissed the complaints. However, the Monitoring Officer requested both councillors to make voluntary contact with the Complainant to see if there were any constituency matters they could assist with. At this date, the Monitoring Officer can confirm that this has been carried out. The Monitoring Officer also concluded that in the councillor who had knowingly parked her bike outside a Polling Station, was not acting in her capacity as a councillor at the time of the incident, and that the action had been acted on by the Presiding Officer of that Polling Station at the time, therefore no further action was required.
10. Complaint #0018782 concerned an allegation that a councillor had acted unlawfully when blocking a public highway in the city on 14 November 2022, evidenced via a public recording of the incident on Facebook. The Monitoring Officer considered the nature of the complaint to be of a serious nature, however the evidence provided did not corroborate the allegation made. The Monitoring Officer also noted that the Complainant was not involved in the

alleged incident, and the recorder of the alleged incident was unknown, and therefore the Councillor would be unable to make any sort of apology, if found to be warranted. The Monitoring Officer therefore dismissed the complaint, with no further action to be taken.

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 2022 Council granted a general dispensation, to remain in force for a period of 4 years (ending on 30 September 2026), 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.

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Job title	Committee and Members Services Officer
Service area or department	Law and Governance
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Minutes of a meeting of the Standards Committee on Wednesday 23 November 2022

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Committee members present:

Councillor Djafari-Marbini (remote attendance)	Councillor Humberstone (Vice-Chair) (remote attendance)
Councillor Muddiman	Councillor Pressel (Chair)
Councillor Snowton	Councillor Diggins
Councillor Fry (for Councillor Thomas)	

Officers present for all or part of the meeting:

Emma Griffiths, Legal Adviser
Lucy Brown, Committee & Member Services Officer

Apologies:

Councillors Thomas sent apologies.
Substitutes are shown above.

9. Declarations of Interest

There were no declarations of interest.

10. Code of Conduct: summary of complaints and individual dispensations - 1 June 2022 until 1 October 2022

The Standards Committee noted the contents of the report and made the following comments:

- Rewording of paragraph 9 to read 'The Monitoring Officer considered that the complaints were minor allegations, 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.'
- In regards to Complaint #0018644, requested confirmation that social media training had taken place – to be reported to the next Committee. **(ACTION)**
- In regards to Complaint #0017352, the Committee requested confirmation that the first three recommendations have been acted upon by the Littlemore Parish Council – to be reported at the next Committee meeting. **(ACTION)**
- Following consideration of the sanctions applied to Complaint #0017352, the Committee questioned whether it would be appropriate in future cases to include an additional sanction - requesting that Parish Councils also publish decision notices

about this Parish Councillors on their websites. Emma Griffiths, Legal Adviser, advised that this would be considered by the Monitoring Officer for future cases.

- The report table in Paragraph 4 include an additional column to report on the status of each complaint for clarity. (**ACTION**)

Emma Griffiths, informed the Committee that whilst paragraph 14 of the report stated that the general dispensation granted to individual members under Section 33 of the Localism Act 2011 had expired on 30 September 2022, an extension had been agreed at Council on 21 March 2022 as part of the annual Constitution Review for 2021/22. The Committee noted the Council resolution to extend the dispensations in Part 22.5(e) of the Constitution granted under section 33 of the Localism Act 2011 for a further four years from 1 October 2022.

11. Minutes of the previous meeting

The Committee agreed to **approve** the minutes of the meeting held on 11 July 2022 as a true and accurate record.

The Committee agreed to **approve** the minutes of the Local Panel Hearing held on 13 October 2022 as a true and accurate record.

12. Dates of future meetings

The Committee noted the dates and times of future meetings.

The meeting started at 6.00 pm and ended at 6.20 pm

Chair

Date: 22 March 2023

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
0018058)
on Wednesday 11 January 2023**

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Committee members present:

Councillor Humberstone (Chair)

Councillor Muddiman

Councillor Rehman

Officers present for all or part of the meeting:

Susan Sale, Monitoring Officer

Emma Griffiths, Investigating Officer

Lucy Brown, Committee and Member Services Officer

Also present:

Michael Evans, Littlemore Parish Council (Subject Councillor)

Osama Raja, Independent Person non-voting

Apologies:

Substitutes are shown above.

No apologies were received

1. Declarations of Interest

Following advice from the Monitoring Officer and for the purpose of transparency, Cllr Rae Humberstone advised the Committee that he had previously worked for Oxfordshire County Council, leaving in 2015. However during that time the Complainant was his line manager, however did not have a personal friendship with the Complainant, or any contact since leaving the Council.

2. Matters exempt from publication and exclusion of the public

The Local Hearing Panel did not wish to exclude the press and the public from the meeting during consideration of any aspects of the preceding agenda items, and therefore did not pass a resolution to do so, as they felt the public interest in maintaining the exception did not outweigh the public interest in disclosing the information. This was **agreed** by all parties.

3. Local Hearing Panel (Case No. 18058)

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 0018058.

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

The meeting started at 5.00pm and ended at 6.55pm

Chair
2023

Date: Wednesday 22 March

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

Complaint No.:	Complaint received	Deadline for assessment
0018058	30 March 2022	27 April 2022 ¹
Monitoring Officer:	Independent Person(s)	Date of Meeting(s):
Susan Sale	Osama Raja Andrew Mills-Hicks	11 January 2023
Investigating Officer:		
Emma Griffiths		
Name of complainant(s):	Name of Subject Councillor:	City / Parish Council:
Mr Tim Shickle (Oxfordshire County Council Officer)	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 January 2023, in accordance with the 'Procedure for dealing with Code of Conduct complaints against Councillors'.

¹ Deadline extended due to diary and leave commitments of all parties

Summary of complaint

5. The Complainant alleged that the Subject Councillor, during a telephone call, spoke to the Complainant in a belittling, bullying, aggressive and threatening manner. The Subject Councillor referred to the Complainant as incompetent, requiring performance management and useless, stating that a child could do better. This 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 January 2023

8. The Local Hearing Panel, comprised of three members of the Standards Committee, and met on 11 January 2023 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. Neither the Investigating Officer nor Subject Councillor elected to bring witnesses, and answered questions put to them by the Panel.
10. The Investigating Officer summed up her report that in her opinion the Subject Councillor let his frustrations get the better of him and he spoke to the Complainant in an offensive and abusive way. Whilst it was noted that the Subject Councillor was

entitled to a legitimate challenge of the delays in dealing with the lighting issues and the performance of the County Council's Road & Safety Team, his direct criticism of the Complainant during the conversation on 23 March 2022 amounted to personal abuse and was offensive in nature. The approach taken by the Subject Councillor demonstrated a lack of understanding that the language he used was inappropriate, offensive, insulting, humiliating and delivered in a manner that would undermine the Complainant.

11. The Subject Councillor summed up his case and stated that he did not feel that his comments regarding the Complainant requiring performance management constituted bullying and felt that he was being truthful. He denied that he had threatened to advertise the Complainant's incompetence, and that of his team, on social media, and added that he had meant that he would only update the community Facebook page with the lack of progress made by the Council. The Subject Councillor further stated that he had felt the Complainant to be racially motivated in making this complaint, of which despite not meeting personally, could have easily been established from his Facebook profile.

Considerations and Conclusions

12. 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

13. 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 'crossed the line' in his manner of speaking to the Complainant in a disrespectful way. 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, he did not feel that this singular event should constitute bullying, as the Subject Councillor had failed to recognise that the tone, language and methods in communicating used in his work culture would be acceptable in this case. He felt that the Subject Councillor had 'gone too far' in this case, but did not deliberately intend to bully the Complainant in order to get his message across.

Paragraph 9: Respect

14. The Local Hearing Panel considered whether the Subject Councillor had breached the Members' Code of Conduct paragraph 9. The Panel noted the Subject Councillor's response to the Monitoring Officer in the paperwork, and at the Local Hearing Panel, which stated that he did 'not consider that he said anything bad

during his telephone conversation with the Complainant and that he didn't swear'. 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 it was not appropriate in the context of his position as a Councillor. The Local Hearing Panel further noted that the Littlemore Parish Council Code of Conduct states that a Councillor should 'promote and support high standards of conduct when serving in your public post' and felt that the Subject Councillor had fallen short of this standard when acting on behalf of Littlemore Parish Council.

15. 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.
16. In determining the assertion made by the Subject Councillor that this was a racially motivated complaint against the Subject Councillor, the Local Hearing Panel found no evidence to support the claim that the Complainant had sought out his profile on Facebook prior to making this complaint, and done so based on this.
17. Therefore the Local Hearing Panel were in agreement that the Subject Councillor had breached the code of conduct in paragraph 9.

Paragraph 10: Bullying

18. 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 during the hearing that he had not bullied the Complainant, but had only pointed out his incompetence. He asserted that he had not intended to publicise the email exchange on social media, however had intended to update the local residents of the current lack of progress made by the Council. The Panel considered the evidence provided in the paperwork against these comments, and attached weight to the definition of bullying defined in the Code of Conduct as 'offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group'. The Panel also noted that bullying by definition can constitute one incident or be part of a pattern of behaviour. The Panel considered that whilst it might not have been the intention of the Subject Councillor to bully the Complainant, his resulting actions did constitute bullying and was unbecoming for a Councillor who should recognise and aim to promote the standards outlined in the Code of Conduct.
19. Furthermore, whilst the Local Hearing Panel understood and appreciated the work of the Subject Councillor in supporting his constituency in his role as a Councillor, felt that this 'passion for results' could be delivered in a more positive and respectful

manner, and a better understanding of the Code of Conduct could provide the necessary development required when communicating in his position as a Councillor.

20. Therefore the Local Hearing Panel were in agreement that the Subject Councillor had breached the code of conduct in paragraph 10.

Sanctions

21. The Local Hearing Panel invited the Investigating Officer to address them in terms of appropriate sanctions. The Subject Councillor declined to offer any recourse to these sanctions or offer any of his own.

22. 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 Complainant within 14 days, to be sent via the Monitoring Officer.
2. The Subject Councillor provides a formal apology to Littlemore Parish Council for breaching the code of Conduct within 14 days.
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.

23. 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.

24. 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

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