

Agenda

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Standards Committee

This meeting will be held on:

Date: **Monday 10 July 2023**

Time: **6.00 pm**

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

For further information please contact:

Lucy Brown, Committee and Member Services Officer,

01865 252784  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](#)

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

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Committee Membership

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

Councillor Dr Hosnieh Djafari-Marbini

Councillor Rae Humberstone

Councillor Susanna Pressel

Councillor Dr Christopher Smowton

Councillor Dr Amar Latif

Councillor Mark Lygo

Councillor Alistair Morris

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 Blackbird Leys Parish Council
(Blackbird Leys Ward)

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 Election of Chair for the year 2023/24	
2 Election of Vice Chair for the year 2023/24	
3 Apologies for Absence	
4 Declarations of Interest	
5 Code of Conduct: summary of complaints and individual dispensations - 01 February 2023 until 30 June 2023	1 - 6
Purpose of report:	
To advise the Committee of:	
1. the number of complaints received under the Members' Code of Conduct which have been, or are to be, considered by the Head of Law and Governance (in her statutory capacity as the authority's Monitoring Officer) and the Independent Persons. The report also notes the outcome, where complaints have been concluded; and	
2. the number of dispensations to an individual member, granted under Section 33 of the 2011 Localism Act, by the Monitoring Officer, following consultation with an Independent Person.	
Recommendation:	
That the Standards Committee notes the content of the report.	
6 Minutes of the previous meeting	7 - 8
The Committee is recommended to approve the minutes of the meeting held on 22 March 2023.	
7 Dates of future meetings	
The Committee is scheduled to meet at 6.00pm on the following dates:	
<ul style="list-style-type: none">• 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: 10 July 2023
Report of: Head of Law and Governance
Title of Report: Code of Conduct: summary of complaints and individual dispensations – 1 February 2023 until 30 June 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 February 2023 up to and including 30 June 2023 the Monitoring Officer dealt with the following four complaints concerning three city councillors and one parish councillor.
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:
0019150	Feb 2023	City	<ul style="list-style-type: none"> • Objectivity • Honesty and Integrity • Bullying • Confidential Information 	Assessment	Dismissal
0019314	May 2023	Parish	<ul style="list-style-type: none"> • Objectivity • Leadership 	Assessment	Informal resolution
0019318	May 2023	City (2)	<ul style="list-style-type: none"> • Objectivity • Accountability • Honesty and Integrity • Selflessness • Respect for others • Impartiality • Knowledge 	Assessment	Dismissal

Summary of complaints and learning points

6. Complaint #0019150 concerned the allegation that a city councillor had made a tweet that had referenced a private communication, sent to them in error, which had resulted in the subject reference being forced into making a humiliating public apology via the press. The Interim Monitoring Officer considered the case, in consultation with the Independent Person, and found that whilst the content of the email was offensive in nature, and the subject councillor's actions to 'call out' that behaviour was not unreasonable, it would not be appropriate for political debate to be censured. Therefore, the Interim Monitoring Officer dismissed the complaint, with no further action to be taken.
7. Complaint 0019314 concerned an allegation that a parish councillor had published a post on social media, calling for members of the public to commit crime, specifically damaging or destroying ANPR camera used to enforce Low-Traffic Neighbourhoods (LTN's). The case was assessed by the Interim Monitoring Officer, in consultation with the Independent Person, and considered that, whilst mindful of the content of the post, when taken out of context and in its entirety, could not be considered as inciting an illegal act. On receiving clarification of the post, from the Subject Councillor, the Monitoring Officer resolved the complaint through agreement with the Subject Councillor who had clarified the position via social media. This had since been actioned.

8. Complaint #0019318 concerned an allegation that two city councillors had engaged in the obstruction of the highway outside a city school by placing cones across the road in an attempt to alert approaching motorists that the ANPR cameras installed at the location had gone live. The Interim Monitoring Officer considered the case, in consultation with the Independent Person and found that the actions had been undertaken when they reasonably believed that the volunteers' use of cones to highlight a road closure was practically beneficial and that such actions were not illegal. The Interim Monitoring Officer noted that the actions had ceased when it came to light that it was an illegal act, and therefore dismissed the complaint.

Dispensations granted to an individual Member

9. The Localism Act 2011 prevents members from participating in any business of the Council where they have a Disclosable Pecuniary Interest (DPI) unless they have sought a dispensation under Section 33 of the Act. Applications must be made in writing and dispensations may be sought for a period of up to four years.
10. On 1 October 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)

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

Legal implications

13. The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must also have in place a suitable procedure at a local level to investigate and determine allegations against elected Members and co-opted Members. The Council is also responsible for having arrangements in place to investigate and determine allegations against Parish Councillors.

Financial implications

14. There is a cost to the authority when a complaint is referred for external investigation this is determined by market factors in terms of the availability of investigators identified through complaint procurement processes.

Risk management

15. If the Council fails to adopt and maintain a Code of Conduct and process for the investigation of complaints which is fit for purpose, robust and transparent then there are risks to the Council's reputation and also to the integrity of its corporate governance and decision-making processes as it will not be compliant with legislation. Formal consideration of requests for dispensation minimises the risk of the Council not following lawful procedures in respect of members' interests.

Report author	Lucy Brown
Job title	Committee and Members Services Officer
Service area or department	Law and Governance
Telephone	01865 252784
e-mail	lbrown@oxford.gov.uk

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Minutes of a meeting of the Standards Committee on Wednesday 22 March 2023

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Committee members present:

Councillor Muddiman	Councillor Pressel (Chair)
Councillor Rehman	Councillor Thomas
Councillor Fry (for Councillor Humberstone)	Councillor Djafari-Marbini (remote attendance)

Officers present for all or part of the meeting:

Susan Sale, Head of Law and Governance (Monitoring Officer)
Lucy Brown, Committee and Member Services Officer

Apologies:

Councillors Humberstone and Smowton sent apologies.

Substitutes are shown above.

13. Declarations of Interest

There were no declarations of interest.

14. Code of Conduct: summary of complaints and individual dispensations - 01 November 2022 until 31 January 2023

The Committee had before them a report which advised them of 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 Committee were provided with feedback following actions from the previous minutes of the meeting held on 23 November 2022, and were advised by the Head of Law and Governance that of those cases, Code of Conduct training had been arranged but not yet undertaken. In particular, where recommended that the Subject Councillor provide an apology, this had not yet been undertaken.

The Committee were made aware of the Local Hearing Panel only being able to make recommendations to the Parish Council, and it being for the Parish Council to impose those sanctions. It was agreed that the Chair of the Standards Committee would write to all members of Littlemore Parish Council to encourage further discussion on undertaking these sanctions through their own Parish Council meetings.

The Committee thanked the officers and members involved in the Local Hearing Panel.

15. Minutes of the previous meeting

The Committee **approved** the minutes of the meeting held on 23 November 2022 and the Local Hearing Panel of 11 January 2023.

The Committee received verbal feedback on the outstanding actions confirmed by the Chair of the Parish Council.

The Committee thanked Susan Sale for all her hard work supporting the Committee and wished her luck in the future.

16. 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: Monday 10 July 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.