

**To:** Standards Committee

**Date:** 15 September 2011

**Report of:** Head of Law and Governance

**Title of Report:** Hearing of Complaint Reference 703/4/32

## Summary and Recommendations

**Purpose of report:** This report explains to the Standards Committee the purpose of the Hearing and the decisions which it is permitted to take in relation to the consideration of complaint reference 704/4/32.

### **Report Approved by:**

**Finance:** N/A  
**Legal:** Jeremy Thomas

**Policy Framework:** N/A

**Recommendation:** To conduct a local determination hearing into the complaint received against the subject member in accordance with the procedure appended to this report.

## Introduction and Background

1. On 4 March 2011, the Assessment Panel of this Committee met to consider a complaint made by Councillor David Williams (referred to as "the Complainant"), against Councillors Abbasi, Khan and Malik, members of Oxford City Council (referred to as "the Subject Member(s)"). The Assessment Panel found that the Subject Members were potentially in breach of the Code of Conduct, and took the decision to refer the complaint to the Monitoring Officer for investigation.
2. The Investigating Officer's report was completed on 13 July 2011. The report concluded that, in the opinion of the investigating officer there had been a breach of the Code of Conduct. The following paragraphs of the Code are relevant:-

- 8 - Personal interests
- 9 - Disclosure of personal interests
- 10 - Prejudicial interests generally
- 12 - Effect of prejudicial interests on participation

### **Key Considerations**

4. The Standards Committee is obliged to consider the following:
  - This covering report and procedure guide;
  - The Investigating Officer's report;
  - The Pre-Hearing Summary
  - The representations made at the hearing by either the Investigating Officer or the Subject Member

### **Hearing procedure**

5. The Committee is advised to conduct the hearing in accordance with the Standards Committee local hearing procedure, which is appended to this covering report. The Committee may vary the procedure if it feels it is in the interests of natural justice.

### **Decisions to be taken**

6. Having considered all of the evidence and listened to the witnesses, the Standards Committee must decide:
  - a. Whether it agrees that the Subject Member has failed to follow the Code of Conduct.
  - b. If the Committee decides that there has been no failure to follow the Code of Conduct, it must take no further action in relation to the Subject Member. It may however make comments to the Authority.
  - c. If the Committee agrees that there has been a failure to follow the Code of Conduct, it must decide whether there are any mitigating circumstances;
  - d. In the event that the Subject Member has been found to breach the Code of Conduct the Committee may impose any one or a combination of the following:
    - Censure.
    - Restriction for a period not exceeding six months of the Subject Member's access to the premises of the authority or the Subject Member's use of the resources

of the authority, provided that those restrictions meet **both** the following requirements: **i)** they are reasonable and proportionate to the nature of the breach. **ii)** they do not unduly restrict the person's ability to perform the functions of a member.

- Partial suspension of the Subject Member for a period not exceeding six months.
- Suspension of the Subject Member for a period not exceeding six months.
- That the member submits a written apology in a form specified by the standards committee.
- That the Subject Member undertakes such training as the standards committee specifies.
- That the Subject Member participates in such conciliation as the standards committee specifies.
- Partial suspension of the Subject Member for a period not exceeding six months or until such time as the subject member has met **either** of the following restrictions: **i)** they have submitted a written apology in a form specified by the standards committee. **ii)** They have undertaken such training or has participated in such conciliation as the standards committee specifies.
- Suspension of the Subject Member for a period not exceeding six months or until such time as the member has met **either** of the following restrictions: **i)** they have submitted a written apology in a form specified by the standards committee. **ii)** they have undertaken such training or has participated in such conciliation as the standards committee specifies.

7. The Standards Committee must announce its decision at the end of the hearing, and give its full written decision to the relevant parties as soon as possible after the hearing. If the Committee finds that the Subject Member **did** breach the Code of Conduct, a summary of the decision and reasons must also be published in at least one local newspaper that is independent of the authorities concerned.

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**Appendix:** Hearing procedure

**Background papers:** None

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