

To: Standards Committee
Date: 14 November 2024
Report of: Head of Law and Governance
Title of Report: Code of Conduct: summary of complaints and individual dispensations – 1 July 2023 until 31 October 2024

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 July 2023 up to and including 15 October 2024 the Monitoring Officer dealt with the following twelve complaints concerning nine city councillors and one parish councillor.
5. The Monitoring Officer, in consultation with the Independent Person(s), where appropriate, 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:
1	June 2023	City	<ul style="list-style-type: none"> • Selflessness • Objectivity • Accountability • Openness • Honesty and Integrity • Leadership • Respect for others • Bullying • Impartiality • Confidential Information • Knowledge • Professional advice 	Assessment	Dismissal
2	July 2023	Parish	<ul style="list-style-type: none"> • Accountability • Openness • Honesty and Integrity • Respect for others • Bullying • Confidential information 		On hold due to Police investigation
3	September 2023	City	<ul style="list-style-type: none"> • Objectivity • Honesty and Integrity 	Monitoring Officer	Dismissed
4	April 2024	City	<ul style="list-style-type: none"> • Respect • Bullying and Harassment • Impartiality of Officers of the Council • Disrepute 	External Investigation	Currently being assessed
5	April 2024	City	<ul style="list-style-type: none"> • Respect • Bullying and Harassment • Impartiality of Officers of the Council • Disrepute 	External Investigation	Currently being assessed

6	April 2024	City	<ul style="list-style-type: none"> • Respect • Bullying and Harassment • Impartiality of Officers of the Council • Disrepute 	Independent Person	Completed
7	May 2024	City	<ul style="list-style-type: none"> • Bullying and Harassment 	Monitoring Officer	Dismissed
8	June 2024	City	<ul style="list-style-type: none"> • Respect • Bullying and Harassment 	Monitoring Officer	Dismissed
9	June 2024	City	<ul style="list-style-type: none"> • Selflessness • Accountability • Honest and Integrity • Leadership • Respect for others 	Monitoring Officer	Dismissed
10	June 2024	City	<ul style="list-style-type: none"> • Accountability • Openness • Respect for Others • Knowledge • Council resources 	Monitoring Officer	
11	July 2024	City	<ul style="list-style-type: none"> • Accountability 	Independent Person	
12	September 2024	City	<ul style="list-style-type: none"> • Honesty and Integrity • Respect for others • Bullying 	Independent Person	
13	September 2024	City	<ul style="list-style-type: none"> • Respect for others • Bullying 	Monitoring Officer	

Summary of complaints and learning points

6. The first complaint concerned the allegation that a city councillor had failed to help a member in their constituency in a housing matter. The Interim Monitoring Officer considered the case and found the complaint to be against a service provided by the Council, and not the conduct of the Subject Councillor. Therefore, the Interim Monitoring Officer dismissed the complaint, with no further action to be taken.
7. The second complaint concerned an allegation against a parish councillor that is currently under a Police investigation and therefore cannot be reported against in this report. No further action will be taken in relation to such complaints until any related criminal/regulatory investigation, proceedings or processes have been concluded.
8. The third complaint concerned an allegation that a city councillor had made tweets on the social media platform X, that were unbecoming of a member of Oxford City Council. The Monitoring Officer is dismissed the complaint as this was outside the scope of the Code of Conduct.

9. The fourth and fifth complaint concerned an allegation that two City Councillors disrupted the proceedings of a Committee in March 2024. The Deputy Monitoring Officer and the Independent Person agreed these complaints should be investigated by an external lawyer; this process is currently ongoing.
10. The sixth complaint concerned an allegation that a City Councillor disrupted proceedings at a Committee in April 2024. The Monitoring Officer and the Independent Person reviewed the complaint and recommended the Councillor drafted a written apology and attend a Code of Conduct Training session.
11. The sixth complaint concerned a City Councillor's conduct. The Monitoring Officer dismissed the complaint as it was outside the Code of Conduct.
12. The seventh complaint concerned a City Councillor's conduct. The Monitoring Officer dismissed the complaint as it was outside the Code of Conduct.
13. The eighth complaint concerned a City Councillor's conduct. The Monitoring Officer dismissed the complaint as it was outside the Code of Conduct.
14. The ninth complaint concerned a City Councillor's conduct, further evidence has been requested before the investigation can commence.
15. The tenth complaint concerned an allegation that a city councillor had made tweets on the social media platform X, that were unbecoming of a member of Oxford City Council. The Monitoring Officer is currently reviewing the complaint with an Independent Person.
16. The eleventh complaint concerned a City Councillor regarding an interview with the local press, the Monitoring Officer is currently reviewing with an Independent Person.
17. The twelfth complaint concerned an allegation that a city councillor had made tweets on the social media platform X, that were unbecoming of a member of Oxford City Council. The Monitoring Officer is currently reviewing the complaint.

Dispensations granted to an individual Member

18. 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.
19. 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)

20. 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.
21. 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

22. 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

23. 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

24. 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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