

Appendix 2 – Monitoring Officer’s comments for Committee

Question 1: Capacity in which the response is made
Committee would be responding on behalf of the Council. Committee members may also respond on their own, via the link provided in the report.
Question 2: Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England? <ul style="list-style-type: none">• Yes• No• If no, why not? [Free text box]
The Council shares a common code with the other authorities across Oxfordshire based on the Local Government Association’s model code of conduct. This has provided consistency for dual hatted members and for officers. It has not however been adopted consistently across the country and this leads to inconsistencies in how issues concerning member conduct are dealt with. A mandatory code of conduct would ensure consistency regardless of the type or location of an authority.
Question 3 <p>If yes, do you agree there should be scope for local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?</p> <ul style="list-style-type: none">• Yes – it is important that local authorities have flexibility to add to a prescribed code• No – a prescribed code should be uniform across the country• Unsure
There is no information on why there would need to be scope to add council specific amendments. Local arrangements can allow for particular issues to be reflected in the Code but it would create inconsistency with other councils and between elected members and Monitoring Officers where introduced. Local deviations could cause confusion for the general public where there are different codes which could undermine confidence in the process.
Question 4 <p>Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?</p>

- Yes
- No
- Unsure

Strengthening the sanctions would not be as effective if members were not obliged to engage with the process. We have had no issue locally with member co-operation to date but there is no way for the Monitoring Officer to compel co-operation should a member refuse. The standards regime is used by members, officers and the public. Looking to the latter it would reduce public confidence in the process were there not a way to ensure members were subject to the process where there is an issue.

Question 5

Does your local authority currently maintain a standards committee?

- Yes
- No
- Any further comments [free text box]

The answer will be yes, I would propose that a summary of the purpose as per the term of reference is given and the procedure for complaints, to explain when and how it is called and for what decisions.

Question 6

Should all principal authorities be required to form a standards committee?

- Yes
- No
- Any further comments [free text box]

As Monitoring Officer my personal view is yes, there is always a need to have an alternative decision maker to the Monitoring Officer but even if the committee was simply for oversight it offers that peer opportunity for challenge and scrutiny.

Question 7

In most principal authorities, code of conduct complaints are typically submitted in the first instance to the local authority Monitoring Officer to triage, before referring a case for full investigation. Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?

- Yes, decisions should only be heard by standards committees
- No, local authorities should have discretion to allow decisions to be taken by full council

- Unsure

As Monitoring Officer I believe hearing by full Council could be problematic. If they are heard by full council, logistically it becomes difficult with pre-determination and bias management issues. Keeping a smaller group of members, that are politically proportionate, is easier to manage, arrange and conduct. Plus having Council meetings to deal with complaints will add to the meeting pressures for members and officers (?).

Question 8

Do you agree that the Independent Person and co-opted members should be given voting rights?

- Yes – this is important for ensuring objectivity
- No – only elected members of the council in question should have voting rights
- Unsure

As Monitoring Officer I have no views, however the Independent Person is a very useful support and tool for the Monitoring Officer in what can often be difficult situations. They offer an impartial and reasoned view. If there were to be either my preference would be that the Independent Person remains to support the Monitoring Officer and remains away from decision making, with possibly other persons being co-opted.

Question 9

Should standards committees be chaired by the Independent Person?

- Yes
- No
- Unsure

For the reasons as set out above the Independent Person should not be involved in decision making in the Monitoring Officer's view.

Question 10

If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the free text box below.

For members to add as required.

Question 11

Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?

- Yes - the public should have full access to all allegations and investigation outcomes
- No - only cases in which a member is found guilty of wrongdoing should be published
- Other views – text box

My view is yes, but appreciate members may have different views. It allows however for public sight of the regime and will assist in public confidence that the complaints system is working where information is shared.

Question 12

Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?

- Yes
- No
- Unsure

This is not something that I have had experience of. I would suggest there is a difference where they step down mid term vs they choose not to stand at an upcoming election.

Question 13

If responding as a local authority, what is the average number of complaints against elected members that you receive over a 12-month period?

From February 2024 to February 2025, there have been 12 code of conduct complaints

Question 13a

For the above, where possible, please provide a breakdown for complaints made by officers, other elected members, the public, or any other source:

- Complaints made by officers [Number box]
- Complaints made by other elected members [Number box]
- Complaints made by the public [Number box]
- Complaints made by any other source [Number box]

Complaints made by officers: 0

Complaints made by other elected members: 5

Complaints made by the public: 7

Complaints made by any other source: 0

Question 14

If you currently work, or have worked, within a local authority, have you ever been the victim of (or witnessed) an instance of misconduct by an elected member and felt that you could not come forward? Please give reasons if you feel comfortable doing so.

- Yes
- No
- [Free text box]

This is a personal view and seems to be directed at officers to respond so I would suggest that it is not something that the Committee can share a view on but I can record consensus should you want.

Question 15

If you are an elected member, have you ever been subject to a code of conduct complaint? If so, did you feel you received appropriate support to engage with the investigation?

- Yes
- No
- [Free text box]

I would suggest N/A for the Committee's response

Question 16

If you did come forward as a victim or witness, what support did you receive, and from whom? Is there additional support you would have liked to receive?

[Free text box]

I am happy to provide a consensus but I would suggest this is for individual responses.

Question 17

In your view, what measures would help to ensure that people who are victims of, or witness, serious councillor misconduct feel comfortable coming forward and raising a complaint?

[Free text box]

I am happy to provide a consensus but I would suggest this is for individual responses.

Question 21

If the government reintroduced the power of suspension do you think there should be a maximum length of suspension?

- Yes – the government should set a maximum length of suspension of 6 months
- Yes – however the government should set a different maximum length (in months) [Number box]
- No – I do not think the government should set a maximum length of suspension
- Unsure

If they were to I would suggest that it is accompanied by a threshold for when suspension is warranted to avoid allegations that it is used excessively.

Question 22

If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?

- Infrequently – likely to be applied only to the most egregious code of conduct breaches
- Frequently – likely to be applied in most cases, with some exceptions for less serious breaches
- Almost always – likely to be the default length of suspension for code of conduct breaches
- Unsure

For Committee to express a view.

Question 23

Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?

- Yes – councils should have the option to withhold allowances from suspended councillors
- No – suspended councillors should continue to receive allowances
- Unsure

For Committee to express a view.

Question 24

Do you think it should be put beyond doubt that local authorities have the power to ban suspended councillors from council premises and to withdraw the use of council facilities in cases where they deem it appropriate?

- Yes – premises and facilities bans are an important tool in tackling serious conduct issues
- No – suspended councillors should still be able to use council premises and facilities
- Unsure

For Committee to express a view.

Do you agree that the power to withhold members' allowances and to implement premises and facilities bans should also be standalone sanctions in their own right?

- Yes
- No
- Unsure

For Committee to express a view.

Question 26

Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?

- Yes, powers to suspend on an interim basis would be necessary
- No, interim suspension would not be necessary
- Any further comments [free text box]

For Committee to express a view.

Question 27

Do you agree that local authorities should have the power to impose premises and facilities bans on councillors who are suspended on an interim basis?

- Yes - the option to institute premises and facilities bans whilst serious misconduct cases are investigated is important
- No - members whose investigations are ongoing should retain access to council premises and facilities
- Unsure

For Committee to express a view.

Question 28

Do you think councils should be able to impose an interim suspension for any period of time they deem fit?

- Yes
- No
- Any further comments [free text box]

For Committee to express a view.

Question 29

Do you agree that an interim suspension should initially be for up to a maximum of 3 months, and then subject to review?

- Yes
- No
- Any further comments [free text box]

For Committee to express a view.

Question 30

If following a 3-month review of an interim suspension, a standards committee decided to extend, do you think there should be safeguards to ensure a period of interim extension is not allowed to run on unchecked?

- Yes – there should be safeguards
- No – councils will know the details of individual cases and should be trusted to act responsibly

For Committee to express a view.

Question 30a

If you answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?

[Free text box]

For Committee to express a view.

Question 31

Do you think councillors should be disqualified if subject to suspension more than once?

- Yes – twice within a 5-year period should result in disqualification for 5 years
- Yes – but for a different length of time and/or within a different timeframe (in years) [Number boxes]

- No - the power to suspend members whenever they breach codes of conduct is sufficient
- Any other comments [free text box]

For Committee to express a view.

Question 32

Is there a case for immediate disqualification for gross misconduct, for example in instances of theft or physical violence impacting the safety of other members and/or officers, provided there has been an investigation of the incident and the member has had a chance to respond before a decision is made?

- Yes
- No
- Unsure
- [Free text box]

For Committee to express a view.

Question 33

Should members have the right to appeal a decision to suspend them?

- Yes - it is right that any member issued with a sanction of suspension can appeal the decision
- No – a council’s decision following consideration of an investigation should be final
- Unsure

For Committee to express a view.

Question 34

Should suspended members have to make their appeal within a set timeframe?

- Yes – within 5 days of the decision is appropriate to ensure an efficient process
- Yes – but within a different length of time (in days) [Number box]
- No – there should be no time limit for appealing a decision

If an appeal is permitted there should be a window for it to be lodged to ensure that there is no wasted time or resources on the part of the Council in taking actions pursuant to a suspension.

Question 35

Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?

- Yes
- No
- Unsure

For Committee to express a view.

Question 36

Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?

- Yes
- No
- Unsure

For Committee to express a view.

Question 37

If you answered yes to either of the previous two questions, please use the free text box below to share views on what you think is the most suitable route of appeal for either or both situations.

[Free text box]

For the Committee to comment.

Question 38

Do you think there is a need for an external national body to hear appeals?

- Yes – an external appeals body would help to uphold impartiality
- No – appeals cases should be heard by an internal panel
- Any further comments [free text box]

There has been previously a national body and it was helpful as an appeal mechanism however it got very backlogged with complaints and this led to matters taking quite a long time to resolve. I would suggest if this is supported that there is a threshold for matters that can be appealed.

Question 39

If you think there is a need for an external national appeals body, do you think it should:

- Be limited to hearing elected member appeals
- Be limited to hearing claimant appeals
- Both of the above should be in scope
- Please explain your answer [free text box]

For Committee to comment.

Question 40

In your view, would the proposed reforms to the local government standards and conduct framework particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

- it would benefit individuals with protected characteristics
- it would disadvantage individuals with protected characteristics
- neither

Please use the text box below to make any further comment on this question.

[Free text box]

For Committee to comment.

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