

## Consideration of a Code of Conduct Complaint Decision Notice

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Complaint No.:	Complaint received	Independent Person:
80217	17 September 2024	Hearing: Andrew Mills-Hicks Complaint: Chris Ballinger
Name of complainant(s):	Name of Subject Councillor:	City / Parish Council:
Trish Elphinstone	Cllr David Henwood	Oxford City Council
<b>Decision</b>	<p><b>This complaint having been upheld the Monitoring Officer has considered publication of it against the Nolan principle of Openness which states that “Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.”</b></p> <p><b>In this matter the Monitoring Officer has considered the matter against that principle and decided to make the decision public.</b></p> <ol style="list-style-type: none"> <li>1. That Councillor Henwood has breached the Code of Conduct: <ul style="list-style-type: none"> <li>• That Councillor Henwood had acted as a councillor when posting on social media and that a reasonable person may not have interpreted the views he expressed as personal.</li> <li>• That the language used, repetition, and singling out of a person exhibited in the social media posts combined with the unproven and potentially false or misleading nature of some of the statements, constituted harassment and bullying.</li> <li>• That Councillor Henwood had brought the Council’s standards process into disrepute and had risked its confidentiality and politicising it.</li> <li>• That Councillor Henwood had therefore breached sections 6.1, 6.2 and 6.5 of the Code of Conduct in relation to bullying and harassment, respect, and bringing the Council into disrepute.</li> </ul> </li> </ol>	

	<p>2. That the following sanctions be imposed on Councillor Henwood as a result:</p> <ul style="list-style-type: none"> <li>• Councillor Henwood provide full and appropriate written public apologies to the complainant and to the Standards Committee. It was suggested that these be both be provided within 14 days (10 working days). Councillor Henwood was asked to copy these to the Monitoring Officer and notified that the apology to the Standards Committee would be added as an item to the agenda of the next meeting of the Committee.</li> <li>• Councillor Henwood be issued a reprimand by the Monitoring Officer in private, and this be made public should Councillor Henwood fail to provide written apologies, or they fall short of the requested criteria.</li> </ul>
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## Summary of complaint

1. The complaint by Trish Elphinstone is as follows:

*“Cllr David Henwood has posted untruths and inflammatory language on social media against Cllr Trish Elphinstone. Firstly, he has used inflammatory language on several social media posts. He has used the unacceptable term ‘Trish is a Traitor’ and that I have betrayed residents. Which is simply untrue He said that Trish voted for the Rose Hill Controlled Parking Zone at Full Council last November. Which is simply untrue. There was no vote for a CPZ in Rose Hill. The budget outlined funding for CPZs across Oxfordshire, Rose Hill was not specified. It is inappropriate and false for Cllr Henwood to say that Trish voted for a CPZ in Rose Hill. David’s social media campaign is inciteful and unjust – I do not support this CPZ and has spoken against it. I also explained to him that the budget did not specify Rose Hill for a CPZ and yet he is using misinformation to weaponise residents’ feelings and it totally inappropriate. This is bullying. It is making me feel concerned for my safety as a councillor as resident and should not be allowed. David Henwood has a history of being expelled as a City and Parish Councillor for bullying. If he wants to stand in the election, his foundation should be based on integrity and truth. This bullying is uncalled for and wrong. Councillors should set better standards of honesty, integrity and respect and he has been consistently lacking in this regard.”*

2. The relevant parts of the Code of Conduct are as follows:

- a. **6.1 Respect:**

A Councillor:

6.1.1 Shall treat everyone, including other Councillors and members of the public with respect.

6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

b. **6.2 Bullying, Harassment and Discrimination**

A Councillor:

6.2.1 Shall not bully any person.

6.2.2 Shall not harass any person.

6.2.3 Shall promote equalities and not discriminate against any person.

c. **6.3 Impartiality of Officers of the Council**

A Councillor

6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

d. **6.5 Disrepute**

A Councillor:

6.5.1 Shall not bring their role or local authority into disrepute.

e. **6.6 Use of position**

A Councillor

6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone”.

3. The Hearing Panel were provided with a number of screen shots of posts on social media platforms, including “X”, Facebook and Nextdoor.

**Decision of the Hearing Panel:**

4. The Panel heard submissions from Cllr Henwood that he was not acting in the capacity of a councillor when he made the posts. In support he pointed to the disclaimer that was on his (now deleted) X profile at the time of the posts. This was not replicated on the other social media accounts.
5. The Panel noted that it was a matter for determination earlier in the process by the Monitoring Officer, in consultation with the Independent Person.
6. The Panel agreed with the decision of the Monitoring Officer that, despite the disclaimer on the X profile, the posts on the profiles both before and since the posts that the complaint related to, were connected to the Councillor Henwood in his role as a councillor. They included posts concerning his questions to be posed at full council, posts concerning co-councillors and also latterly a post concerning this complaint against him. As such they agreed that the test that a reasonable person would conclude he was using the profiles, and therefore acting, as a councillor.
7. The Panel heard from Councillor Henwood and the appointed Investigator.

8. The Panel concluded that the actions of Councillor Henwood had breached the Code of conduct as set out, and for the reasons detailed, in the decision summary on this Decision Notice.
9. The Panel then invited representation from Councillor Henwood as to sanctions. The Panel determined to apply the sanctions as set out in the decision summary of this Decision notice.
10. The Panel did consider and ask it to be noted that training was not considered appropriate as Councillor Henwood had already attended two sessions in this municipal year.
11. Censure was considered by the Panel however in light of the fact that Councillor Henwood was willing to provide apologies and in order to avoid there being any public debate on this item which may cause the complainant further distress, censure was not appropriate in this case.

<b>Signed</b>	Monitoring Officer
<b>Name</b>	Emma Jackman
<b>Date</b>	19 September 2025
<b>Publication</b>	Public: to City website – apologies to Standards Committee meeting via agenda Press statement: Yes – reactive