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## WEST OXFORDSHIRE DISTRICT COUNCIL

### Minutes of the meeting of the **Standards Sub-Committee**

Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB  
at 10.00 am on **Friday, 15 March 2024**

#### PRESENT

Councillors: Joy Aitman, Michele Mead, David Jackson and David Melvin

Officers: Andrea McCaskie (Director of Governance), Andrew Brown (Democratic Services Business Manager), Helen Blundell (Interim Head of Legal Services), Kate Seeley (Investigation and Enforcement Manager) and Anne Learmonth (Strategic Support Officer, Democratic Services)

Independent Person: Andrew Colling

Other attendees: Subject Member representatives, witnesses, complainants.

#### **18 Election of Chair**

The Democratic Services Business Manager opened the meeting and sought nominations for the position of Chair of the Standards Sub-Committee for the remainder of the 2023/24 Council year.

Upon being proposed and seconded and there being no other nominations, the Sub-Committee voted to elect Councillor Joy Aitman as Chair of the Standards Sub-Committee for the remainder of the 2023/24 Council year.

The Chair asked attendees to introduce themselves and asked everyone present to remain respectful and follow normal meeting etiquette.

#### **19 Apologies for Absence**

Apologies were received from Councillor Andrew Beaney and Councillor Elizabeth Poskitt.

Councillor David Melvin Substituted for Councillor Elizabeth Poskitt.

All members of the Sub-Committee confirmed that they had undertaken the standards training.

#### **20 Declarations of Interest**

There were no declarations of interest.

#### **21 Minutes of Previous Meeting**

The Sub-Committee agreed to refer the minutes of the previous meeting to the Audit and Governance Committee since none of the Members present had been in attendance at the previous meeting.

**22 Standards Sub-Committee Procedure Rules**

The Chair referred to the Sub-Committee Procedure Rules and stated that the Sub-Committee would stick to the procedure rules as closely as possible while allowing, in response to a request from the Subject Members' representative, the complaints to be heard together as a single hearing.

**23 Exclusion of the Press and Public**

The Chair asked whether anyone present would like to make representations as to whether agenda items 7 and 8 should be taken in public or private session.

The Investigating Officer requested that the Sub-Committee resolve to enter into private session as the public interest in maintaining the exemption outweighed the public interest in disclosing the exempt information, specifically information that could be used identify current and former employees of the Town Council.

The Subject Members' representative supported the Investigating Officer's request.

Councillor David Jackson proposed the exclusion of the press and public for the remaining items of business. This proposal was seconded by Councillor David Melvin and was put to a vote which was carried.

The Sub-Committee resolved to exclude the press and public from the meeting on the grounds that their presence could involve the likely disclosure of exempt information as described in paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, with the public interest in maintaining the exemption outweighing the public interest in disclosing the exempt information.

**24 Determination of Allegation of Breach of the Code of Conduct by Town Councillor #1**

The Chair and the Legal Advisor reiterated the procedure to be followed whereby the two complaints would be heard together while sticking as closely as possible to the Standards Sub-Committee Procedure Rules. There were no questions on the procedure.

The Chair invited the Investigating Officer to present the reports into the allegations against the Subject Members and to make representations to substantiate the conclusion that the Subject Members had failed to comply with the Town Council's Code of Conduct.

The Investigating Officer presented their reports. The Investigating Officer was then asked a series of questions by the Subject Members' representative. There were no questions to the Investigating Officer from the Sub-Committee or the Independent Person.

The Investigating Officer called on their witnesses in turn and played an audio recording. The Subject Members' representative then asked a series of questions which the witnesses responded to. The Sub-Committee then asked a number of questions which the witnesses responded to. The Independent Person also asked a question to a witness. The Investigating Officer was then given the opportunity to ask any questions of their witnesses.

The Sub-Committee adjourned for a lunch break at 12.55pm and reconvened at 13.55pm.

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The Chair then invited the Subject Members' representative to present the Subject Members' case in relation to the Investigating Officer's findings and to make representations about why the Subject Members consider that they had not failed to comply with the Code of Conduct.

The Subject Members' representative presented their case. The Subject Members' representative then responded to a series of questions from the Investigating Officer. The Sub-Committee asked questions and then the Independent Person asked questions, which the Subject Members' representative or the Subject Members responded to. The Subject Members' representative then directed some questions to the Subject Members.

The Subject Members' representative called on the Subject Members' character witnesses to provide their statements. Two witnesses addressed the Sub-Committee in person and another addressed the meeting remotely. A number of other witness statements were taken as read.

At the invitation of the Chair, the Investigating Officer summed up the case in relation to the findings in their reports.

The Chair then invited the Subject Members' representative to sum up the Subject Members' case.

The Chair then asked the Independent Person to provide the Sub-Committee with their views.

After hearing the summing up from both sides and the views of the Independent Person, the Sub-Committee retired with the Legal Advisor at 4.00pm to make a determination as to whether, on the balance of probabilities, the Subject Members had breached the Town Council's Code of Conduct.

The Sub-Committee returned at 4.40pm and the Chair relayed the decision of the Sub-Committee. The conclusion of the Sub-Committee was that the Subject Members had not breached the Town Council's Code of Conduct. The reason for the decision was that there were insufficient findings of fact to conclude that the Subject Members had, on the balance of probabilities, breached the Town Council's Code of Conduct.

The Sub-Committee Resolved to:

1. Agree that the Subject Member, Town Councillor #1, had not breached the Town Council's Code of Conduct.
2. Delegate authority to the Director of Governance (Monitoring Officer), in consultation with the Members of the Standards Sub-Committee and the Independent Person, to agree any recommendations to be submitted to Town Council, for example in relation to the Town Council's policies, protocols and arrangements for Member training.

## **25 Determination of Allegation of Breach of the Code of Conduct by Town Councillor #2**

The Chair and the Legal Advisor explained the procedure to be followed whereby the two complaints would be heard together while sticking as closely as possible to the Standards Sub-Committee Procedure Rules. There were no questions on the procedure.

The Chair invited the Investigating Officer to present the reports into the allegations against the Subject Members and to make representations to substantiate the conclusion that the Subject Members had failed to comply with the Town Council's Code of Conduct.

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The Investigating Officer presented their reports. The Investigating Officer was then asked a series of questions by the Subject Members' representative. There were no questions to the Investigating Officer from the Sub-Committee or the Independent Person.

The Investigating Officer called on their witnesses in turn and played an audio recording. The Subject Members' representative then asked a series of questions which the witnesses responded to. The Sub-Committee then asked a number of questions which the witnesses responded to. The Independent Person also asked a question to a witness. The Investigating Officer was then given the opportunity to ask any questions of their witnesses.

The Sub-Committee adjourned for a lunch break at 12.55pm and reconvened at 13.55pm.

The Chair then invited the Subject Members' representative to present the Subject Members' case in relation to the Investigating Officer's findings and to make representations about why the Subject Members consider that they had not failed to comply with the Code of Conduct.

The Subject Members' representative presented their case. The Subject Members' representative then responded to a series of questions from the Investigating Officer. The Sub-Committee asked questions and then the Independent Person asked questions, which the Subject Members' representative or the Subject Members responded to. The Subject Members' representative then directed some questions to the Subject Members.

The Subject Members' representative called on the Subject Members' character witnesses to provide their statements. One witness addressed the Sub-Committee in person and a further two witness statements were taken as read.

At the invitation of the Chair, the Investigating Officer summed up the case in relation to the findings in their reports.

The Chair then invited the Subject Members' representative to sum up the Subject Members' case.

The Chair then asked the Independent Person to provide the Sub-Committee with their views.

After hearing the summing up from both sides and the views of the Independent Person, the Sub-Committee retired with the Legal Advisor at 4.00pm to make a determination as to whether, on the balance of probabilities, the Subject Members had breached the Town Council's Code of Conduct.

The Sub-Committee returned at 4.40pm and the Chair relayed the decision of the Sub-Committee. The conclusion of the Sub-Committee was that the Subject Members had not breached the Town Council's Code of Conduct. The reason for the decision was that there were insufficient findings of fact to conclude that the Subject Members had, on the balance of probabilities, breached the Town Council's Code of Conduct.

The Sub-Committee Resolved to:

1. Agree that the Subject Member, Town Councillor #2, had not breached the Town Council's Code of Conduct.
2. Delegate authority to the Director of Governance (Monitoring Officer), in consultation with the Members of the Standards Sub-Committee and the Independent Person, to agree any recommendations to be submitted to Town Council, for example in relation to the Town Council's policies, protocols and arrangements for Member training.

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The Meeting closed at 4.45 pm

CHAIR

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West Oxfordshire District Council  
Standards Sub-Committee  
Determination of Code of Conduct Complaint  
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## **CONFIDENTIAL DECISION: BREACH OF THE CODE OF CONDUCT NOT FOUND**

### **Complaint SCS-018-23**

On 15 March 2024, West Oxfordshire District Council's Standards Sub-Committee sat to determine a complaint that Town Councillor #1 had breached a Town Council's Code of Conduct for Members.

The complaint had already been considered on assessment by the Monitoring Officer, in consultation with the Independent Person.

### **Decision**

The Standards Sub-Committee, sitting as the Local Hearing Panel, considered the reports of the Director of Governance and the Investigating Officer to determine the allegation. The Sub-Committee heard and took account of the views of the Independent Person.

In determining the allegation, the Sub-Committee resolved to:

1. Agree that Subject Councillor #1 had not breached the Town Council's Code of Conduct.
2. Delegate authority to the Director of Governance (Monitoring Officer), in consultation with the Members of the Standards Sub-Committee and the Independent Person, to agree any recommendations to be submitted to the Town Council, for example in relation to the Town Council's policies, protocols and arrangements for Member training.

The recommendations to the Town Council were subsequently agreed as follows:

That the Town Council:

1. Considers the adoption of the Oxfordshire-wide Member Code of Conduct.

2. Considers the adoption of the National Association of Local Council's Civility and Respect pledge.
3. Liaises with Oxfordshire Association of Local Council's (OALC) on the adoption of a Member-Officer Protocol.
4. Utilises OALC as a resource to support the Council with member training and governance practices.

### **Reason for the decision**

The Sub-Committee, having considered the evidence presented at the hearing, concluded that there were insufficient findings of fact to conclude that Town Councillor #1 had, on the balance of probabilities, breached the Town Council Code of Conduct.

There is no right of appeal for the Complainants or for the Subject Members against the decision of the Standards Sub-committee.

### **Sanctions Applied**

Not applicable.

### **The Standards Sub-committee:**

Councillor Joy Aitman  
Councillor David Jackson  
Councillor Michele Mead  
Councillor David Melvin (sub)  
Andrew Colling

District Councillor  
District Councillor  
District Councillor  
District Councillor  
Independent Person

### **Dated:**

25 March 2024

### **To:**

The Complainants  
The Subject Councillor  
The Clerk to the Town Council

Monitoring Officer  
West Oxfordshire District Council





West Oxfordshire District Council  
Standards Sub-Committee  
Determination of Code of Conduct Complaint  
22 March 2024

## **CONFIDENTIAL DECISION: BREACH OF THE CODE OF CONDUCT NOT FOUND**

### **Complaint SCS-018-23**

On 15 March 2024, the West Oxfordshire District Council Standards Sub-Committee sat to determine a complaint that Town Councillor #2 had breached a Town Council's Code of Conduct for Members.

The complaint had already been considered on assessment by the Monitoring Officer, in consultation with the Independent Person.

### **Decision**

The Standards Sub-Committee, sitting as the Local Hearing Panel, considered the reports of the Director of Governance and the Investigating Officer to determine the allegation. The Sub-Committee heard and took account of the views of the Independent Person.

In determining the allegation, the Sub-Committee resolved to:

- Agree that Town Councillor #2 had not breached the Town Council's Code of Conduct.
- Delegate authority to the Director of Governance (Monitoring Officer), in consultation with the Members of the Standards Sub-Committee and the Independent Person, to agree any recommendations to be submitted to the Town Council, for example in relation to the Town Council's policies, protocols and arrangements for Member training.

The recommendations to the Town Council were subsequently agreed as follows:

That the Town Council:

1. Considers the adoption of the Oxfordshire-wide Member Code of Conduct.
2. Considers the adoption of the National Association of Local Council's Civility and Respect pledge.

3. Liaises with Oxfordshire Association of Local Council's (OALC) on the adoption of a Member-Officer Protocol.
4. Utilises OALC as a resource to support the Council with member training and governance practices.

### **Reason for the decision**

The Sub-Committee, having considered the evidence presented at the hearing, concluded that there were insufficient findings of fact to conclude that Town Councillor #2 had, on the balance of probabilities, breached the Town Council's Code of Conduct.

There is no right of appeal for the Complainants or for the Subject Members against the decision of the Standards Sub-committee.

### **Sanctions Applied**

Not applicable.

### **The Standards Sub-committee:**

Councillor Joy Aitman  
Councillor David Jackson  
Councillor Michele Mead  
Councillor David Melvin (sub)  
Andrew Colling

District Councillor  
District Councillor  
District Councillor  
District Councillor  
Independent Person

### **Dated:**

25 March 2024

### **To:**

The Complainants  
The Subject Councillor  
The Clerk to the Town Council

Monitoring Officer  
West Oxfordshire District Council