

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