



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	AUDIT AND GOVERNANCE – 26 SEPTEMBER 2024
Subject	ANNUAL REPORT OF THE MONITORING OFFICER– 1 SEPTEMBER 2023 TO 31 AUGUST 2024
Wards Affected	None
Accountable Member	Councillor Carl Rylett – Chair of Audit and Governance Committee. Email: carl.rylett@westoxon.gov.uk
Accountable Officer	Andrea McCaskie – Director of Governance. Email: andrea.mccaskie@westoxon.gov.uk
Report Author	Andrew Brown – Business Manager, Democratic Services. Email: democratic.services@westoxon.gov.uk
Summary/Purpose	To advise the Committee of the number and status of Code of Conduct complaints received and considered by the Council's Monitoring Officer in the period from 1 September 2023 to 31 August 2024 and to consider the Council's Complaint Handling Arrangements and the Standards Sub-Committee Procedure Rules following a review by officers.
Annexes	Annex A - Revised Complaint Handling Arrangements Annex B - Revised Standards Sub-Committee Procedure Rules
Recommendation(s)	That the Audit and Governance Committee resolves to: <ol style="list-style-type: none">1. Note the report;2. Recommend to Council the adoption of the revised Complaint Handling Arrangements (Annex A); and3. Recommend to Council the adoption of the revised Standards Sub-Committee Procedure Rules (Annex B) following a review undertaken by officers and the three Independent Persons.
Corporate Priorities	<ul style="list-style-type: none">• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO

Consultees/ Consultation	N/A
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1. BACKGROUND

- 1.1 The Council has in place complaint handling arrangements to enable an individual to make a formal complaint that an elected or co-opted member of West Oxfordshire District Council, or a Town or Parish Council within the district area, has failed to comply with their Council's Member Code of Conduct. The complaint handling arrangements seek to ensure that complaints are dealt with fairly and are resolved informally where appropriate.
- 1.2 The Audit and Governance Committee is responsible for promoting high standards of ethical behaviour by developing, maintaining and monitoring the Members' Code of Conduct. The Committee has appointed a Standards Sub-Committee, which has responsibility for undertaking hearings to determine whether or not a Member has breached the Code of Conduct.
- 1.3 This report is to update the Committee on the numbers of Code of Conduct complaints received and the outcomes of those complaints. It also identifies any issues or learning points arising from the complaints.
- 1.4 The previous report was presented to the Audit and Governance Committee on 28 September 2023 and covered the reporting period 1 April 2022 to 31 August 2023. This report covers the following period up to 31 August 2024. Going forward these reports will be presented to the last meeting of the Audit and Governance Committee in each municipal year, reporting on complaints received during the financial year i.e. 1 April to 31 March.
- 1.5 The report also considers proposed changes to the Council's complaint handling arrangements and to the Standards Sub-Committee procedure rules following a review of these arrangements by officers and the Council's three Independent Persons who advise on standards matters.

2. NUMBER AND STATUS OF CODE OF CONDUCT COMPLAINTS RECEIVED

- 2.1 The table below sets out the numbers of Code of Conduct complaints received by the Council's Monitoring Officer in the period from 1 September 2023 to 31 August 2024, broken down by district and town/parish members, and at which stage of the complaint process the complaints were resolved.
- 2.2 During the reporting period 15 new code of conduct complaints were received and two further complaints which pre-dated the reporting period were closed at the local hearing stage.

Stage of complaints process resolved	Outcome	# District	# Town or Parish
Assessment stage	No action – complaint withdrawn		
	No action - complaint dismissed	4	6
	Local resolution		1

	Awaiting Local Assessment		1
Investigation stage	No action – complaint dismissed		
	Local resolution		
	Not Pursued - Resignation	1	2
Local hearing stage	No breach found		2 (closed within reporting period)
	Breach found and sanctions applied		
Total #		5	12
Overall Total #		17	

2.3 The table shows that the majority of complaints were resolved at the assessment stage, with more than half of all complaints dismissed at this stage. These are complaints where the Monitoring Officer, in consultation with an Independent Person, concluded that the Code of Conduct was not engaged or that the complaint was not sufficiently serious or in the public interest to be referred for an investigation, having regard to the time and expense involved in an investigation and the potential sanctions available. One complaint was resolved at this stage by way of a local resolution (apology).

2.4 Three of the 15 complaints received during the reporting period progressed to the investigation stage however were closed following agreement with the Independent Person, on the Subject Member resigning as a councillor as it was determined that it would not be in the public interest to continue with the investigation.

3. CONCLUSIONS AND LEARNINGS RESULTING FROM CODE OF CONDUCT COMPLAINTS

There were a number of learnings taken from the complaints that progressed to the local hearing stage, which was the first hearing held since the Director of Governance joined the Council. The Council’s complaint handling arrangements and the Standards Sub-Committee Procedure Rules are considered to have generally worked well but could be strengthened in certain respects, in particular around complaints brought by third parties. Officers, following receipt of external legal advice, in conjunction with three Independent Persons have reviewed these documents and present amended versions showing tracked changes which are attached at Annexe A and B respectively. The main substantive changes are summarised below:

Complaint Handling Arrangements

- Change of title

- Change of timeline for deciding whether a complaint merits investigation from 14 days to 28 days at 4.1
- Inclusion of initial assessment criteria in the table at 4.5 including the tests for disrespect and bullying.
- Gender neutral language throughout.
- Removal of out of date annexes (to be replaced by current versions).

Standards Sub-Committee Procedure Rules

- Clarity about how complaints about multiple subject members will be dealt with at 2.1
- Stating that the Sub-Committee is not a court of law at 5.5 and that any evidence including hearsay evidence may be taken into account and given whatever weight the Sub-Committee deems appropriate.
- Hearing from witnesses in exceptional circumstances only at 5.6.3 and 5.6.6

- 3.1** In regard to the two complaints that progressed to the local hearing stage, the Standards Sub-Committee determined that based on the evidence presented at the hearing, there was no breach of the Code of Conduct. However, the following recommendations have been submitted to the town council:

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.*

4. FINANCIAL IMPLICATIONS

- 4.1** The processing of code of conduct complaints does not have direct financial implications for the Council but is relatively resource-intensive for officers. The Council has allocated a budget of £4,000 per annum for externally-provided member training, which is used to fund, for example, equality and inclusion training for members which has previously been identified by the Committee as an area that additional development opportunities should be provided. During the reporting period two Inclusion and Diversity events were held on 18 September 2023 and 10 July 2024 following the local elections with 20 members attending over the two dates.

5. LEGAL IMPLICATIONS

- 5.1** 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 that elected Members and co-opted Members of the district council or town and parish councils within the district area have breached the Code of Conduct.

6. RISK ASSESSMENT

- 6.1** If the Council fails to adopt and maintain a Code of Conduct and a process for the investigation of complaints that are fit for purpose, robust and transparent then there are risks to the Council's reputation and to the integrity of its corporate governance and decision-making processes.

7. EQUALITIES IMPACT

- 7.1** Equalities and Human Rights issues are taken into account in the handling of Code of Conduct complaints.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 8.1** Not applicable.

9. BACKGROUND PAPERS

- 9.1** None.

(END)