



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	COUNCIL – 27 NOVEMBER 2024
Subject	REVIEW OF STANDARDS ARRANGEMENTS
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 consider the Council's Member Code of Conduct Complaint Handling Arrangements and the Standards Sub-Committee Procedure Rules following a review by officers.
Annexes	Annex A1 - Revised Complaint Handling Arrangements with changes shown Annex A2 - Revised Complaint Handling Arrangements – clean version Annex B1 - Revised Standards Sub-Committee Procedure Rules with changes shown Annex B2 - Revised Standards Sub-Committee Procedure Rules with changes shown – clean version
Recommendation(s)	The Audit and Governance Committee on 26 September 2024 agreed to recommend that Council resolves to: <ol style="list-style-type: none">1. Adopt the revised Member Code of Conduct Complaint Handling Arrangements (Annex A2).2. Adopt the revised Standards Sub-Committee Procedure Rules (Annex B2) 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	Independent Persons Audit and Governance Committees

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 Code of Conduct for Members. 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** The report considers proposed changes to the Council's Member Code of Conduct 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. CONCLUSIONS AND LESSONS RESULTING FROM CODE OF CONDUCT COMPLAINTS

- 2.1** There were a number of learnings taken from a complaint that progressed to the local hearing stage, which was the first hearing held since the Director of Governance joined the Council.
- 2.2** 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 and in conjunction with three Independent Persons, have reviewed these documents and present amended versions showing changes which are attached at Annex A and B respectively. The main substantive changes are summarised below:

Member Code of Conduct 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 at 5.6.3 and 5.6.6.

3. FINANCIAL IMPLICATIONS

- 3.1 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 Audit and Governance Committee as an area that additional development opportunities should be provided. Two Inclusion and Diversity events have been held, on 18 September 2023 and 10 July 2024, with 20 members attending overall.

4. LEGAL IMPLICATIONS

- 4.1 The Localism Act 2011 requires the Council to have a Members' 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.

5. RISK ASSESSMENT

- 5.1 If the Council fails to adopt and maintain a Members' 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.

6. EQUALITIES IMPACT

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

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 7.1 Not applicable.

8. BACKGROUND PAPERS

- 8.1 None.

(END)