

Divisions affected – All

COUNCIL

16 APRIL 2024

**REVIEW OF ARRANGEMENTS FOR DEALING WITH CODE OF
CONDUCT COMPLAINTS AGAINST MEMBERS**

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. **Council is RECOMMENDED** to approve and adopt the revised arrangements for dealing with Code of Conduct complaints against members attached to this report together with annexes 1 to 5.

Executive Summary

2. On 13 March 2024, the Audit and Governance Committee considered the revised arrangements for dealing with complaints against members and recommended that they be adopted by the Council.
3. The Localism Act 2011 (the Act) requires all local authorities to adopt a code of conduct setting out the standards of behaviour expected from local councillors (Section 27(2)).
4. Oxfordshire's revised Member Code of Conduct was approved at the Council meeting on 5 April 2022 and adopted with effect from 1 May 2022. The same Code of Conduct has been adopted by the County Council and the City and District Councils in Oxfordshire.
5. Under Section 28(6)(b) of the Act a local authority is required to put in place arrangements for dealing with allegations of breaches of the code of conduct and for making decisions upon allegations.
6. These 'Arrangements' have been reviewed by the Monitoring Officer in light of the experience of operating the previous arrangements which had not been reviewed since they were implemented in 2012. The arrangements set out how a complaint that an elected or co-opted member of this Council has failed to comply with the Council's Code of Conduct will be dealt with, and how the Council will deal with allegations of a failure to comply with the Code of Conduct.

7. The Audit and Governance Committee supported the revised arrangements which include the following key changes:
 - a) From the outset, when completing the complaint form, the requirement for a complainant to identify the parts of the Member Code of Conduct that they consider have been breached.
 - b) Formalising the criteria against which a complaint will be assessed.
 - c) Changes to the timeframes for dealing with member complaints to provide the Monitoring Officer with 30 working days within which to complete the assessment of the complaint, and 30 working days in which to complete the preparation for a Members' Hearing Panel.
 - d) Detailing the support available to Subject Councillors.
 - e) A more detailed hearing process which is before a Members' Hearing Panel which replaces the Members' Advisory Panel. The significance of this is that rather than providing recommendations to the Monitoring Officer, the Members' Hearing Panel will take the decisions as to whether there is a finding of breach of the code of conduct or not and any sanctions to impose if applicable.
 - f) The hearing process has been set out in greater detail in annex 3. This includes clarity on timescales and a presumption that the hearing will be held in public.

Financial implications

8. There are no direct financial implications arising from the report

Comments checked by: Lorna Baxter, Executive Director of Resources and Section 151 Chief Finance Officer

Legal implications

9. The Localism Act 2011 requires all local authorities to adopt a code of conduct setting out the standards of behaviour expected from local councillors. These arrangements set out how the Council will deal with allegations of and decisions relating to breaches of the code of conduct. The specific legislative provisions are set out in paragraphs 3 and 5 of the report.

Comments checked by: Anita Bradley, Director of Law and Governance and Monitoring Officer

Anita Bradley
Director of Law & Governance & Monitoring Officer

Annex: Arrangements for dealing with complaints against members

Background papers: Report to the Audit and Governance Committee on 13 March 2024 – Review of arrangements for dealing with complaints against members.

Contact officer:

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April 2024