

## **AUDIT AND GOVERNANCE COMMITTEE – 13 March 2024**

### **Review of Arrangements for Dealing with Complaints Against Members**

#### **Report by Director of Law & Governance and Monitoring Officer**

#### **RECOMMENDATION**

1. The Committee is requested to consider the revised Arrangements for Dealing with Complaints Against Members and to comment upon them.

#### **RECOMMENDATION TO COUNCIL**

2. To recommend to Full Council that the revised Arrangements for Dealing with Complaints Against Members together with annexes 1 to 5 are approved and adopted by the Council.

#### **Executive Summary**

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 Full Council on 5 April 2022 and adopted with effect from 1 May 2022.
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" 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. Key changes made to these arrangements include:
  - 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. 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 and for a Members' Hearing Panel.
  - c. Detailing the support available to Subject Councillors;

- d. 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 breach of the code of conduct or not and any sanctions to impose if applicable;
- e. 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.

## **Conclusion**

- 8. The Committee is invited to consider the revised Arrangements for Dealing with Complaints Against Members and to comment upon them, before recommending them to Full Council.

## **Financial Implications**

- 9. There are no financial implications.

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## **Legal Implications**

- 10. 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.

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