



Arrangements for Dealing with Allegations of Breaches of the West Oxfordshire District Council’s Code of Conduct for Members and Co-opted Members; and breaches of the Codes of Town and Parish Councils in West Oxfordshire

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I. CONTEXT

- 1.1. West Oxfordshire District Council is required to have in place “arrangements” under which allegations that a member or co-opted member of the council or of a town or parish council within the district has failed to comply with their authority’s Code of Conduct can be made and investigated, and decisions made on such allegations.
- 1.2. This document sets out the arrangements adopted by the council.
- 1.3. The arrangements must also provide for the council to appoint at least one Independent Person, whose views must be sought before the council takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the council at any other stage. An Independent Person may also be consulted by a member or a co-opted member of the district council or of a town or parish council in the district who is the subject of a complaint.

2. THE CODE OF CONDUCT

- 2.1. The District Council has adopted a Code of Conduct for members, which is attached as [Annex A](#) to these arrangements and which is also available from the Council’s website at www.westoxon.gov.uk/conduct and from its offices at Woodgreen, Witney.
- 2.2. *Each town and parish council in the District is also required to adopt a Code of Conduct. If you wish to inspect a town or parish council’s Code of Conduct, you may visit any website operated by that council and/or contact the town or parish clerk (see www.westoxon.gov.uk/parishes).¹*
- 2.3. A list of the relevant Town and Parish Councils is set out in [Annex B](#) to this document.

3. MAKING A COMPLAINT

- 3.1. If you wish to make a complaint, please write to –
Democratic Services for the attention of the Monitoring Officer
West Oxfordshire District Council
Council Offices
Woodgreen
Witney
Oxon
OX28 1NB
or email democratic.services@westoxon.gov.uk marking your email for the attention of The Monitoring Officer.
- 3.2. The Monitoring Officer is a senior officer of the authority who has responsibility for administering the system in respect of complaints of member misconduct, and for maintaining the register of members’ interests.
- 3.3. To ensure that we have all the information which we need to be able to consider your complaint, please complete and send us the model complaint form, which can be downloaded from the District Council’s website at www.westoxon.gov.uk/conduct, and is available on request from reception at the offices at Woodgreen, Witney.
- 3.4. Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If

¹ This paragraph will be adjusted if all or the majority of town and parish councils adopt the same code as the District.

you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The council will not normally consider anonymous complaints, unless there is a clear public interest in doing so.

- 3.5. Democratic Services will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.

4. WILL YOUR COMPLAINT BE INVESTIGATED?

- 4.1. The Monitoring Officer will review every complaint received and, after consultation with an Independent Person(s), take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. The Monitoring Officer will inform you of the decision and the reasons for that decision.
- 4.2. If the Monitoring Officer requires additional information in order to come to a decision, you may be asked for such information. The Monitoring Officer will usually advise the member of your complaint, and will also decide whether to request information or comment from him/her. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice consideration of the complaint or any investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until matters have progressed sufficiently.
- 4.3. *Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Town or Parish Council of your complaint and seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation.*
- 4.4. The Monitoring Officer will exercise his/her discretion in relation to the decision as to whether a complaint should be investigated, in terms of the potential seriousness of the matter, and the key consideration of whether it is in the public interest to refer a matter for investigation, having regard to the time and expense involved, and the potential sanctions. Where possible he/she will seek a resolution to the complaint without a referral for investigation.
- 4.5. In particular, a complaint is unlikely to be referred for investigation if in the opinion of the Monitoring Officer it is or appears to be trivial, vexatious, politically motivated, irrelevant to the code of conduct, or substantially the same as a previously considered complaint, or a complaint currently under consideration.
- 4.6. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may, for example, involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority, or some form of mediation. Where the member or the authority makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 4.7. If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer or any other officer will refer the complaint to the Police or other regulatory agency. If you consider there has been criminal conduct then you may go directly to the Police or other regulatory agency.

5. HOW IS ANY INVESTIGATION CONDUCTED?

- 5.1. If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be an officer of the council or another council, or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you. If so, this will be to understand the nature of

your complaint; and so that you can explain your understanding of events, and suggest what documents the Investigating Officer needs to see, and whether the Investigating Officer needs to interview anyone.

- 5.2. The Investigating Officer will usually write to the member against whom you have complained and ask for his/her explanation of events, and as part of the process of deciding what documents he/she needs to see and who he/she needs to interview.
- 5.3. At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report with which you disagree or which you feel requires more consideration.
- 5.4. Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6. WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS NO EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?

- 6.1. The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Town or Parish Council, where your complaint relates to a Town or Parish Councillor*], notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report.
- 6.2. If the Monitoring Officer is not satisfied with the investigation/report, he/she may ask the Investigating Officer to reconsider the report. In considering the report, the Monitoring Officer may consult with an Independent Person(s) if he/she considers it appropriate to do so.

7. WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?

- 7.1. The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Sub-Committee or, after consulting an Independent Person(s), seek local resolution.
- 7.2. Again, the Monitoring Officer will have the option of asking the Investigating Officer to reconsider the report, and of consulting with an Independent Person(s).

Local Resolution

- 7.3. The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with an Independent Person(s) and with you as a complainant and seek to agree a fair resolution of the complaint which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Sub-Committee [*and, where relevant, the Town or Parish Council*] for information, but will take no further action.

Local Hearing

- 7.4. If the Monitoring Officer considers that local resolution is not appropriate (which may be because you are not satisfied by the proposed resolution) or the member concerned is not prepared to undertake any proposed remedial action, such as giving

an apology, then the Monitoring Officer will report the Investigating Officer's report to the Standards Sub-Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

- 7.5. The Monitoring Officer will conduct a "pre-hearing process" requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Standards Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
- 7.6. The Sub-Committee, with the benefit of any advice from an Independent Person(s), may conclude that the member did not fail to comply with the Code of Conduct, and to dismiss the complaint.
- 7.7. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the member an opportunity to make representations and will consult an Independent Person(s).
- 7.8. Any detailed procedures for conducting hearings will be as approved by the Sub-Committee.

8. WHAT ACTION CAN THE STANDARDS SUB-COMMITTEE TAKE WHERE A MEMBER HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT?

- 8.1. The Council has delegated to the Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may –
 - Censure or reprimand the member;
 - Publish its findings in respect of the member's conduct;
 - Report its findings to Council or to the Town or Parish Council for information;
 - Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Recommend to Council that the member be replaced as Executive Leader;
 - Instruct the Monitoring Officer to arrange training for the member, or *recommend that to the Town or Parish Council.*
- 8.2. The Sub-Committee has no power to suspend or disqualify the member or to withdraw or suspend allowances or restrict access to or the use of Council facilities.

9. WHAT HAPPENS AT THE END OF THE HEARING?

- 9.1. At the end of the hearing, the Chairman will state the decisions of the Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee has decided on.
- 9.2. As soon as reasonably practicable after the hearing, the Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Sub-Committee, and send a copy to you, to the member (*and to the Town or Parish Council if appropriate*), make that decision notice available for public inspection and, if so directed, report the decision to the next convenient meeting of the Council.
- 9.3. There is no right of appeal for you as complainant, or for the member, against a decision of the Monitoring Officer or of the Sub-Committee.
- 9.4. If you feel the authority has failed to deal with your complaint properly, you may make a complaint to the council and, ultimately, to the Local Government Ombudsman.

10. WHAT IS THE STANDARDS SUB-COMMITTEE?

- 10.1. The Standards Sub-Committee is a Sub-Committee of the Council's Audit and General Purposes Committee. It is comprised of five members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least two different political groups.
- 10.2. The Independent Persons are invited to attend all meetings of the Sub-Committee and their views are sought and taken into consideration before decisions are made on whether a member's conduct constitutes a failure to comply with the Code of Conduct, and as to any action to be taken following a finding of failure to comply with the Code of Conduct. The Independent Persons do not, however, have voting rights on the Sub-Committee - their role is an advisory one.

11. WHO ARE THE INDEPENDENT PERSONS?

- 11.1. The Independent Persons are persons who have applied for the post following advertisement of a vacancy for the post, and are appointed by a positive vote from a majority of all the members of Council. The Council has determined that there will be two Independent Persons appointed.
- 11.2. A person cannot be "independent" if he/she –
 - subject to transitional arrangements is, or has been within the past five years, a member, co-opted member or officer of the authority;
 - is, or has been within the past five years, a member, co-opted member or officer of a parish council within the authority's area, or;
 - is a relative, or close friend, of such a person
- 11.3. For this purpose, "relative" means –
 - Spouse or civil partner;
 - Someone who lives with the other person as husband and wife or as if they were civil partners;
 - Grandparent of the other person;
 - A lineal descendent of a grandparent of the other person;
 - A parent, sibling or child of a person as above
 - A spouse or civil partner of a person as above; or
 - Someone who lives with a person as above, as husband and wife or as if they were civil partners

12. REVISION OF THESE ARRANGEMENTS

- 12.1. The Standards Sub-Committee may by resolution agree to amend these arrangements.
- 12.2. The Sub-Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter.



THE WEST OXFORDSHIRE DISTRICT COUNCIL CODE OF CONDUCT

CODE OF CONDUCT

1. This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members² of the council.
2. This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.

Selflessness

3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

Objectivity

4. In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

5. You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

6. You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.

Honesty and integrity

7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

Leadership

8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

General Obligations

9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law;

² A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the council but who

a) is a member of any committee or sub-committee of the council, or

b) is a member of, and represents the council on, any joint committee or joint sub-committee of the council;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

10. You must not bully any person.
11. You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.
12. You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, or ought reasonably to be aware, is of a confidential nature except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is:
 - a) reasonable and in the public interest;
 - b) made in good faith and in compliance with the reasonable requirements of the council.
13. You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
14. When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.
15. When using or authorising the use by others of the resources of the council:
 - (i) you must act in accordance with the council's reasonable requirements;
 - (ii) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

Registering and declaring interests

16. You must, within 28 days of taking office as a member or co-opted member, notify the council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.
17. You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'³.
18. Following any disclosure of an interest not on the council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
19. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

³ A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

List of Town and Parish Councils in the District of West Oxfordshire

Alvescot Parish Council	Hanborough Parish Council
Ascott under Wychwood Parish Council	Kingham Parish Council
Asthal Parish Council	Langford Parish Council
Aston, Cote, Shifford & Chimney Parish Council	Leafield Parish Council
Bampton Parish Council	Milton under Wychwood Parish Council
Black Bourton Parish Council	Minster Lovell Parish Council
Bladon Parish Council	North Leigh Parish Council
Brize Norton Parish Council	Northmoor Parish Council
Burford Town Council	Over Norton Parish Council
Carterton Town Council	Ramsden Parish Council
Cassington Parish Council	Rollright Parish Council
Chadlington Parish Council	Salford Parish Council
Charlbury Town Council	Sandford St Martin Parish Council
Chipping Norton Town Council	Shilton Parish Council
Churchill & Sarsden Parish Council	Shipton under Wychwood Parish Council
Clanfield Parish Council	South Leigh Parish Council
Combe Parish Council	Spelsbury Parish Council
Crawley Parish Council	Standlake Parish Council
Curbridge & Lew Parish Council	Enstone Parish Council
Ducklington Parish Council	Steeple Barton Parish Council
Enstone Parish Council	Stonesfield Parish Council
Eynsham Parish Council	Swerford Parish Council
Filkins & Broughton Poggs Parish Council	Swinbrook and Widford Parish Council
Finstock Parish Council	Tackley Parish Council
Freeland Parish Council	Witney Town Council
Fulbrook Parish Council	Woodstock Town Council
Hailey Parish Council	Wootton Parish Council