

Report to Standards Sub-Committee

Consideration of Standards Complaint

Report of the Director of Legal

Hearing Date: 11th November 2025

Hearing of the Standards Sub-Committee in Consideration of a Standards Complaint

1. Purpose of Report

- 1.1 The purpose of this report is to outline the reasons for the standards hearing of the 11th November 2025 and assist the standards sub-committee by outlining the process for the hearing. The sub-committee will be required to consider the facts of the complaint, consider the investigation report, hear from the subject members and the independent investigator, an independent solicitor and make a conclusion on whether the members code of conduct has been breached and if so, what resolution should be progressed.

2. Background of Complaint received

- 2.1 The Council's Director of Legal Services & Monitoring Officer received a members code of conduct complaint regarding four elected members (The subject members). The complaint alleged that on 20th May 2024 the Council leader was meeting with two independent council members along with the Chief Executive of the Council and the Assistant Chief Executive for a confidential meeting. Later that evening a sound recording of that meeting was played on a social media site of a third-party individual. The meeting of the 20th May 2024 was a confidential meeting, and it was not clear how a recording of that meeting had been placed on social media. Upon investigation of CCTV footage from the Council building it was clear that an elected member had covertly recorded parts of the meeting from outside the meeting room. It was also noted from the CCTV that three other elected members of the same political party were viewed in close proximity of the first subject member leading to complaints against those subject members alleging that they would have known of this covert recording and were also in breach of the code of conduct.

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- 2.2 The Director of Legal & Monitoring Officer initially assessed the complaints in conjunction with an independent person and considered that the matters could have breached the members code of conduct and were serious enough to merit full investigation. The complaints and the CCTV footage were sent to an independent solicitor to conduct a full investigation. The original subject member admitted to recording the meeting. The investigator concluded that the original subject member had breached the code of conduct, and the other three subject members had breached the code of conduct by failing to co-operate with the investigation process.
- 2.3 The full investigation report is included with the papers and must now be considered by the Standards Sub-Committee along with the complaint and the Council's Code of Conduct.

3. The Code of Conduct

- 3.1 As required under the Localism Act 2011, Oldham Council has adopted a Code of Conduct which clearly sets out the conduct that is expected of Councillors when acting in their capacity as elected members. Relevant to this complaint are the following general principles and requirements of members:

- *I act with integrity and honesty*
- *I act lawfully*
- *I treat all persons fairly and with respect; and*
- *I lead by example and act in a way that secures public confidence in the role of a Councillor.*

In undertaking my role:

- *I impartially exercise my responsibilities in the interests of the local community*
- *I do not improperly seek to confer an advantage, or disadvantage, on any person*
- *I avoid conflicts of interest*
- *I exercise reasonable care and diligence; and*
- *I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.*

As a Councillor

- *I do not disclose information:*
 - a. given to me in confidence by anyone*

b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

i. I have received the consent of a person authorised to give it;

ii. I am 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:

1. reasonable and in the public interest; and

2. made in good faith and in compliance with the reasonable requirements of the local authority; and

3. I have consulted the Monitoring Officer prior to its release.

• I do not bring my role or local authority into disrepute.

• As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the

council whilst continuing to adhere to other aspects of this Code of Conduct.

As a Councillor:

• I do not misuse council resources.

• I will, when using the resources of the local authority or authorising their use by others:

a. act in accordance with the local authority's requirements; and

b. ensure that such resources are not used for political

purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

• You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- *office support*
- *stationery*
- *equipment such as phones, and computers*
- *transport*
- *access and use of local authority buildings and rooms.*

These are given to you to help you carry out your role as a

Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

- *As a Councillor:*

I co-operate with any Code of Conduct investigation and/or determination.

4. The Hearing Process

4.1 The Standards Committee has approved a procedure for standards hearings. The process that the hearing must follow is as follows:

1. The Chair shall explain the procedure and ask all present to introduce themselves. The member against whom the complaint has been made shall be known as the Subject Members for the purpose of this procedure.
2. The Investigating Officer outlines his/her report and presents the report, including any documentary evidence and calls such individuals as he/she considers appropriate to give evidence.
3. The Subject Member or their representative may question the Investigating Officer upon the content of their report and may question any witnesses called by the Investigating Officer.
4. Members of the sub-committee may ask questions of the Investigating Officer and any witnesses called.
5. The Subject Member or their representative may present his/her case and call witnesses as required.
6. The Investigating Officer may question the Subject Member and/or any witnesses.
7. Members of the sub-committee may also question the Subject Member and/or any witnesses.
8. The Investigating Officer may sum up the complaint.
9. The Subject Member or representative may sum up their case.

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10. Members of the sub-committee consider in private the complaint and consider whether there has been a breach of the code.
 11. In the presence of all the parties, the Chair of the sub-committee will announce the decision that either the Subject Member has failed to comply with the Code of Conduct or has not failed to follow the Code and will give reasons for their decision.
 12. If the sub-committee decides that the Subject Member has failed to follow the code, the sub-committee will give the Subject Member the opportunity to make representations on whether action or sanctions should be taken.
 13. The sub-committee will consider in private what action should be taken and then in the presence of all the parties, the chair shall announce the decision.
 14. The Chair will confirm that the decision will be provided in writing to the Subject Member within 7 days following the meeting.
 15. If the Subject Member does not attend the hearing without reasonable excuse, the hearing may proceed in his or her absence.

5. Issues to be determined

1. Have the subject members breached the code of conduct.
2. In the event that the Sub-committee finds that the Code of Conduct has been breached, it will need to determine whether a sanction should be imposed and if so, what sanction, and a timescale by which to comply with the sanction. The available sanctions options that the sub-committee can enforce are:
 - Publish its findings in respect of the Member's conduct.
 - Report its finding to Council (or to the Parish Council) for information.
 - Recommend to Council (or to the Parish Council) that the member be issued with a formal censure by motion.
 - Recommend to the Members' Group Leader (or in case of ungrouped members recommend to Council) 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 Executive, or removed from their portfolio responsibilities
 - Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member.
 - Recommend to Council (or recommend to the Parish Council) that the Member be removed from all outside bodies appointments to which they have been appointed or nominated by the Council (or by the Parish Council).

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- Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council such as a computer, website and/or email and internet access.
 - Exclude (or recommend that that Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and sub-Committee meetings or place such restrictions on access to staff as may be reasonable in the circumstances.
 - Recommend (or recommend to the Parish Council) that the subject member makes an apology at the next full Council meeting.

The Standards Committee or Sub-Committee has no power to suspend or disqualify the subject member or to withdraw members' basic or special responsibility allowances.

6. Financial Implications

- 6.1 The cost to the Council of this process after the conclusion of the hearing is anticipated to be around £10,000.

7. Legal Implications

- 7.1 The sub-committee are required to consider the matters in accordance with the arrangements for dealing with complaints about members.

8. Procurement Implications

- 8.1 None

9. Equality Impact, including implications for Children and Young People

The Equality Act 2010 places specific duties on Local Authorities, including the presence of a clear and concise Code of Conduct which prohibits unlawful discrimination and gives the public confidence in Councillors. Ensuring that the Code of Conduct is maintained meets the Nolan principles and also supports the prohibition.

10. Key Decision

No

11. Background Papers

Oldham Council Code of Conduct

12. Appendices

Appendix 1: Complaint form

Appendix 2. Responses

Appendix 3 Investigation Report and supplementary document

Appendix 4: Arrangements for dealing with complaints about the Code of Conduct for Members