

Joint Standards Assessments Sub-Committee

20 April 2021

Public Report

Report of the Monitoring Officer

Code of Conduct Complaint received in respect of a Parish/Town Councillor

Summary

1. To consider a Complaint in respect of the Code of Conduct received in respect of a Parish/Town Councillor to determine next steps.

Recommendations

2. The options available to the Sub-Committee are as follows:
 - 1) Rule that the complaints in respect of the Councillor do not fall within the remit of the Code of Conduct. This will mean that no further action is taken and the matter is brought to a close.
 - 2) Rule that the Complaints should progress to an investigation. This will mean that the Monitoring Officer will appoint an Investigating Officer in accordance with the Procedure for handling of Complaints. Members will be asked for a view as to who may conduct such an investigation, including whether the investigation should be conducted internally, or whether an external body is instructed.

Background

3. In 2019 complaints were received relating to allegations around the conduct of a Parish/Town Councillor. This resulted in a 3rd party investigation taking place, which meant that the complaints were placed on hold in order to allow the 3rd party investigation to proceed.

4. The 3rd party investigation has now completed and the complainants have confirmed that they still wished their Complaints to be considered in accordance with the Procedures for dealing with such matters.
5. The Monitoring Officer has requested a meeting of the Sub Committee of the Joint Standards Committee to determine if the Complaints received should be investigated.
6. There are 4 Complaints in total containing allegations that the subject Councillor behaved aggressively towards a Complainant, that they acted aggressively towards another person, that they verbally attacked another Councillor and another person and sent threatening emails.

Options

7. The Sub-Committee must now consider the following options:
 - a. The Complaints in respect of the Councillor do not fall within the remit of the Code of Conduct. This will mean that no further action is taken and the matter is brought to a close.
 - b. The Complaints should progress to an investigation. This will mean that the Monitoring Officer will appoint an Investigating Officer in accordance with the Procedure for Handling of Complaints. Members will be asked for a view as to who may conduct such an investigation, including whether the investigation should be conducted internally, or whether an external body is instructed.

Implications

Financial

8. Not applicable to this report.

Human Resources (HR)

9. Not applicable to this report.

Equalities

10. The Councillor has been offered the support of an Independent Person as part of this process.

Legal

11. The Monitoring Officer is required to consider all formal complaints received in respect of the Code of Conduct in line with the published Procedure for managing Code of Conduct Complaints.

Crime and Disorder, Information Technology (IT) and Property

12. Not applicable to this report.

Other

13. Not applicable to this report.

Contact Details

**Author and Chief Officer
Responsible for the report:
Janie Berry
Monitoring Officer**

Tel No. 01904 555385

Report **Date** 07 April 2021
Approved

Wards Affected: All

All

For further information please contact the author of the report

Background Papers:

- City of York Council Code of Conduct and Procedure for Handling of Complaints
- City of York Council Constitution