

## Joint Standards Committee

- To:** Councillors Rowley BEM (Chair), Fisher, Kent, Pavlovic, and Runciman  
Councillors Waudby (Vice-Chair) and Chambers (Parish Council Members)  
  
Joe Leigh and Roseleen Mazza (Independent Persons)
- Date:** Tuesday, 12 November 2024
- Time:** 4.00 pm
- Venue:** West Offices - Station Rise, York YO1 6GA

### AGENDA

**1. Apologies for Absence**

To receive and note apologies for absence.

**2. Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]

**3. Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of exempt Annexes A(ii) and B (ii) to Agenda Item 8 (Monitoring report in Respect of Complaints Received) on the grounds that it contains information which is likely to reveal the identity of individuals.

This information is classed as exempt under paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006.

**4. Minutes** (Pages 3 - 6)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 17 September 2024.

**5. Urgent Business**

Any other business which the Chair decides is urgent under the Local Government Act 1972.

**6. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Friday, 8 November 2024.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

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During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

**7. Review of Work Plan** (Pages 7 - 8)  
To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.

**8. Monitoring Report on Complaints Received** (Pages 9 - 20)  
To receive a routine update report on recent standards complaints.

Democracy Officer:

Jane Meller

Contact Details:

Telephone: (01904) 555209

Email: [jane.meller@york.gov.uk](mailto:jane.meller@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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**We can also translate into the following languages:**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Minutes

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Meeting	Joint Standards Committee
Date	17 September 2024
Present	Councillors Rowley (Chair), Waudby (Vice-Chair), Fisher, Pavlovic, Runciman, Kent, Chambers (Parish Council Member), Leigh (Independent Member) and Mazza (Independent Member)
Apologies	None
Officers Present	Lindsay Tomlinson, Head of Democratic Governance and Deputy Monitoring Officer

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#### **8. Declarations of Interest (4.02 pm)**

Members were asked to declare any personal interests not included on the Register of Interests, or any prejudicial interests or disclosable pecuniary interests which they might have in respect of business on the agenda.

Cllr Fisher noted, in relation to Item 9, Monitoring Report on Complaints Received, that he was a named party in the open complaints log. He therefore left the meeting during the discussion of that item and took no part in the discussion thereon.

#### **9. Exclusion of Press and Public (4.02 pm)**

Resolved: That the press and public be excluded from the meeting during consideration of the exempt versions of Annexes A and B to Agenda Item 9 (Monitoring Report in Respect of Complaints Received), on the grounds that they contain information likely to reveal the identity of individuals, which is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

#### **10. Minutes (4.03 pm)**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 23 July 2024 be approved and signed as a correct record.

**11. Minutes of Sub-Committees (4.09 pm)**

Resolved: That the minutes of the following sub-committee meetings be approved and signed as a correct record:

- Assessments Sub-Committee, 23 July 2024

**12. Public Participation (4.09 pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**13. Parish Council Visits (4.10 pm)**

The Chair introduced the item explaining that, together with the Vice-Chair, he had met with the Head of Democratic Governance and the Head of Legal to discuss visits to Parish Councils with a view to improving engagement.

The Head of Democratic Governance reported that officers were examining how to improve standards and reduce the number of code of conduct issues, noting that was already a good level of engagement through the Parish Council Liaison Committee. The Head of Legal and an Independent Person had attended a town council meeting; this had been well received and the feedback was positive. It was anticipated that this would form part of ongoing work, particularly for those Parish or Town councils that were experiencing issues.

A Community Governance Review (CGR) was overdue, this was a process whereby boundaries, wards and election patterns could be amended, and new parish councils could be established. The decision to order a review was a council decision, therefore a report would be brought to Council as soon as possible. The review would consult and work with councillors and residents in parished and non-parished areas, and culture and standards issues would also be addressed alongside the review. Timescales were to be determined and a working group, drawing from a range of council officers and resources



would be set up to manage the process and set the Terms of Reference.

In response to questions from Members, it was reported that:

- The aim was to have the changes implemented by the start of the next administration, May 2027.
- Expected levels of development, subject to the adoption of the local plan, should be factored into considerations as part of the process.
- A CGR should take place every 10-15 years and would not usually take place within 2 years of the last one, although it could be done if necessary.
- Funding options will be explored; it was not possible to recharge Parishes.

Resolved: That the Head of Democratic Governance would take a CGR report to Council as soon as possible.

Reason: To ensure that the review gets underway promptly, to meet completion target of May 2027.

#### **14. Review of Work Plan (4.43 pm)**

Members considered the committee's work plan for the current municipal year.

Resolved: That the work plan be approved subject to the following additions:

November

- Community Governance Review, Update

Reason: To ensure that the committee has a planned programme of work in place.

#### **15. Monitoring Report on Complaints Received (4.44 pm)**

[4:44 – 5:00pm Cllr Fisher left the meeting]

Members considered a report which provided an update on current business as regards complaints.

Resolved: That the report be noted.

Reason: To ensure that the committee is aware of current levels of activity.

Cllr M Rowley BEM, Chair

The meeting started at 4.01 pm and finished at 5.05 pm.

## Work Plan for Joint Standards Committee 2024/25

<b>Meeting Date</b> (4.00pm start time)	<b>Items</b>	<b>Notes</b>
12 November 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item
21 January 2025	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> <li>• Community Governance Review Update</li> <li>• YLCA Representative</li> </ul>	Standard Item
18 March 2025	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> <li>• Community Governance Review Update</li> </ul>	Standard Item

Pending items for consideration:

- Review of Citywide Democratic Engagement of Parished and Non Parished areas
- Case Handling Procedures

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**Joint Standards Committee****12 November 2024**

Report of the Deputy Monitoring Officer

**Monitoring Report in respect of Complaints Received****Summary**

1. This report is to update the Committee on the position regarding ongoing and recently closed complaints.

**Background**

2. The Joint Standards Committee is responsible for promoting a culture of openness, accountability, probity and the maintenance of high standards of conduct by members. In order to do this, it reviews all code of conduct complaints. This enables, amongst other things:
  - Monitoring overall numbers of complaints allowing comparison with similar authorities
  - Monitoring trends of increasing/decreasing levels of complaints and identifying links to key events or triggers
  - Identifying common types of complaints which may illustrate a need for enhanced training and information
  - Assessing the efficacy of sanctions imposed by linking an increase/decrease in complaints regarding a particular member or from a particular locus to intervention or sanctions previously imposed.
  - Assessing the efficacy of the complaints procedure and identifying possible improvements.

**Commentary on Case Logs****Open cases**

3. Case reference 2023/21 falls under paragraph 5 of the complaints handling process and was considered by a JSC Assessment Sub Committee on 30 January 2024. The Committee decided to refer

the matter for investigation which it indicated should be external. The cost of an external investigation was explored and found to be disproportionate. An investigation has now been undertaken by CYC lawyers who completed and circulated their draft report to the parties for comment. Significant representations were received in response and are being considered by the investigators. The final report will be updated accordingly and a date set for a hearing panel.

4. Case reference 2024/12 was referred for investigation by the Deputy Monitoring Officer. An investigation has been completed by a CYC lawyer and a report has been circulated to the parties for comment. Following receipt and consideration of further representations the report has been finalised. The matter will be presented to the JSC Sub Committee sitting on today's date.

### **Cases closed since last JSC**

5. Case references 2024/06 & 09 were investigated together by the Deputy Monitoring Officer. The Independent Person and Deputy Monitoring Officer reviewed the case following relevant developments and agreed that the matter should be resolved informally. A report containing advice was issued to all parties and the case closed.
6. Case reference 2024/14 was assessed by the Deputy Monitoring Officer following consultation with the Independent Person. The Independent Person proposed the matter be investigated. The Deputy Monitoring concluded the matter should be resolved informally by recommending that the Subject Member review the LGA's guidance on the use social media by Councillors.

### **Implications**

#### **Financial**

Not applicable to this report.

#### **Human Resources (HR)**

Not applicable to this report.

#### **Equalities**

Maintaining standards across the City through the Code of Conduct ensures that an ethical framework can be adhered to, including ensuring that equality issues form an integral part of that framework.

**Legal**

As detailed within the report.

**Crime and Disorder, Information Technology and Property**

Not applicable to this report.

**Recommendations**

- 7. That the Joint Standards Committee notes the report, in order to ensure that the Committee is aware of the current levels of activity and is able to provide oversight of the complaints procedure.

**Author & Officer Responsible for the report:**

Frances Harrison  
Deputy Monitoring Officer  
frances.harrison@york.gov.uk

**Report  
Approved**

**Date** 4 November  
2024

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

- Annex A (i) – Table showing open complaints received.
- Annex A (ii) - Table showing open complaints received (confidential)
- Annex B (i)– Table showing recently closed complaints.
- Annex B (ii)- Table showing recent complaints (confidential)

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**Open Complaints Log - Public**

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/21 (LT)	CYC	York residents	26/11/23	The complainants allege that the behaviour of the 3 Councillor's is not in line with the code. Multiple examples of these allegations over a period of time have been provided by all complainants.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>Assessment Sub Committee arranged for 30 January 2024.</p> <p>The Assessment Sub Committee assessed the complaint and recommended to progress to investigation. Parties notified.</p> <p>An investigation has been completed and a draft report has been prepared. This has been shared with the parties and IP in accordance with the case handling procedure. Further representations have been made which will be considered by the investigating officer and the report updated before a Sub Committee is asked to determine the outcome.</p>
2024/12	CYC	Member of the public	24/07/24	The complainant alleges the Councillor breached the code of conduct by using offensive language in an email.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p>

**Open Complaints Log - Public**

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					<p>The Deputy Monitoring Officer assessed the complaint and recommended to progress to investigation. Parties notified.</p> <p>Investigation concluded and report produced. Hearing to be convened on 12 November. Parties notified.</p>

**Recently Closed Complaints Log - Public**

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2024/06	Parish	Parish	19/03/24	The complainant alleges the Councillors breached the code of conduct at a Council meeting, in that they brought their Councils into disrepute, failed to respect a fellow Councillor during a meeting, failed to declare an interest in procedures, attempted to make false minutes and made false statements during the meeting.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer as part of a series of complaints at the Council.</p> <p>Views of the IP sought.</p> <p>The Deputy Monitoring Officer assessed the complaint and recommended to progress to investigation. Parties notified.</p> <p>Investigation concluded – the DMO proposed these matters should be resolved informally. A report was sent to all parties involved. Closed.</p>
2024/09	Parish	Resident  Parish	12/06/24  14/06/24	<p>The complainant alleges the Councillor breached the code of conduct by not treating others with respect, bullying others and breaching confidentiality in a public meeting.</p> <p>The complainant alleges the Councillor has repeatedly breached numerous elements of the code of conduct. Extensive evidence has been provided.</p>	<p>This complaint is currently being assessed by the Deputy Monitoring Officer as part of a series of complaints at the Town Council.</p> <p>Views of the IP sought.</p> <p>The Deputy Monitoring Officer assessed the complaint and recommended to progress to investigation. Parties notified.</p> <p>Investigation concluded – the DMO proposed these matters should be resolved informally. A report was sent to all parties involved. Closed.</p>

**Recently Closed Complaints Log - Public**

<b>Case ref</b>	<b>City or Parish</b>	<b>Complainant</b>	<b>Date Received</b>	<b>Nature of Complaint</b>	<b>Status / updates</b>
2024/14 (FH)	CYC	Member of the public	24/08/24	The complainant alleges the Councillor's behaviour towards them over an extended period of time has breached paragraphs 1 & 2 of the code of conduct.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>The Deputy Monitoring Officer proposed to resolve this matter informally. The Subject Member was asked to review the LGA's guidance on the use social media by Councillors. Parties notified, complaint closed.</p>

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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