

CITY OF YORK COUNCIL
Joint Standards Committee
Hearings Sub Committee – 2 September 2022
Code of Conduct Complaints Relating To City of York
Council and Haxby Town Council

DECISION NOTICE

In Attendance:

Hearing Panel:

Parish Councillor S Rawlings (Chair)
Councillor M Rowley BEM
Councillor M Pavlovic

Advisors to the Hearing Panel:

Alex Oram, Independent Person
Janie Berry, Monitoring Officer, City of York Council
Frances Harrison, Deputy Monitoring Officer

Investigating Officer:

Stephen Pearson, externally appointed Investigating Officer

Complainant and Subject Member:

Councillor M Guilford, Haxby Town Council (complainant)
Councillor I Cuthbertson, City of York Council (subject member)

Councillor Guilford attended the hearing.
Councillor Cuthbertson sent his apologies and did not attend the hearing though he did provide a written position statement for the Panel's consideration.

Witness:

Councillor T Carmichael, Haxby Town Council – called at the request of the Investigating Officer

Background

The Hearing Panel, a sub-committee of the Joint Standards Committee, was constituted in accordance with procedures approved by the City of York Council's Joint Standards Committee to consider one complaint in relation to the conduct of Councillor I Cuthbertson of City of York Council.

The Hearing Panel noted that the complaint was submitted on 23rd October 2021.

The Hearing Panel had the benefit of an Investigating Officer report prepared by Stephen Pearson, an externally appointed Investigator.

The Hearing Panel did hear from one witness, called at the request of the Investigating Officer, and also took into careful consideration all written material and statements provided either in support of or to counter the complaint.

The Hearing Panel considered the allegations in light of the Joint Standards Committee published criteria for the assessment of complaints.

Evidence and Finding of Fact

The Panel was concerned with one complaint received from Councillor Guilford in respect of Councillor I Cuthbertson of City of York Council. At the time of making the complaint, Councillor Guilford was the Chair of Haxby Town Council. Councillor I Cuthbertson is the Ward Councillor for Haxby. Councillor Cuthbertson is a long standing member of City of York Council.

The Panel carefully considered the wording of the City of York Council Code of Conduct which was in place at the time of this complaint.

The Panel is satisfied that the Investigating Officer gave ample opportunities to Councillor Cuthbertson to provide evidence and respond to the draft investigation report prior to its completion.

The Panel has carefully considered the written material provided by Councillor Cuthbertson and noted that Councillor Cuthbertson wished to contest a number of issues in the Investigation Report and the Investigating Officers findings.

The Panel took time to hear from Councillor Guilford and Councillor Carmichael.

Conclusions

The Panel found on the balance of probabilities that there was sufficient evidence to support the allegation that Councillor Cuthbertson failed to show respect to others by shouting and speaking over the Chairperson at a meeting of Haxby Town Council's Recreation and Open Spaces Committee on 12th August 2021 and that this constituted a breach of paragraph 3(1) of the Code of Conduct.

The Panel found there was insufficient evidence to support the allegation that Councillor Cuthbertson sought to bully or intimidate members of Haxby Town Council and was consequently found not to be in breach of paragraph 3(3) of the Code of Conduct.

The Panel upheld the complaints made against Councillor Cuthbertson as follows:

- Councillor Cuthbertson has breached paragraph 3(1) of the City of York Council Code of Conduct by failing to treat the Chair of the Recreation and Open Spaces Committee on 12th August 2021 with respect, as well as other members of the Haxby Town Council.

Sanctions

It is recommended that:

In light of the mitigating circumstances applicable to the subject Councillor, namely:

- Hearing loss which may have altered Councillor Cuthbertson's perception of the volume of his own voice
- Personal circumstances known by the Panel

The Panel has decided that the finding of a breach of code of conduct is of itself a sufficient sanction.

Parish Councillor S Rawlings
Councillor M Rowley BEM
Councillor M Pavlovic