

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	30 March 2023
Present	Councillors D'Agorne and Galvin (CYC Members) Councillor Waudby (Parish Council Member) Mr Leigh (Independent Person)
Officer in Attendance	Frances Harrison – Deputy Monitoring Officer

14. Appointment of Chair (14:04)

That Cllr Galvin be appointed as Chair of the meeting.

15. Declarations of Interest (14:05)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registerable interests they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr D'Agorne declared an interest in Agenda Item 4 (Code of Conduct Complaints received in respect of a City of York Councillor). He left the room during the discussion on this item.

16. Exclusion of Press and Public (14:06)

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Items 4, 5 and 6 (Code of Conduct Complaints received in respect a City of York Councillor, Review of Code of Conduct Complaint received in respect of a City of York Councillor, and Code of Conduct Complain received in respect of a Parish Councillor), on the grounds that they contain information relating to an individual, which is classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

17. Code of Conduct Complaints received in respect of a City of York Councillor (14:07)

Members considered a report which presented the draft report of the Investigating Officer regarding two complaints of breach of the Code of Conduct received in respect of a City of York Councillor. Full details were provided in the private report referred to in Minute 16 above, to which the draft was attached as an annex.

The report invited Members to decide whether to:

- a) rule that there has been no breach of the Code;
- b) seek to resolve the matter informally; or
- c) refer the matter to the Joint Standards Committee for determination.

The meeting was currently inquorate, Cllr D'Agorne having declared an interest and withdrawn. Members were advised that the only options now available were either to defer the matter to a new date or to refer it back to the Monitoring Officer. Cllr D'Agorne was then invited to return so that the meeting was quorate again and, having taken into account the advice of the Independent Person, it was

Resolved: That the matter be referred back to the Monitoring Officer for a decision.

Reason: In view of the fact that the complaints cannot be determined by an inquorate sub-committee and deferral to a new date would cause inordinate delay.

18. Review of Code of Conduct Complaint received in respect of a City of York Councillor (14:14)

Members considered a report which asked them to review a Code of Conduct complaint received in respect of a City of York Councillor, under paragraph 16 of the Case Handling Procedure.

The matter had originally been considered by a Sub-Committee on 21 February 2022 and was being returned for review following non-compliance with their recommendation for information resolution. Details were set out in the private report and annexes. Members were asked to decide whether to:

- a) close the case;
- b) initiate an investigation; or
- c) take some other action.

Having considered all the information provided and the advice of the Independent Person at the meeting, it was

Resolved: That Option a) be approved and the case be closed.

Reason: The Sub-Committee does not consider that there has been a potential breach of the Code in this case.

19. Code of Conduct Complaint received in respect of a Parish Councillor (14:17)

Members considered a report which set out a Code of Conduct complaint received in respect of a Parish Councillor. Details of the complaint were presented in the private report referred to in Minute 16 above.

Members were asked to decide whether to:

- A. rule that the complaint is out of scope, or
- B. rule that the complaint is in scope and choose either to:
 - a) take no further action
 - b) seek to resolve the matter informally, or
 - c) refer the matter for investigation.

Having considered all the information provided, and the advice of the Independent Person at the meeting, it was

Resolved: That Option A be approved and the complaint be ruled out of scope.

Reason: The Sub-Committee does not consider that there has been a potential breach of the Code in this case.

Cllr J Galvin, Chair

[The meeting started at 2.04 pm and finished at 2.19 pm].