

Joint Standards Committee

To:

Councillors Lomas, Fisher, Pavlovic, Rowley and Runciman (CYC Members)

Cllrs Chambers, Rawlings and M Waudby (Parish Council Members)

Mr Gadd and Mr Leigh (Independent Persons)

Date: Wednesday, 7 June 2023

Time: 4.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Declarations of Interest

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.

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

<i>Type of Interest</i>	<i>You must</i>
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.</i>

<p><i>Other Registrable Interests (Directly Related)</i> OR <i>Non-Registrable Interests (Directly Related)</i></p>	<p><i>Disclose the interest; speak on the item <u>only</u> if 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.</i></p>
<p><i>Other Registrable Interests (Affects)</i> OR <i>Non-Registrable Interests (Affects)</i></p>	<p><i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being:</i></p> <p><i>(a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and</i></p> <p><i>(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.</i></p> <p><i>In which case, speak on the item <u>only</u> if 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.</i></p>

- (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.*

- 2. Appointment of Chair**
To appoint a Chair of the Joint Standards Committee for the 2023/24 municipal year.
- 3. Appointment of Vice-Chair**
To appoint a Vice-Chair of the Joint Standards Committee for the 2023/24 municipal year.
- 4. Exclusion of Press and Public**
To consider the exclusion of the public and press from the meeting during consideration of exempt Annexes A and B to Agenda Item 9 (Monitoring Report in Respect of Complaints Received), on the grounds that they contain 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 amended by the Local Government (Access to Information)(Variation) Order 2006.

- 5. Minutes** (Pages 1 - 4)
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 20 April 2023.
- 6. Minutes of Sub-Committees** (Pages 5 - 8)
To approve and sign the minutes of the Joint Standards Assessments Sub-Committee held on 30 March 2023.
- 7. Urgent Business**
Any other business which the Chair decides is urgent under the Local Government Act 1972.
- 8. 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 Monday, 5 June 2023.**

To register to speak please visit 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.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

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) for more information on meetings and decisions.

- 9. Update on the Member Training Programme**
To receive a verbal update on the programme, which is currently ongoing.
- 10. Review of Work Plan** (Pages 9 - 10)
To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.
- 11. Monitoring Report on Complaints Received** (Pages 11 - 28)
To receive a routine update report on recent standards complaints.

Democratic Services officer:

Name: Fiona Young

Contact Details:

Telephone – (01904) 552030

Email – fiona.young@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.

This information can be provided in your own language.

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)

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City of York Council

Minutes

Meeting	Joint Standards Committee
Date	20 April 2023
Present	Councillors Rowley BEM (Chair), Fisher, and Pavlovic (substitute for Cllr Kilbane) (CYC Members) Councillors Rawlings and Chambers (Parish Council Members) Mr Leigh (Independent Person) Mr Gadd (Independent Person, attending remotely)
Apologies	Councillors D'Agorne, Galvin and Kilbane (CYC Members) Councillor M Waudby (Parish Council Member)
Officer in Attendance	Frances Harrison (Deputy Monitoring Officer)

28. **Declarations of Interest (16:06)**

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 declared an interest in Agenda Item 4 (Minutes of Sub-Committees). He left the room during consideration of that item and took no part in the decision thereon.

Cllr Pavlovic also declared an interest in Item 4.

29. **Exclusion of Press and Public (16:07)**

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.

30. Minutes (16:08)

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 19 January 2023 be approved and signed as a correct record.

31. Minutes of Sub-Committees (16:09)

Resolved: That the minutes of the meeting of the Joint Standards Assessments Sub-Committee held on 21 February 2023 be approved and signed as a correct record.

32. Public Participation (16:10)

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

33. Annual Report for Municipal Year 2022-2023 (16:10)

Members received a report which asked them to consider the committee's draft Annual Report for the 2022-23 Municipal Year.

Following debate, it was

- Resolved: (i) That the following amendments be made to the draft Annual Report, the exact wording to be determined by the Deputy Monitoring Officer in consultation with the Chair and Vice-Chair:
- a) In the Foreword, mention Cllr Kilbane in the section on membership changes.
 - b) In the section on Civility in Public Life:
 - include a reference to the murder of Sir David Ames;
 - include a reference to the rules of conduct on social media.
 - c) Add information on the LGA review.
 - d) Add information on the general trend of complaint numbers, based on comparisons with previous years.

(ii) That the amended Report be presented to the next Ordinary meeting of Council.

Reason: In order to provide a report to Council of the committee's work over the past Municipal Year.

34. Review of Work Plan (16:26)

Members considered the committee's work plan for the 2023-24 Municipal Year.

Following discussion, it was

Resolved: That the work plan be approved, subject to the addition of the following items to the next two meetings:

Meeting on 7 June 2023

- Review of Standards Policies and Procedures
- Update on the Member Training Programme

Meeting on 21 September 2023

- Update on the Member Training Programme

Reason: To ensure that there is a planned programme of work in place, and to enable these issues to be addressed by the newly reconstituted committee in the next municipal year.

35. Monitoring Report in Respect of Complaints Received (16:41)

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.

Chair's Remarks

At the end of the meeting, the Chair placed on record his thanks to committee members and officers for their help and support during his tenure and registered his appreciation of Cllr Galvin, who would be standing down at the Election, for his service to the committee and the Council.

Cllr M Rowley BEM, Chair

The meeting started at 4.05 pm and finished at 5.05 pm.

City of York Council

Committee Minutes

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].

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Work Plan for Joint Standards Committee 2023-24

Meeting Date (4.00pm start time)	Items	Notes
7 June 2023	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
21 September 2023	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
21 November 2023	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
31 January 2024	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
21 March 2024	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Draft Annual Report for Municipal Year 2023-2024 • Review of Work Plan 	Standard Item

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Joint Standards Committee**7 June 2023**

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 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.

Commentary on Case Logs**Open cases**

3. Case reference 2022/18 is under investigation by a CYC lawyer. Witness Interviews have been completed and the investigator

expects to complete a draft report by the end of January 2023.

4. Case references 2023/04, 2023/06 and 2023/08 are currently being assessed by the Monitoring Officer in consultation with the Independent Person.
5. Case reference 2023/07 falls under paragraph 5 of Appendix 29 (Joint Standards Committee Procedures) and will therefore be referred to Assessment Sub-Committee to determine whether the complaint should progress to investigation.

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

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

**Report
Approved**

Date 30 May 2023

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- Annex A – Table showing open complaints received.
- Annex B – Table showing received complaints closed since last JSC.

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Open Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2022/18	CYC	Resident	12/08/22	This complaint is as a result of ongoing matters at the Parish Council. The complainant alleges the Cllrs behaviour is not in line with the code of conduct.	<p>This complaint is being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>Complaint assessed and will progress to investigation. Parties notified.</p> <p>Witness Interviews have been completed and the investigator expects to complete a draft report by the end of January 2023.</p>
2023/04	CYC & Parish	Parish	15/03/23	The complainant alleges the Councillor breached the code of conduct by not declaring an interest at a Town Council meeting and did not leave the room when the agenda item was discussed and voted on.	<p>This complaint is currently being assessed by the Monitoring Officer.</p> <p>Views of the IP sought.</p>
2023/06	CYC & Parish	Parish	24/03/23	The complainant alleges the Councillor breached section 3 paragraph 1 of the code of conduct and has used social media to disrespect a parish council.	<p>This complaint is currently being assessed by the Monitoring Officer.</p> <p>Views of the IP sought.</p>
2023/07	CYC	York Resident	16/04/23	The complainant alleges the Councillor used public funds from the Parish Council to produce leaflets that support their personal election campaign.	<p>This complaint is currently being assessed by the 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
					This complaint falls under paragraph 5 of the complaints handling process as the subject member is Chairperson of the Parish Council concerned. It will therefore be referred to a JSC Sub Committee.
2023/08	Parish	York Resident	20/04/23	The complainant alleges the Councillor breached the code of conduct by restricting public attendance at a Parish Council meeting. The complainant also alleges the Councillor's behaviour at this meeting was in breach of the code.	This complaint is currently being assessed by the Monitoring Officer. View of the IP sought.

Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/01	CYC	Parish	18/01/23	The complainant alleges the Cllr made false accusations and offensive statements via the comments section on the York Press website therefore breaching the code of conduct by failing to treat others with respect.	<p>Referred to Assessment Sub-Committee to determine whether complaint should progress to investigation. Parties notified.</p> <p>Assessment Sub-Committee determined no breach of the code was found, parties notified. Complaint closed.</p>
2022/13	Parish	Parish	29/04/22	The complainant alleges the Parish Councillor has routinely refused to comply with the Parish Council's Code of Conduct at multiple Parish Council meetings.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>Complaint assessed and will progress to investigation. Parties notified.</p> <p>A draft report has been prepared and circulated to parties for comment. Comments received in response are now being analysed and a final report is expected to be completed by the end of January 2023.</p> <p>Complaint withdrawn by complainant 08/03/23.</p>
2022/14	Parish	Parish	29/04/22	The complainant alleges the Parish Councillor did not declare an interest with regards to a Motion at a Parish Council meeting and did vote in favour of the Motion.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p>

Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					<p>Complaint assessed and will progress to investigation. Parties notified.</p> <p>A draft report has been prepared and circulated to parties for comment. Comments received in response are now being analysed and a final report is expected to be completed by the end of January 2023.</p> <p>Complaint withdrawn by complainant 08/03/23.</p>
2022/16	CYC	CYC	23/05/22	The complainant alleges the Cllr breached the code of conduct in a comment made online. The complainant alleges the comment breached the code and brings the Local Authority into disrepute.	<p>This complaint is being assessed by the Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>Complaint assessed and will progress to investigation. Parties notified.</p> <p>This investigation has been delayed by staff sickness absence. Due to difficulty identifying mutually convenient dates for interviews, witness evidence is now being collated via written questions.</p> <p>Investigation concluded and found no breach of the code. Parties notified and complaint closed.</p>

Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2022/17	CYC	CYC	23/05/22	The complainant alleges the Cllr breached the code of conduct in a comment made online. The complainant alleges the comment breached sections 5.1 and 6 of the code.	<p>This complaint is being assessed by the Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>Complaint assessed and will progress to investigation. Parties notified.</p> <p>This investigation has been delayed by staff sickness absence. Due to difficulty identifying mutually convenient dates for interviews, witness evidence is now being collated via written questions.</p>
2023/02	CYC	CYC	21/01/23	The complainant alleges the Cllr made false accusations and offensive statements via the comments section on the York Press website therefore breaching the code of conduct by failing to treat others with respect, bringing the council into disrepute and attempting to bully and intimidate.	<p>Referred to Assessment Sub-Committee to determine whether complaint should progress to investigation. Parties notified.</p> <p>Assessment Sub-Committee determined a breach of the code was found and agreed to seek informal resolution by way of a written apology. Parties notified and complaint will be closed if informal resolution is accepted.</p> <p>Informal resolution was not accepted, complaint referred to a second JSC sub-committee for further review.</p>

Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					Assessment Sub-Committee determined no breach of the code was found. Parties notified and complaint closed.
2023/03	CYC	Resident	22/02/23	The complainant alleges the Councillor was disrespectful by prematurely throwing away flowers left at a grave.	<p>Referred to Assessment Sub-Committee to determine whether complaint should progress to investigation. Parties notified.</p> <p>Assessment Sub-Committee determined no breach of the code was found. Parties notified and complaint closed.</p>
2023/05	CYC & Parish	Parish	15/03/23	The complainant alleges the Councillor has not responded to resident queries or provided evidence to back up any claims the Councillor made in public.	<p>This complaint is currently being assessed by the Monitoring Officer.</p> <p>The Monitoring Officer has applied a filter to this complaint and concludes that there is no evidence to demonstrate conduct capable of constituting disrespect in breach of the Code. Complaint closed, parties notified.</p>
2023/09	Parish	CYC	02/05/23	The complainant alleges the Councillor was disrespectful in an online comments section and used inappropriate language.	<p>This complaint is currently being assessed by the Monitoring Officer.</p> <p>The Monitoring Officer has applied a filter to this complaint and concludes that there is no evidence to demonstrate conduct capable of constituting disrespect in breach of the Code. 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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