

## Joint Standards Committee

- To:** Councillor Martin Rowley BEM (Chair), Fisher, Lomas, Pavlovic and Runciman (CYC Members)
- Cllrs Waudby (Vice-Chair) Chambers and Rawlings (Parish Council Members)
- Mr J Leigh and Ms R Mazza (Independent Persons)
- Date:** Wednesday, 31 January 2024
- Time:** 4.00 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### AGENDA

- 1. 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.]
- 2. Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annex A(ii) and Annex B(ii) to Agenda Item 9 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 Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

- 3. Minutes** (Pages 3 - 6)  
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 21 November 2023.
- 4. Minutes of Sub-Committees** (Pages 7 - 14)  
To approve and sign the minutes of the following meetings of the Joint Standards Sub-Committees:
  - Joint Standards Assessment Sub-Committee held on 30 November 2023.
  - Joint Standards Hearing Sub-Committee held on 18 December 2023.
- 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 Monday, 29 January 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.

### **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](http://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](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

- 7. Parish Council Engagement** (Pages 15 - 18)  
This report looks at the issue of parish engagement and how this can be developed and strengthened.
- 8. Review of Work Plan** (Pages 19 - 20)  
To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.
- 9. Monitoring Report on Complaints Received** (Pages 21 - 44)  
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.

**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)

 **(01904) 551550**

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### 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	21 November 2023
Present	Councillors Rowley (Chair), Runciman, Baxter (Substitute for Cllr Pavlovic), Fenton (Substitute for Cllr Fisher) and Melly (Substitute for Cllr Lomas) (CYC Members)  Parish Councillors Waudby (Vice-Chair) and Chambers  Mr Leigh (Independent Person)
Apologies	Councillors Pavlovic, Fisher, Lomas (CYC Members) and Parish Councillor Rawlings

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#### 19. **Declarations of Interest**

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.

None were declared.

#### 20. **Exclusion of Press and Public**

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.

#### 21. **Minutes**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 28 September 2023 be approved as a correct record.

**22. Public Participation**

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

**23. Member Induction Programme 2023**

The Deputy Monitoring Officer presented the report on the Member Induction programme and highlighted the provision for standards and code of conduct training. She noted that training had been available in person and via recordings which enabled flexibility for Members. She also noted that resources were still available.

The level of uptake of the training was the main focus of the Committee's discussion and it was:

Resolved:

- i. That the Chair would write to the Group Leaders and Whips to ask them to remind member of the requirements for training.
- ii. To review the programme again in January 2024.

Reason: To ensure that the Committee has met the requirement to promote high standards of conduct among Members.

**24. Review of the Case Handling Procedure For Complaints Under The Member Code Of Conduct**

The Deputy Monitoring Officer (DMO) introduced the review of case handling procedure for complaints. She noted the aim was to streamline the process to gain financial and resource efficiencies and to simplify procedure to create a robust and user friendly policy.

The DMO responded to a number of questions from Members covering the consistency and clarity of procedures, the process for approving changes to procedure, the role and timescales of the working group and information provided to Members on complaints received that concerned themselves.



Resolved:

- i. That the comments on the report be noted.
- ii. That the DMO to write to group leaders for a view across Members regarding the distribution of information to individual Members on complaints received.

Reason: To ensure that the case handling procedure for complaints was sufficiently robust and transparent.

## **25. Review of Work Plan**

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

Resolved: That the work plan be approved subject to the following additions to the meeting 31 January 2024:

1. Member Training Update
2. Parish Cllr Engagement, YLCA

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

## **26. Monitoring Report on Complaints Received**

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 4.00 pm and finished at 5.41 pm.

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City of York Council

Committee Minutes

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Meeting Joint Standards Committee - Assessments  
Sub-Committee

Date 30 November 2023

Present Cllrs Pavlovic and Rowley (City Council  
Members)  
Cllr Chambers (Parish Council Member)  
Joe Leigh (Independent Member).

Officers in Attendance Frances Harrison (Deputy Monitoring Officer)

**11. Appointment of Chair (1:29 pm)**

Resolved: That Councillor Pavlovic be elected as Chair of the meeting.

**12. Declarations of Interest (1:39 pm)**

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.

No interests were declared, but for the sake of transparency, Parish Cllr Chambers noted that one of the subjects of one of the assessments was known to him.

**13. Exclusion of Press and Public (1:41 pm)**

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Items 4 and 5 (Code of Conduct Complaints received in respect of Parish Councillors), on the grounds that they contain information relating to individuals and information likely to reveal the identity of individuals, which is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local

Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

[Note: following the above resolution, the Deputy Monitoring Officer confirmed that she had nothing further to add in respect of the public reports in the agenda papers, and the remainder of the meeting took place in private session.]

**14. Code of Conduct Complaint received in respect of Parish Councillors (1:42 pm)**

Members considered a report which set out a Code of Conduct complaint received in respect of nine Parish Councillors. Details of the complaint were presented in the private report referred to in Minute 5 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:
  - i) take no further action
  - ii) seek to resolve the matter informally, or
  - iii) refer the matter for investigation.

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

Resolved:

- i) That, in respect of complaint one, option B(ii) be approved, and the matter be resolved informally by way of a written apology to the complainant. The panel also requested the deputy monitoring officer to write to the chair.
- ii) That, in respect of complaint two, option A be approved.

Reason: The Sub-Committee considered that, although the matter was capable of being a breach of the Code of Conduct, restitution could be achieved by returning the complainant to the position they would have been in, had the Parish Council acted in accordance with YLCA guidelines.

**15. Code of Conduct Complaint received in respect of Parish Councillors (2:10 pm)**

Members considered a report which set out a Code of Conduct complaint received in respect of nine Parish Councillors. Details of the complaint were presented in the private report referred to in Minute 5 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:
  - i) take no further action
  - ii) seek to resolve the matter informally, or
  - iii) refer the matter for investigation.

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

Resolved:

- iii) That, in respect of complaint one, option B(ii) be approved, and the matter be resolved informally by way of a written apology to the complainant. The panel also requested the deputy monitoring officer to write to the chair.
- iv) That, in respect of complaint two, option A be approved.

Reason: The Sub-Committee considered that, although the matter was capable of being a breach of the Code of Conduct, restitution could be achieved by returning the complainant to the position they would have been in, had the Parish Council acted in accordance with YLCA guidelines.

Cllr Michael Pavlovic, Chair

[The meeting started at 1:29 pm and finished at 2:20 pm].

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Meeting	Joint Standards Committee Hearings Sub-Committee
Date	18 December 2023
Present	Councillors Fisher and Runciman, Parish Councillor Mark Waudby, Joe Leigh (Independent Member)
Officers in Attendance	Frances Harrison (Deputy Monitoring Officer), George Eddon and Lucy Waller (Legal)

**1. Appointment of Chair (10:00 am)**

Resolved: That Councillor Runciman be elected as Chair of the meeting.

**2. Declarations of Interest (10:02 am)**

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.

No interests were declared.

**3. Exclusion of Press and Public (10:02 am)**

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Item 4 (Code of Conduct Complaints received in respect of a Parish Councillor), on the grounds that they contain information relating to individuals and information likely to reveal the identity of individuals, which is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

[Note: following the above resolution, the Deputy Monitoring Officer confirmed that she had nothing further to add in respect

of the public reports in the agenda papers, and the remainder of the meeting took place in private session.]

**4. Complaint against a Member of a Council covered by the Joint Standards Committee (10:03 am)**

The Panel considered a complaint made by a resident against Cllr Mark Warters alleging that he had breached the Code of Conduct by arranging for his election leaflet to be circulated with the Osbaldwick Parish Council Spring newsletter (which was very similar in appearance). The resident expressed concern that the newsletter was publicly funded and its distribution at the same time and as Cllr Warters' election literature was designed to attribute the achievements of the Parish Council to Cllr Warters and thereby constituted a misuse of resources and an attempt to gain an advantage, contrary to the Parish Council Code of Conduct. The matter had been referred to the Hearings Sub-Committee for determination following an investigation.

The investigating officer presented his report and responded to questions from the panel.

The Panel members considered the evidence gathered by the Investigating Officer from the complainant and from the Parish Clerk. They accepted that the subject member had been provided with ample opportunity to contest both the alleged facts and the issue of whether those facts amounted to a breach of the Code. They noted that the subject member had declined to participate in the investigation and hearing but were prepared to accept two late testimonials on behalf of the subject member. The Panel accepted the investigating officer's analysis of the facts with one minor amendment and concluded:

1. Cllr Warters prepared and arranged the printing of both documents and failed to ensure that distribution was carried out separately;
2. The format and layout of the documents was strikingly similar;
3. Cllr Warters arranged for other members of the Parish Council to distribute some or all of the documents alongside copies of the Parish Council newsletter. This amounted to the use of Parish Council resources;



4. At least some of the Parish Council members delivered the leaflets together with one document tucked inside the other;
5. It was reasonably foreseeable that delivering the two documents in this way would create the impression that he was trying to strengthen his campaign for re-election by associating it with the work and achievements of the Parish Council;
6. By acting in this way, when it was reasonably foreseeable that the impression of seeking an unfair advantage would be created.

Having considered the Investigating Officer's report and the Local Government Association guidance and advice of the Deputy Monitoring officer, the Panel;

Resolved: That the Investigating Officer's findings that Cllr Warters had breached paragraph 3 of the Code of Conduct be upheld.

Reason: The delivery of the Parish newsletters used council resources and the impression created by the similarity of the two documents and their delivery together was foreseeably favourable to his election campaign.

### Sanctions

The Panel considered what, if any sanctions should be imposed for the breach. In doing so they observed that to take no action in respect of a clear breach would not be appropriate, and

Resolved: That the Monitoring Officer write an open letter advising the Parish Council should arrange training for the subject member.

Reason: To avoid the risk of of the same issue recurring inadvertently and to be of assistance to both other councillors and parish council staff.

Cllr C Runciman, Chair

[The meeting started at 10.00 am and finished at 10.48 am].

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**Joint Standards Committee****31 January 2024**

Report of the Deputy Monitoring Officer

**Parish Council Engagement****Summary**

1. The Joint Standards Committee is keen to ensure that parish councillors are properly engaged with the Standards process. This report addresses the wider issue of parish engagement and members are invited to offer proposals on how this can be developed and strengthened.

**Recommendations**

2. The Joint Standards Committee is asked to note the existing opportunities for parish council engagement in terms of code of conduct and Standards matters, as set out below, and to offer proposals for developing and strengthening those opportunities.

**Background**

3. Parishes are the smallest areas of civil administration in England and their Town and Parish Councils provide the statutory tier of local government closest to the people.
4. There are thirty-one parish or town councils within the City of York Council area, although these concentrated within the outer part of the authority area; the inner areas of the city are currently unparished. Councillors are elected at all-out elections every four years, with the ordinary elections for the parishes being held on the same date as the CYC ordinary elections.
5. Town and Parish Councils are an essential part of the structure of local democracy and have a vital role in acting on behalf of the communities they represent, for example:

- giving views, on behalf of the community, on planning applications and other proposals that affect the parish
  - undertaking projects and schemes that benefit local residents
  - working in partnership with other bodies to achieve benefits for the parish
  - alerting relevant authorities to problems that arise or work that needs to be undertaken
  - helping the other tiers of local government keep in touch with their local communities.
6. Town and Parish Councils have a wide range of legal duties, and they have the power to raise money through the local council tax. Parish councils must appoint someone to act as their Proper Officer, this role might be taken on by a councillor in a voluntary capacity in smaller parishes, but most will employ a clerk and some larger parishes employ additional staff.

### **City of York Council Role**

7. Under the provisions of the Localism Act 2011, all relevant authorities (including parish councils) must promote and maintain high standards of conduct by their members and co-opted members and must adopt a code of conduct. Parish councils may adopt the code of conduct adopted by their principal authority or one of the model codes or can draft their own code. The code must be consistent with the seven Nolan principles.
8. Principal councils are required have in place arrangements for investigating alleged breaches of their code, and the codes of any parish councils in their area, if parish councils have adopted different codes from the principal authority, and for making decisions on those allegations. These arrangements must include having an Independent Person on board, whose views must be sought and taken into account before the principal authority makes its decision on an allegation it has decided to investigate.
9. CYC as principal authority is responsible for conducting community governance reviews of parishes within its area. CGRs can cover issues such as amending parish boundaries and ward boundaries; warding and de-warding; amending the electoral cycle; changing the council size (number of councillors); grouping and de-grouping parishes; establishing new parish councils; abolition of existing parish councils.

## **Liaison with Parish Councils**

10. There are a number of existing opportunities for CYC members to engage with parishes within their areas.
  - **Ward Committees:** Each of the CYC wards has its own committee which meets up to four times each year. In those wards where a parish council exists, the parish should be able to make use of those meetings to scrutinise local services and raise issues of concern. The terms of reference for the ward committees include a provision that the agenda for a meeting will be set in consultation with community partners.
  - **Parish Council meetings:** CYC members regularly attend parish council meetings within their ward to share information, discuss areas of concern and act as a conduit between the two authorities.
  - **Parish Liaison meetings:** quarterly liaison meetings are held between CYC members, parish council representatives and the Yorkshire Local Councils Association (YLCA).
11. In respect of the Standards procedures, the Joint Standards Committee of CYC includes parish council representatives. Where an Assessment Sub Committee is required to assess a code of conduct complaint against a parish councillor, one member of the sub-committee will be a parish representative.
12. Any Standards / Code of Conduct training provided to CYC members and to the Joint Standards Committee will be shared with parish councils and clerks, to ensure high standards of behaviour, adherence to the Nolan principles and understanding of the Joint Standards process.

## **Implications**

13. **Financial** – Any training provided to parish councils may incur some costs
14. **Human Resources (HR)** – None directly
15. **Equalities** – Encapsulated within the Joint Standards process and engagement with parishes will seek to ensure equality of access
16. **Legal** – Adherence to the requirements of the Localism Act 2011
17. **Crime and Disorder, Information Technology and Property** - None directly arising from this report.

**Recommendations**

18. The Joint Standards Committee is asked to note the existing opportunities for parish council engagement in terms of code of conduct and Standards matters, and to offer proposals for developing and strengthening those opportunities.

**Reasons for the Recommendation**

19. The Joint Standards Committee has responsibility for promoting high standards of conduct for City of York and parish council members.

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

Lindsay Tomlinson, Head of Democratic Governance & Deputy Monitoring Officer  
Lindsay.tomlinson@york.gov.uk

**Report  
Approved**

**Date** 22 January 2024

**Wards Affected:**

**All**

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

**Background Papers:**

Localism Act 2011 [Localism Act 2011 \(legislation.gov.uk\)](http://legislation.gov.uk)

LGA Guidance Document: A councillor’s workbook on working with town and parish councils (2018) [11.136 A Councillor's Workbook on town and parish councils.pdf \(local.gov.uk\)](http://local.gov.uk)

CYC Constitution, Standards Procedures: [Appendix 29 - Joint Standards Committee Procedures.pdf \(york.gov.uk\)](http://york.gov.uk)

Community Governance Review legislation: [Local Government and Public Involvement in Health Act 2007 \(legislation.gov.uk\)](http://legislation.gov.uk)

### Work Plan for Joint Standards Committee 2024

<b><u>Meeting Date</u></b> (4.00pm start time)	<b><u>Items</u></b>	<b><u>Notes</u></b>
31 January 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• YLCA – How to engage with Parish Cllrs</li> <li>• Member Training update (not available)</li> <li>• Review of Work Plan</li> </ul>	Standard Item
<del>21 March 2024</del> 6 March 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Draft Annual Report for Municipal Year 2023-2024</li> <li>• Review of Work Plan</li> </ul>	Standard Item
8 April 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> </ul>	Standard Item

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**Joint Standards Committee****31 January 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 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 2023/13 has been investigated by a CYC lawyer and a report has been prepared. [A hearing will be convened under the Case Handling Procedure to determine the matter].

4. Case reference 2023/14 has been assessed by the Monitoring Officer in consultation with the Independent Person and it has progressed to investigation. An investigating officer has been appointed. An investigation plan is in place and a draft report was initially expected to be completed by mid December 2023. Progress on the investigation has unfortunately been delayed by competing work demands and an extension of time until 16 February 2024 is requested to complete the report.
5. Case reference 2023/21 falls under paragraph 5 of the complaints handling process and has been referred to a JSC Sub Committee for assessment on 30 January 2024. At the time of publication of this report the outcome of the assessment committee meeting is not known.
6. Case reference 2023/23 falls under paragraph 5 of the complaints handling process and will be referred to a JSC Sub Committee for assessment, scheduled provisionally to take place on 21 February 2024.

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

7. Case reference 2023/15 was assessed by a Sub Committee in accordance with the case handling procedure. The Sub Committee assessed the complaint and agreed that the complaint would not be referred to investigation as it could not be seen to constitute a breach of the code. The parties notified were notified and a letter of advice was sent to a Subject Member.

### **Implications**

8. **Financial** Not applicable to this report.
9. **Human Resources (HR)** Not applicable to this report.
10. **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.
11. **Legal** As detailed within the report.
12. **Crime and Disorder, Information Technology and Property**  
Not applicable to this report.

**Recommendation**

- 13. 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** 22 January  
2024

**Wards Affected:**

**All**



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

**Annexes:**

- Annex A (i) Table showing open complaints received.
- Annex B (i) Table showing recently closed complaints.
- Annex A (ii) Table showing open complaints received (confidential)
- 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
2023/13 (LT)	CYC	York residents	23/08/23	The complainant alleges the Councillor's behaviour is disrespectful, distressing and not in line with the code. Example of behaviour provided. The complainant also alleges the Councillor wrongly shared an address of an ongoing enforcement case, breaching data protection.	This complaint is currently being assessed by the Deputy Monitoring Officer.  Views of the IP sought. Complaint assessed and will progress to investigation. Parties notified. Investigating Officer identified.
2023/14 (LT)	City	Residents	16/10/23	2 complaints received against the Councillor's behaviour. The complainants allege the behaviour is in breach of the member/officer protocol in that the Councillor failed to treat officers with respect, dignity and courtesy.	This complaint is currently being assessed by the Deputy Monitoring Officer.  Views of the IP sought. Complaints assessed and will both progress to investigation. Parties notified. Investigating Officer identified.
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.	This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.  Views of the IP sought.  Assessment Sub Committee arranged for 30 <sup>th</sup> January 2024.
2023/23 (FH)	City	York resident	15/01/24	The complainant alleges the Councillor failed to respond, failed to rectify the alleged disability discrimination they had suffered and that was disrespectful under the Code.	This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					Views of the IP sought.

## Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/15 (LT)	Parish	Resident	29/10/23	Complainant alleges the Councillors were disrespectful during a Parish Council Meeting and that a sexist comment was made towards them. Complainant also alleges needs were not met under the Equality Act.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>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 for assessment.</p> <p>Views of the IP sought.</p> <p>The Sub Committee assessed the complaint, it was agreed the complaint would not be referred to investigation as it could not be seen to constitute a breach of the code. Parties notified, letter of advice sent to one Subject Member. Complaint closed.</p>

### Recently Closed Complaints Log - Public

2023/16	Parish x 9	Resident	01/11/23	<p>The complainant alleges the Councillors breached the code of conduct following a request of co-option on to the Town Council.</p>	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>This complaint falls under paragraph 5 of the complaints handling process as a subject member was Chairperson of the Parish Council at the time of the complaint. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>Complaint assessed by the sub committee, it was agreed this would not be referred to investigation and for informal resolution to be sought. Letter of outcome and recommendations sent to all parties. Closed.</p>
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### Recently Closed Complaints Log - Public

2023/17	Parish	Parish	08/11/23	<p>The complainant alleges the Councillors breached the Code of Conduct, the 7 Principles of Local Government, the Misconduct in Public Office Act and the Equalities Act.</p>	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>This complaint falls under paragraph 5 of the complaints handling process as a subject member was Chairperson of the Parish Council at the time of the complaint. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>The complaint has been assessed in accordance with the published procedure for handling Code of Conduct complaints, and a decision has been made to take no further action. This is because the matters complained of relate more to dissatisfaction with the parish council in general rather than the specific conduct of an individual. Complaint closed, parties notified.</p>
2023/18	Parish	Parish	03/10/12	<p>The complainant alleges the Councillors breached the Code of Conduct in that they made false statements, breached the Nolan principals, assisted in an assault and failed to act in a manner expected of Councillors.</p>	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>The matters complained of would not be capable of being a breach of the Code. Complaint closed.</p>

**Recently Closed Complaints Log - Public**

2023/19 (LT)	Parish	York Resident	19/11/23	The complainant felt bullied by the Councillor and alleges that the Councillor's manner and general conduct was seen to be both threatening and formidable.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>The complaint has been assessed in accordance with the published procedure for handling Code of Conduct complaints. A decision has been made to not refer the complaint to investigation as the matters complained of are not seen to pass the threshold to constitute a breach of the code. Parties notified. Complaint closed.</p>
2023/20 (LT)	Parish	York Resident	23/11/23	The complainant alleges that the Councillor was disrespectful, aggressive and intimidating during a public meeting.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>The complaint has been assessed in accordance with the published procedure for handling Code of Conduct complaints. A decision has been made to not refer the complaint to investigation as the matters complained of are not seen to pass the threshold to constitute a breach of the code. Parties notified. Complaint closed.</p>

**Recently Closed Complaints Log - Public**

2023/22	CYC	York resident	12/12/23	<p>The complainant alleges that the Councillor brought the council into disrepute in a comments section on a local news website.</p>	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>A decision was made to take no further action in accordance with paragraph 4 of the case handling procedure. This is because the subject member was not acting in their capacity as a councillor when the alleged breach occurred. There was no reference in the comment to their role as an elected member and the post made was not in relation to any duty they may have as an elected member. Closed.</p>
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### Recently Closed Complaints Log - Public

<p>2023/07 (FH)</p>	<p>CYC</p>	<p>York Resident</p>	<p>16/04/23</p>	<p>The complainant alleges the Councillor used public funds from the Parish Council to produce leaflets that support their personal election campaign.</p>	<p>This complaint is currently being assessed by the Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>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.</p> <p>The views of the IP have been sought and will be incorporated into the MO's report to JSC Sub Committee on 26<sup>th</sup> June 2023.</p> <p>On 26<sup>th</sup> June the JSC Sub-Committee agreed that the issue complained of is capable of constituting a breach of the Member Code of Conduct and merits further investigation in light of the seriousness of the allegation. The DMO has appointed a CYC lawyer to investigate.</p> <p>A draft report is expected to be completed by the end of September 2023.</p> <p>Report finalised November 2023.</p> <p>Hearing convened for 18<sup>th</sup> December 2023.</p> <p>The Hearing panel found that there had been a breach of the code by the Cllr and decided to</p>
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**Recently Closed Complaints Log - Public**

					impose a sanction of training by way of advice to be given. Advice letter sent and parties notified. Closed.
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