

Joint Standards Committee

To: Councillors Rowley BEM (Chair), Baker, Carr, Douglas and Fisher (CYC Members)
Councillors Rawlings (Vice-Chair), Chambers and Waudby (Parish Council Members)

Ms Davies and Mr Laverick (Independent Persons)

Date: Monday, 24 January 2022

Time: 4.00 pm

Venue: Remote Meeting

Note: In view of the changing circumstances around the Covid-19 pandemic, this meeting will be held remotely. Any decisions made will form recommendations to the Chief Operating Officer.

AGENDA

1. Declarations of Interest

Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

2. 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 12 (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.

3. **Minutes** (Pages 1 - 4)
To approve the minutes of the last meeting of the Joint Standards Committee, held on 23 November 2021.
4. **Minutes of Sub-Committees** (Pages 5 - 14)
To approve the minutes of the meetings of the Standards Committee Assessments Sub-Committee held on 1 December 2021, 9 December 2021, 15 December 2021 and 13 January 2022.
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 have changed to 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 Thursday, 20 January 2022.

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've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 7. York's Parish Charter** (Pages 15 - 26)
This report provides an update on the review of the charter between City of York Council and the 31 parish and town councils within the York local authority area, following the committee's input to the draft charter at the meeting on 6 July 2021
- 8. Model Code of Conduct - Review of Procedures** (Pages 27 - 62)
This report presents Hoey Ainscough's update of their review of the current procedures in place to deal with Code of Conduct complaints.
- 9. Dispensation granted to Councillors Mason and Lomas on 15 July 2021 to enable them to participate in a debate of a Motion presented to Full Council** (Pages 63 - 64)
This report asks Members to note the granting of the above dispensation.
- 10. Dispensation granted to Councillor Douglas on 12 October 2021, to allow Councillor Douglas to substitute for Councillor Webb at Area Planning Committee on 13 October 2021** (Pages 65 - 66)
This report asks Members to note the granting of the above dispensation.
- 11. Review of Work Plan** (Pages 67 - 68)
To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.
- 12. Monitoring Report on Complaints Received** (Pages 69 - 122)
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)

 **(01904) 551550**

City of York Council

Minutes

Meeting	Joint Standards Committee
Date	23 November 2021
Present	Councillor Rawlings (Parish Council Member, Vice Chair, in the Chair) Councillors Douglas and Carr (CYC Members) Councillor M Waudby (Parish Council Member) Mr Laverick (Independent Person)
Apologies	Councillors Rowley BEM (Chair), Baker and Fisher (CYC Members) Councillor Chambers (Parish Council Member) Ms Davies (Independent Person)

30. **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.

31. **Minutes**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 23 September 2021 be approved, and signed by the Chair as a correct record.

32. **Minutes of Sub-Committees**

Resolved: That the minutes of the following meetings of the Joint Standards sub-committees be approved, and signed by the Chair as a correct record in each case:

- Hearings Sub-Committee - meetings held on 31 August 2021, 7 September 2021 and 30 September 2021.
- Assessments Sub-Committee - meeting held on 30 September 2021 (*subject to 'option A' in*

Resolution (i) under Minute 20 being amended to 'option B').

33. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on Agenda Item 6 (Model Code of Conduct – Review of Procedures). She suggested a number of changes to the draft procedures, including a provision to refer complaints about the Leader and senior Members for external review.

34. Model Code of Conduct - Review of Procedures

Members considered a report which presented an update from Hoey Ainscough on their review of the council's procedures for dealing with Code of Conduct complaints.

The review had been requested by Members at the last meeting of the committee. Paul Hoey and Natalie Ainscough were in attendance to present the draft procedures, which were attached at Annex A to the report, and respond to Members' questions. They confirmed that:

- the procedures had been circulated to political groups, but only one minor amendment had been made;
- in paragraph 11 of the document, 'substantially similar' meant nearly identical and 'seriously ill' meant terminally ill or long-term hospitalised;
- the inclusion of 'politically motivated' in the list of factors in paragraph 11d was a government requirement.

Members went on to debate the procedures in detail, during which they agreed a number of amendments to the draft and raised other related issues.

Resolved: (i) That the following amendments be made to the draft procedures at Annex A to the report:

- paragraph 4 - remove the 2nd sentence;
- insert a new paragraph requiring the MO to keep a record of all decisions, including the process followed';
- paragraphs 5 & 6 - re-word to clarify and strengthen actions to be taken in the event

of a conflict of interest, in accordance with Members' comments;

- paragraph 8 – insert '*or Vice-Chair*' after 'Chair' in the last sentence;
- paragraph 11 – in sub-paragraphs f. and g, delete '*a substantially similar*' and insert '*the same*';
- paragraph 14 – delete '*periodically*' and insert '*at every meeting*';
- paragraph 17 – insert the following sentence at the end: '*If the MO and IP are not in agreement, they will refer the case to the Joint Standards Committee or the Chair*';
- paragraph 19 - delete '*a substantially similar*' and insert '*the same*'.

(ii) That Hoey Ainscough be requested to draw up the following additional draft documents to accompany the procedures:

- a flow chart detailing how the procedures were developed;
- the procedure for the point of view of a subject member;
- a set of procedures for complaints hearings;
- guidance on conflicts of interest;
- a protocol for referral of complaints to the police;
- a 'job description' for the Independent Persons.

(iii) That Hoey Ainscough also be invited to review the council's Member / Officer protocol and consider how it sits with the other procedural documents.

(iv) That the amended draft procedures and accompanying documents be brought back to the committee in January 2022.

Reason: To ensure that all issues discussed at the meeting are covered, and to enable the committee to review the documents before they are agreed.

(iv) That the following items also be added to the committee's work plan for the January meeting:

- Update on the Planning Code of Good Practice;
- Proposed amendments to the terms of reference.

Reason: To ensure that these matters are picked up as part of the committee's planned programme of work.

Cllr S Rawlings, Chair

The meeting started at 5.00 pm and finished at 7.04 pm.

City of York Council

Committee Minutes

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	1 December 2021
Present	Councillors Baker and Carr (CYC Members) Councillor Chambers (Parish Council Member)
Apologies	Mr Laverick (Independent Person)

21. Appointment of Chair

Resolved: That Cllr Carr be appointed as Chair of the meeting.

22. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda. No interests were declared.

23. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of the private report at Agenda Item 4 (Code of Conduct Complaint received in respect of a City of York Councillor), on the grounds that it contains 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.

24. Code of Conduct Complaint Received in Respect of a City of York Councillor

Members considered a report on a Code of Conduct complaint received in respect of a City of York Councillor. Details of the complaint and circumstances were presented in the exempt report.

Members were invited to consider whether to:

- 1) Rule that the complaint did not fall within the remit of the Code of Conduct and therefore no further action be taken;
or
- 2) Rule that the complaint should progress to an investigation, in which case the Monitoring Officer would appoint an investigating officer, in accordance with the procedure for the handling complaints.

Having considered the information provided, and taking into account the views of the Independent Person, which were supplied in writing in lieu of attendance at the meeting, it was

Resolved: That Option 1 be approved and no further action be taken.

Reason: On the basis of all the information supplied, the Assessments Sub-Committee does not consider that the complaint falls within the remit of the Code of Conduct in this case.

Cllr D Carr, Chair

[The meeting started at 12.34 pm and finished at 1.13 pm].

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	9 December 2021
Present	Councillor Rawlings (Parish Council Member) Councillors, Pavlovic (Substitute for Cllr Baker) and Rowley (CYC Members)
Apologies	Councillor Baker (CYC Member) Mr Laverick (Independent Person)

25. Appointment of Chair

Resolved: That Cllr Rawlings be appointed as Chair of the meeting.

26. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda. No interests were declared.

27. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of the private report at Agenda Item 4 (Code of Conduct Complaint received in respect of City of York Councillors), on the grounds that it contains information relating to individuals, 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.

28. Code of Conduct Complaint received in respect of City of York Councillors

Members considered a report on a Code of Conduct complaint received in respect of three City of York Councillors. Details of the complaint and circumstances were presented in the exempt report.

Members were invited to consider whether to:

- 1) Rule that the complaint did not fall within the remit of the Code of Conduct and therefore no further action be taken; or
- 2) Rule that the complaint should progress to an investigation, in which case the Monitoring Officer would appoint an investigating officer in accordance with the procedure for the handling complaints. Should this option be approved, Members' views were also sought on whether an internal or external investigator should be appointed.

Discussion took place in private session, in accordance with the resolution in Minute 27 above.

Having considered the evidence provided, and taking into account the views of the Independent Person, supplied in writing in lieu of attendance at the meeting, it was

Resolved: (i) That the complaint progress to an investigation, in accordance with Option 2 and an external investigator be appointed.

Reason: The sub-committee considers that an investigation is warranted in this case.

(ii) That the contents of the complaint now be shared with the Subject Members.

Reason: In the interests of fairness.

Cllr S Rawlings, Chair

[The meeting started at 10.40 am and finished at 11.40 am].

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	15 December 2021
Present	Councillors Fisher and Douglas (CYC Members) Councillor Chambers (Parish Council Member) Mr Laverick (Independent Person)

Note: In view of the changing circumstances around the Covid-19 pandemic, this meeting was held remotely. Any relevant decisions recorded in these minutes will be formally approved by the Chief Operating Officer, using his emergency delegated powers.

29. Appointment of Chair

Resolved: That Cllr Fisher be appointed as Chair of the meeting.

30. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda.

Cllr Fisher declared that his former nephew and former sister in law were both members of Haxby Town Council, the latter recently elected; however, neither of them had been involved in the events under consideration.

31. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of the private report at Agenda Item 5 (Code of Conduct Complaint received in respect of City of York Councillors), on the grounds that it contains information relating to individuals, 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.

**32. Code of Conduct Complaint received in respect of a
Parish/Town Councillor**

Members considered a report which presented the draft report of the Investigating Officer regarding a Code of Conduct complaint made in respect of a Parish/Town Councillor. Full details were provided in an exempt report, to which the draft was attached as an annex.

Members were invited to consider whether to:

- 1) Rule that the draft report was incomplete and that further investigation was required;
- 2) Rule that the draft report was complete, accept the finding contained in it, and determine the next steps; or
- 3) Rule that the draft report was complete but not accept the finding contained in it.

Having considered the information provided, and taking into account the comments of the Independent Person at the meeting, it was

Resolved: That the Chief Operating Officer be recommended to:

- (i) Approve Option 2; that the draft report of the Investigating Officer be ruled complete and the finding in it accepted.
- (ii) Agree that the case be referred for a hearing.

Reason: The Sub-Committee considers that a hearing is required in this case.

Cllr T Fisher, Chair

[The meeting started at 1.30 pm and finished at 1.53 pm].

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	13 January 2022
Present	Councillors Douglas and Rowley (CYC Members) Councillor Rawlings (Parish Council Member) Mr Laverick (Independent Person)

33. Appointment of Chair

Resolved: That Cllr Douglas be appointed as Chair of the meeting.

34. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda. No interests were declared.

For the sake of transparency, Cllr Rowley stated that he had been in attendance at the meeting in respect of which the complaint had been made.

35. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of the private report at Agenda Item 4 (Code of Conduct Complaint received in respect of a City of York Councillor), on the grounds that it contains 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.

36. Code of Conduct Complaint received in respect of a City of York Councillor

Members considered a report on a Code of Conduct complaint received in respect of a City of York Councillor. Details of the complaint and circumstances were presented in the private report referred to in Minute 35 above.

The Deputy Monitoring Officer (DMO) confirmed that the Monitoring Officer was not in attendance because she had a conflict of interest in the case. The DMO also corrected an error in the report, amending the reference in paragraph 5 to 'clause 3.11' of the Members' Code to 'clause 3.10'.

Members were invited to consider whether to:

- 1) Rule that the complaint did not fall within the remit of the Code of Conduct and therefore no further action be taken; or
- 2) Rule that the complaint should progress to an investigation, in which case the Monitoring Officer would appoint an investigating officer in accordance with the procedure for the handling of complaints.

Discussion took place in private session, in accordance with the decision in Minute 35. Before closing the public session, the Chair drew attention to the non-political nature of the Joint Standards Committee and its sub-committees.

Having considered the information provided, and taking into account the views of the Independent Person at the meeting, it was

Resolved: (i) That the Chief Operating Officer (COO) be recommended to rule that the complaint progress to an investigation, in accordance with Option 2.

Reason: The sub-committee considers that an investigation is warranted in this case.

(ii) That the COO advise the DMO to appoint an external investigator.

Reason: In view of the circumstances of the case.

Cllr C Douglas, Chair

[The meeting started at 10.00 am and finished at 10.31 am].

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Joint Standards Committee

24 January 2022

Report of the Assistant Director (Customer and Communities)

York's Parish Charter**Summary**

1. This paper updates the committee on the outcome of a review of the charter between City of York Council and the 31 parish and town councils within the York local authority area, following input made by this committee to the draft charter at its meeting in July 2021.

Recommendations

2. The Committee is asked to note the finalised charter attached at Annex 1.

Reason: To advance joint working between City of York Council and York's parish councils.

Background

3. The Parish Charter was last reviewed in 2016. The recent review was co-ordinated by the York Parish Council Liaison Group which meets with the aim of improving working relations between the parish councils and City of York Council. The Liaison Group comprises six parish councillors (who are appointed by the York Branch of the YLCA) and City of York Council is represented by the Executive Member for Culture, Leisure and Communities, the Assistant Director (Communities and Culture) and the Head of Communities and Equalities. The York Branch of the YLCA comprises representatives from the 31 parishes, which are all member councils of the YLCA, which in turn is a county association of the National Association of Local Councils.
4. The draft Charter was considered by this committee in July 2021 and various amendments were proposed. These have all been incorporated in the final version. Following further consultation with the York Parish Council Liaison Group, the charter was then approved by the Council's Executive in November 2021.

The Charter

5. The finalised Charter is attached at Annex 1. It has now been signed by the Executive Member for Culture, Leisure and Communities on behalf of the Council and by the Chair of the York Branch of the Yorkshire Local Councils Associations.
6. A programme of meetings has been established for the York Parish Council Liaison Group in order to ensure implementation of the charter and to monitor its effectiveness, to improve communication between the City of York and the local councils, and to develop an appropriate work programme in support of the above.

Council Plan

7. Parish councils are the first tier of local government in the neighbourhoods they serve and (to quote the motto of YLCA) “closest to the people”. In the parished wards of the city, the Parish Charter is fundamental to advancing the Council Plan. In particular, relations with parish councils are a key component of the Council Plan’s priority for the City of York to be “a council that listens to residents”.

Implications

8. There are no additional **Financial, Equalities, Human Resources, Legal, Information Technology, Property, Crime and Disorder or Other** implications arising from the report.

Risk Management

9. In compliance with the Council’s risk management strategy the main risks that have been identified associated with the proposals contained in this report are those which could lead to the inability to meet business objectives and to deliver services, leading to damage to the Council’s reputation and failure to meet stakeholders’ expectations. The level of risk is assessed as “Low”. This is acceptable but means that regular monitoring is required of the operation of the new arrangements.

Annex 1: The Parish Charter

Contact Details

Author:	Chief Officer responsible:			
Charlie Croft Assistant Director (Customer and Communities)	Charlie Croft Assistant Director (Customer and Communities)			
	Report Approved	✓	Date	12.1.22.
Specialist Implications Officers:				
Wards Affected: All				
For further information please contact the author of the report				

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ANNEX 1

Charter between City of York Council and York Local (Parish and Town) Councils

Dated: 18 November, 2021

The Objectives

1. The main objectives of this Charter are to:
 - Set out how the parties aim to work together and to continue existing best practice
 - Continually review and establish improved ways of working
 - Confirm the principles of democratic local government
 - Continually review and improve the system of local democracy
 - Encourage greater public participation in the system
 - Promote sustainable social, economic and environmental development
 - Advance the provisions of the Equality Act 2010 including the Public Sector Equality Duty
 - Encourage the sharing of information and data to improve outcomes for residents

Local Governance

2. City of York Council and the Local Councils are committed to the principles of democratic local government. They will continue efforts to improve the system of local democracy and to see greater participation in and appreciation of this system.
3. City of York Council acknowledges and recognises that parish and town councils are the grass roots level of local government. By working with Local Councils, City of York Council aims to act in partnership with local communities, while balancing the needs of the wider locality.
4. Local Councils offer a means of shaping the decisions that affect their communities. They offer a means of revitalising or sustaining local communities. In turn, Local Councils recognise the strategic role of the principal authority and the equitable distribution of services which it has to achieve.

5. City of York Council will work with Local Councils to promote sustainable social, economic and environmental development in the area of the City of York.
6. Arrangements for engagement of Local Councils in City of York Council's governance arrangements and for liaison between councils will be as follows:
 - City of York Council will maintain its close working relationship with the York Branch of the Yorkshire Local Councils Association.
 - City of York Council will identify one of its officers to be responsible for the liaison work with Local Councils (the Liaison Officer – see Appendix 2). The Liaison Officer will report to Members on matters that are relevant to this charter.
 - Local Councils will invite, as appropriate, Members and Officers of City of York Council to their meetings giving adequate notice to facilitate attendance.
7. In order to strengthen the relationship between Ward Members and Local Councillors, the agenda for Local Council meetings should include an item "To receive a report from a City of York councillor". This will enable a Ward Member to update the Local Council on events locally and provide an opportunity for questions to be raised.
8. Ward members will make every effort to attend Local Council meetings at regular intervals.

Communications

9. City of York Council will ensure that the Clerk of the relevant Local Council receives copies of any newsletters which it circulates in the parish of the Local Council and will ensure that the Clerk is sent an invitation to attend any public meeting organised by City of York Council in the parish.
10. City of York Council and Local Councils will acknowledge and respond to correspondence between the respective organisations. Further to this, City of York Council will respond to communications in line with current customer care standards:
 - Written correspondence including electronic correspondence to City of York Council will be either acknowledged or responded to fully within 5 working days. If information is not readily available the Local Council will be kept informed of

progress at intervals not exceeding 5 working days until either a full response is available or there is no other solution.

- For ongoing projects the Parish Council will receive a monthly update prior to the Parish Council meeting. Should this not happen the matter should be referred to the Liaison Officer.
11. Planning application consultations have their own period of time (currently twenty-one days) for Local Councils to respond. However, in recognition of Local Councils' meeting schedules, planning officers will make every effort to accommodate Local Councils' comments in a mutually agreeable timescale.
 12. In accordance with The Neighbourhood Plan (General) Regulations 2012, account will be taken of the Neighbourhood Plans adopted when determining planning applications within the identified Neighbourhood Plan areas. Additionally planning officers will take into account Village Design Statements and Parish Plans except where these are in conflict with the Local Plan.
 13. Parish Councils will be given advance warning of any works to be taking place in the Parish. This will include a copy of the highway works weekly bulletin being made available to Local Councils with respect to works being carried out within the parished area. Where possible and applicable it will be useful for this to include details of proposed traffic diversions.
 14. City of York Council will create and maintain a directory of key contacts within the authority and make it available to Local Councils.

Consultation

15. City of York Council will aim to give Local Councils the opportunity to comment before making a decision which affects the local community. Specifically, City of York Council posts agendas of meetings and decision sessions on its website, giving five clear days' notice. A facility is provided for Local Councils to receive electronic notifications of agendas and supporting papers.
16. If consultation does not take place, a written explanation will be given on request to the Liaison Officer.
17. To help achieve the objectives laid down in this Charter, liaison and consultation (both formal and informal) will be further developed at Local Council level through regular meetings or specific consultative groups and at officer level, individually or through working parties and groups, as resources permit.

18. Local Councils will send, where possible electronically, a copy of the minutes of their meetings to the Liaison Officer at City of York Council. Copies of the agenda and minutes will also be sent to all City Ward Councillors elected for the respective area.
19. Officers and Members of the City of York Council will be given an opportunity to speak at Local Council meetings on matters of mutual interest by prior arrangement and at the discretion of the Local Council.

Practical Support

20. City of York Council will, at its discretion, offer Local Councils access to support services, to enable them to deal with planning applications and to take advantage of facilities such as professional services, specialist knowledge, printing and purchasing, at a mutually agreed price.
21. The awareness needs for City of York Councillors and Officers to understand the roles and procedures for Local Councils will be carried out by Yorkshire Local Councils Association on behalf of Local Councils.

Standards Committee

22. Both City of York Council and the Local Councils have adopted Codes of Conduct, with Local Councils adapting the model provided by the National Association of Local Councils (NALC). Local Councils will work with City of York Council's Joint Standards Committee to promote and maintain high standards of ethical conduct. Three councillors from Local Councils, who are not city councillors, will be appointed to the Joint Standards Committee. A Local Council Member must be present when ethical standards matters relating to Local Councils or their members are being considered.

Financial arrangements

23. Elections – Where Local Council elections take place at the same time and venue as elections for City of York Council, the City Council will meet the full costs including any additional costs attributable solely to the Parish election. Financial arrangements for the carrying out of parish polls and the like will be made by City of York Council in consultation with the Local Councils with a view to limiting the costs of holding such events.

24. Arrangements for remedy of “Double Taxation” – If a service is provided by the Local Council rather than City of York Council and City of York Council charges taxpayers in the parish for equivalent services which it provides elsewhere then this may be a case of Double Taxation. City of York Council wants to ensure that residents of York do not have to pay twice for the same service. However, the existence of concurrent functions does not in itself mean that double taxation is occurring. Any Local Council that believes a service that it is providing creates Double Taxation is invited to put the case for remedy to City of York Council. A written proposal should be submitted in the first instance to the Head of Communities and Equalities for assessment and consideration.
25. With regard to section 106 and infrastructure levy arrangements, Local Councils may apprise the Liaison Officer of their priorities and plans for improving or providing public amenities in the form of playing fields, children’s playgrounds, allotment facilities, village halls, toilets, shelters and the like, so that these priorities may be taken account of in the planning process. Where City of York Council is holding unallocated section 106 funding Local Councils may submit requests, via the Liaison Officer, in order to facilitate appropriate qualifying projects.

Complaints Procedure

26. In the event of a Local Council being dissatisfied with the actions of City of York Council, the Local Council shall use the City of York Council’s feedback and complaints procedure and, if the matter is unresolved, contact the Liaison Officer.
27. In the event of City of York Council being dissatisfied with the actions of a Local Council then a letter should be sent to the Clerk of the individual Local Council requesting further information or a meeting to discuss the issue.

Implementation and Review

28. Operation of the charter will be monitored through quarterly liaison meetings between City of York Council and representatives of the Yorkshire Local Councils Association. These meetings will cover any issues arising regarding the relationship between the two parties.
29. This Charter Agreement shall be revised as and when appropriate by agreement between the parties to ensure its effectiveness.

Formal review will take place at no longer than three yearly intervals.

30. City of York Council staff will be briefed on their responsibilities as detailed in this Charter and such responsibilities will be included in the Induction programme for all staff. Staff will be expected to comply with the charter at all times and this will be ensured through line management arrangements.

Attestation

31. To signify agreement of the parties to this Charter it was signed by:

.....
Elected Member of City of York Council having responsibility for
Community Engagement

and

.....
as Chair of the York Branch of the Yorkshire Local Councils
Associations

Appendix 1

The following are the Local (Parish and Town) Councils being parties to this agreement.

1. Acaster Malbis
2. Askham Bryan
3. Askham Richard
4. Bishopthorpe
5. Clifton Without
6. Copmanthorpe
7. Deighton
8. Dunnington
9. Earswick
10. Elvington
11. Fulford
12. Haxby Town Council
13. Heslington
14. Hessay
15. Heworth Without
16. Holtby
17. Huntington
18. Kexby
19. Murton
20. Naburn
21. Nether Poppleton
22. New Earswick
23. Osbaldwick
24. Rawcliffe
25. Rufforth with Knapton
26. Skelton
27. Stockton-on-the-Forest
28. Strensall with Towthorpe
29. Upper Poppleton
30. Wheldrake
31. Wigginton

Appendix 2

The City of York Council Liaison Officer is: Assistant Director (Customer and Communities)

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Joint Standards Committee**24 January 2022**

Report of the Monitoring Officer

Update on Review of Procedures – Hoey Ainscough**Summary**

This report provides the Joint Standards Committee with Hoey Ainscough's update of their review of the current procedures in place to deal with Code of Conduct complaints.

Background

At the last Joint Standards Committee Meeting in November 2021, the Committee considered a draft procedure document which Hoey Ainscough had prepared. Amendments were agreed by the Committee and Members asked Hoey Ainscough to draft further documents for consideration as part of their review:

- Assessment Sub Committee procedure;
- Procedures for hearings;
- Guidance on conflict of interests;
- Member/Officer protocol;
- Protocol for referral of complaints to the Police;
- Case Handling Flow chart (to follow);
- Flow Chart on declaring interests at meetings (to follow);
- Brief explanatory note of procedure for subject member/complainant (to follow);
- Job description for the Independent Persons (to follow).

A number of these documents have now been drafted and can be found at Annexes A to F. Paul Hoey and Natalie Ainscough will be present at the Joint Standards Committee Meeting.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

The Equality Act 2010 places specific duties on Local Authorities. Having a clear and concise Code of Conduct and procedures which aid the process and prohibits unlawful discrimination gives the public confidence in Members and the Council as a whole.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members are asked to consider the draft procedures and decide whether to recommend the same to Full Council for adoption and implementation to support the Model Code of Conduct.

Author:

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Monitoring Officer
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**Chief Officer Responsible for the
report: Janie Berry**

Director of Governance & Monitoring
Officer
Tel: 01904 555385

**Report
Approved**



Date 11 January
2022

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Annex A – Case Handling procedure (updated after November Joint Standards Committee)
Annex B – Joint Standards Committee Assessment Sub Committee procedure

Annex C –Hearings procedure

Annex D –Conflict of Interest document for Assessment Sub Committee
Meetings and Hearings

Annex E –Member/Officer protocol

Annex F – Police protocol

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CITY OF YORK COUNCIL CASE HANDLING PROCEDURE

Background

Under Section 28 of the Localism Act 2011, City of York Council must have in place “arrangements” under which allegations that an elected or co-opted councillor of the Council or of a town or parish council within the Council’s area (herein after referred to as the ‘subject member’) has failed to comply with the Council’s Code of Conduct can be considered and decisions made on such allegations.

These arrangements provide for the Council to appoint at least one Independent Person whose views must be sought by the Council before it takes a decision on an allegation that it has decided to investigate, and whose views can be sought by the Council at any other stage, or by the subject member against whom an allegation has been made.

The Council has adopted a Code of Conduct for councillors (the Code), which is published on the Council’s website and is available for inspection on request from the Council’s office.

Each town and parish council is also required to adopt a Code of Conduct which should be available on their website.

Initial assessment

1. All allegations, including those against a town or parish councillor, must be made in writing, ideally by completing the complaints form available on the Council’s website, to the monitoring officer of City of York Council (MO).
2. Within 3 working days of receipt of the complaint the MO will acknowledge the complaint.
3. Anonymous complaints will not be accepted unless the MO concludes that there is a compelling public interest why a serious allegation made anonymously may be taken forward.
4. The MO will apply an initial filter to an allegation – for example, to check that the complaint is against a councillor, that they were in office at the time of the alleged incident and that the matter would be capable of being a breach of the Code. The Council has no authority to deal with complaints which relate solely to a councillor’s private life or things they do which are not related to their role as a councillor or as a representative of the council. The MO will keep a record of all complaints made including those which do not pass the initial filter.
5. If the MO has a conflict of interest they should refer the matter to the Joint Standards Committee assessment sub committee to take the decision in their place. Circumstances where this would be done include (but are not limited

to) where the MO has a conflict of interest – for example as the complainant, a key witness or where the MO has already advised on matters which are the subject of the complaint; or where the subject member or complainant is a member of the Executive or Shadow Executive or a committee chair or deputy. Where this is done, references to the MO in this section should be substituted by JSC.

6. The MO may also delegate the decision to the deputy monitoring officer (DMO) where there is a conflict of interest as outlined above.
7. Complaints which identify criminal conduct or breach of other regulations by any person may be referred by the MO to North Yorkshire Police for consideration, or any other regulatory agency. In such cases the MO may pause the consideration of the complaint pending action by the other body.
8. If the MO decides the matter is within scope, they will invite an Independent Person (IP) to give their views on what action should be taken at this stage. That IP will then remain the IP who will be consulted on that case throughout this process, except in exceptional circumstances. Where a matter has not been referred to the JSC, the MO will also consult with the chair or vice chair of the JSC.
9. The MO will also notify the subject member of the complaint within three working days unless there are compelling reasons not to, together with a copy of the complaint (or relevant extracts) and a summary of the process to be followed, and invite them to submit any relevant comments. The subject member will be given 10 working days to respond from the date of the notification. In parish council cases the MO may also notify the clerk and may ask for relevant factual information. However, the MO, in consultation with an IP, may withhold the complainant's identity if they can be satisfied that there are reasonable grounds for granting confidentiality, for example a belief that the complainant or any witness to the complaint may be at risk of physical harm or intimidation, or that their employment may be jeopardised if their identity is disclosed.
10. At the end of the 10 working days from notifying the subject member (regardless of whether any comments have been received from the subject member), if the MO is assessing the complaint, after seeking the views of the Independent Person and also having consulted with the Chair or Vice Chair of JSC, the MO will decide one of the following outcomes:
 - a. to take no further action;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter for investigation.
11. If the JSC is assessing the complaint, they will decide one of the outcomes set out above.
12. In deciding what action is necessary the MO (or the JSC) will consider the following non - exclusive factors:

- a. does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?;
 - b. are there alternative, more appropriate, remedies that should be explored first?;
 - c. where the complaint is by one councillor against another, a greater allowance for robust political debate (but not personal abuse or “unparliamentary” language) may be given;
 - d. is the complaint in the view of the MO malicious, politically motivated, or ‘tit for tat’?;
 - e. whether an investigation would not be in the public interest or the matter, even if proven, would not warrant any sanction;
 - f. whether the complaint is the same as one which has previously been considered and no new material evidence has been submitted within the current administration;
 - g. whether the same complaint has been submitted and accepted;
 - h. does the complaint relate to conduct in the distant past (over six months before)? This would include any reason why there had been a delay in making the complaint;
 - i. does the complaint actually relate to dissatisfaction with a Council (or parish council) decision rather than the specific conduct of an individual?; and
 - j. is it about someone who is no longer a councillor or who is seriously ill?
13. All parties (and the clerk for parish cases) will be notified of the decision and there is no internal right of appeal against that decision.
14. A decision notice will be produced as a matter of record but will not be published at this stage though the Council may issue a public statement if details of the complaint are already in the public domain.
15. The MO will report to the JSC for information on cases in which there has been no further action taken.

Informal resolution

16. Where the MO has decided to seek to resolve the matter informally, they may do one or more of the following:
- a. ask the subject member to submit an apology in writing to the complainant;
 - b. convene a meeting between the subject member and the complainant in order to try to resolve the issue informally;
 - c. notify the subject member’s group leader (where they are a member of a political group) and suggest that they may wish to take some internal group action;
 - d. suggest that the subject member undergo relevant training;
 - e. other such action that the MO deems appropriate.

17. The MO will decide on a timeframe within which the informal resolution must be completed to an acceptable standard.
18. If either the subject member or complainant refuses to engage with the informal resolution proposed by the MO, or the MO deems the action taken by the Subject Member insufficient or the informal resolution does not take place in a timely way the MO will decide, in consultation with an IP, whether the case should be closed, whether an investigation is necessary or whether some other action should be taken. If the MO and the IP are not in agreement about how to proceed the case will be referred to the chair or vice chair of the JSC for a decision.
19. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal resolution.
20. The MO will report to the JSC on the outcome of any informal resolutions proposed and/or implemented.

Investigation

21. Where a matter is referred for investigation, the MO may carry out the investigation themselves, delegate it to another officer or contract it out to an outside body.
22. The investigation must normally be completed within 3 months of the MO decision to refer the complaint for investigation. If an extension of time is needed the MO must agree that extension with the JSC chair and the IP and notify the subject member, complainant (and clerk in parish cases) of any extension with reasons.
23. The subject member is notified who the relevant IP is for the case and may seek their views at any stage during the investigation.
24. The complainant is also notified who the IP is and may make a request to the MO to seek the views of the IP. However, such a request will only be granted at the discretion of the IP in consultation with the MO.
25. At any time while the investigation is underway the MO, the subject member or the complainant may ask for an informal resolution. The MO will consult with the relevant IP whether to agree with the request.
26. Before concluding the investigation, a draft report will be produced and the complainant, subject member and IP will be invited to comment. Witnesses may also be asked to comment as appropriate on parts of the draft report relevant to them.
27. Where the investigation has not been personally conducted by the MO, the final decision as to the findings of the report can be made by the MO unless there is a conflict of interest, in which case the decision will be taken by the

DMO. The MO may also decide that they wish for the decision to be made by the JSC.

28. There may be exceptional circumstances when the MO decides that a case should be closed before a draft or final report has been produced due to a significant change in circumstances. This may include, for example that the subject member is seriously ill or is no longer a councillor or other action has led to the matter being resolved. In such cases the MO should consult the IP before deciding that the file be closed. A record of the complaint will be kept on file in the event that the subject member returns to office in the future and a subsequent complaint is lodged against them.
29. At the end of the investigation the MO (or JSC) may conclude:
 - a. that there has been no breach of the Code;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter to the JSC for determination.
30. In cases where the MO (or JSC) has concluded that there has been no breach of the Code all parties (and the clerk in parish cases) will be notified of the decision and there is no right of internal appeal against that decision. The MO will report the finding to the JSC and issue a public decision notice.
31. Where the MO decides to seek to resolve the matter informally, they shall seek the views of the IP and complainant before concluding whether such an outcome is appropriate. The possible resolutions are those outlined above at paragraph 15. If the subject member or complainant refuses to engage with the informal resolution directed by the MO, the MO deems the action taken by the subject member insufficient or the informal resolution does not take place in a timely way the MO will decide, in consultation with the IP and chair or vice chair of the JSC, whether the case should be closed or whether a hearing is necessary. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal resolution and any further steps.
32. Where the matter is referred for determination, the hearings panel of the JSC will convene within 2 months. The MO will notify the subject member and complainant of the date of the hearing and provide them with a written outline of the hearing procedure.

Hearings panel

33. A matter referred for determination by the MO will be heard by a hearings panel, made up of members of the JSC.
34. At the start of the hearing the MO will ask the hearings panel to consider whether the matter should be heard in public or in private, subject to the normal rules on exempt and confidential information and bearing in mind the public interest. The hearings panel will always, however, retire in private to consider its findings and possible action.

35. The views of the IP will be sought by the hearings panel and made public before the hearings panel reaches its decision.
36. The hearings panel may decide:
 - a. that there has been no breach of the Code;
 - b. that there has been a breach but to take no further action; or
 - c. that there has been a breach and a relevant sanction should be imposed or recommended.
37. If the hearings panel decides that a relevant sanction should be imposed or recommended it may impose or recommend any one or more of the following:
 - a. report its findings in respect of the subject member's conduct to Council (or the relevant parish council);
 - b. issue (or recommend to the parish council to issue) a formal censure;
 - c. recommend to the subject member's group leader (or in the case of ungrouped councillors, recommend to Council) that they be removed from any or all committees or sub-committees of the Council (or recommend such action to the parish council);
 - d. recommend to the Leader of the Council that the subject member be removed from positions of responsibility.
 - e. instruct the MO to (or recommend that the parish council) arrange training for the subject member;
 - f. recommend to Council (or recommend to the parish council) that the subject member be removed from all outside appointments to which they have been appointed or nominated by the Council (or by the parish council);
 - g. recommend to Council (or recommend to the parish council) that it withdraws facilities provided to the subject member by the Council for a specified period, such as a computer, website and/or email and internet access; or
 - h. recommend to Council (or recommend that the parish council) that it excludes the subject member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, committee and sub-committee meetings and/or restricts contact with officers to named officers only;
 - i. if relevant, recommend to the Council that the subject member be removed from their role as Leader of the Council;
 - j. if relevant recommend to the secretary or appropriate official of the group that the councillor be removed as Group Leader or other position of responsibility.
38. All parties (and the clerk in parish cases) will be notified of the hearing panel's decision and there is no right of internal appeal against that decision.
39. A decision notice will be published on the Council website within 5 working days of the hearings panel decision.

**CITY OF YORK COUNCIL
INITIAL ASSESSMENT PROCEDURE BY AN ASSESSMENT SUB-COMMITTEE**

Background

Under Section 28 of the Localism Act 2011, City of York Council must have in place “arrangements” under which allegations that an elected or co-opted councillor of the Council or of a town or parish council within the Council’s area (herein after referred to as the ‘subject member’) has failed to comply with the Council’s Code of Conduct can be considered and decisions made on such allegations.

These arrangements provide for the Council to appoint at least one Independent Person whose views must be sought by the Council before it takes a decision on an allegation that it has decided to investigate, and whose views can be sought by the Council at any other stage, or by the subject member against whom an allegation has been made.

The Council has adopted a Code of Conduct for councillors (the Code), which is published on the Council’s website and is available for inspection on request from the Council’s office.

Each town and parish council is also required to adopt a Code of Conduct which should be available on their website.

The following procedures set out the process to be followed when an allegation is referred by the Monitoring Officer for an assessment by a sub-committee of the Joint Standards Committee.

Initial assessment by an assessment sub-committee

1. All allegations, including those against a town or parish councillor, must be made in writing, ideally by completing the complaints form available on the Council’s website, to the Monitoring Officer of City of York Council (MO). In most circumstances the Council has delegated the decision as to whether or not to take any further action on a complaint to the MO. However, in certain circumstances the MO will refer the matter to an assessment sub-committee (see paragraph 5 of the Complaints Handling Procedure). This is either where the MO has a conflict of interest or because the complaint is about certain senior members of the City Council as set out in paragraph 5 of the Case Handling procedure policy.
2. The MO will only refer matters to the assessment sub-committee after having applied the initial filter in paragraph 4 of the Complaints Handling Procedure to assess whether the complaint falls properly within the jurisdiction of the framework. However, where there is some doubt (for example it is unclear on the face of it whether the matter related to the member’s role as a councillor or representative of the authority) the presumption would be that the matter should be referred to the assessment sub-committee. This process sets out

the procedure to be followed by the assessment sub-committee upon receipt of a referral from the MO.

3. A matter referred for determination by the MO will be heard by an assessment sub-committee, made up of members of the Joint Standards Committee. This Sub-Committee will consist of three members. The Council has agreed that political proportionality rules do not apply to the sub-committee. Where the matter relates to a parish councillor a parish representative will be one of the three Sub-Committee members.
4. At the start of the assessment the MO will ask the assessment Sub-Committee to consider whether the matter should be heard in public or in private, subject to the normal rules on exempt and confidential information and bearing in mind the public interest. Given that this is an early consideration of an allegation where no findings of fact has been made, however, there would be a presumption that the matter is heard as a confidential item.
5. The Sub-Committee will meet within three weeks of the MO referring the matter to them.
6. The views of the IP will be sought by the assessment Sub-Committee and included in any report to the Sub-Committee.
7. In considering the complaint, the Sub-Committee will receive a report from the MO (or DMO if the MO is conflicted) setting out the complaint, matters to be considered by the Sub-Committee and the available options as to next steps. It would also include any comments received from the subject member in response to the complaint. The MO may also include any relevant factual material such as minutes of a meeting or a copy of a member's register of interests. This part of the process is not a formal investigation but is to establish whether or not there is a 'case to answer'. As such the Sub-Committee should consider the matter on the papers with relevant supporting information but cannot call witnesses.
8. The Sub-Committee may decide:
 - a. that no further action is required;
 - b. that the matter should be referred for formal investigation; or
 - c. that some form of informal resolution should be carried out.
9. In reaching its decision it must consider the same range of factors as set out in the Complaints Handling Procedure.
10. If the Sub-Committee decides that no further action is required it will produce a decision notice and notify the complainant and the subject member (and parish clerk if appropriate) within three working days.
11. If the Sub-Committee decides the matter should be referred for formal investigation, it must produce a Decision Notice and instruct the MO to

arrange for the matter to be investigated. In doing so it should specify to the MO whether it believes the investigation needs to be done externally from the authority, bearing in mind the significance and complexity of the case. The MO should then notify the complainant and subject member (and parish clerk if appropriate) that the matter is to be investigated and outline the process to be followed within three working days.

12. If the Sub-Committee decides the matter should be referred for an informal resolution, it must produce a Decision Notice and instruct the MO to arrange for the action to be carried out. In doing so it should specify to the MO what action it believes to be appropriate and a timescale. The MO should then notify the complainant and subject member (and parish clerk if appropriate) within three working days.
13. There is no internal right of appeal against the decision of the Assessment Sub-Committee

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The procedure for hearings before a Hearings Panel of the Joint Standards Committee.

1. Formal hearings will be conducted by a Panel of three councillors drawn from membership of the Joint Standards Committee on the basis of availability plus one of the Independent Persons who will not be a member of the Panel but whose views the Panel must be taken into account.
2. The Hearings Panel need not reflect the political proportionality of the Council as a whole.
3. The Monitoring Officer will advise the Panel at the start of the meeting, whether in their opinion the Panel should meet in public or private, having regard to:
 - a) The rules on confidential and exempt information as defined by Schedule 12A, Local Government Act, 1972; and whether
 - b) In all the circumstances of the case, the public interest in maintaining any exemption outweighs the public interest in disclosing the information
4. Where the Hearing is held in public, members of the public will not be allowed to address the Panel on any matter unless they are formally part of the proceedings, for example as a witness.
5. Before a Hearing Panel meets, the Monitoring Officer shall write to the Subject Member asking:
 - a) whether they accept the finding in the investigation report
 - b) whether they dispute any factual part of the report, identifying any areas of dispute
 - c) whether the Subject Member wishes to call any witnesses at the hearing (only witnesses identified to the Investigating Officer by the Subject Member may be called as witnesses. In law, witnesses do not have to attend a Hearings Panel)
 - d) whether they wish to be accompanied at the hearing
6. Where the investigation has not been carried out by the Monitoring Officer, the Monitoring Officer will also ask the investigator if they wish to call any witnesses in addition to any called by the Subject Member. (Only witnesses identified as part of the investigation may be called as witnesses – as 5c above)
7. The MO will also write to the complainant with a copy of the report, notifying them of the date of the hearing and asking them if they wish to attend and/or make any further representations. They are not required to attend and the hearing may continue if the complainant is not present or has made no further representation.
8. In advance of a meeting of a Hearings Panel its members shall seek to agree who will chair the hearing. The Chair may issue directions about the conduct of the hearing, including the number and suitability of suggested witnesses. A

member of a Hearings Panel shall not act as Chair unless they have received relevant training.

9. Subject to the discretion of the Chair, the hearing shall be conducted as follows:
 - a) The Investigating Officer will be invited to present their report and to call witnesses. The Subject Member and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the Investigating Officer and any witnesses.
 - b) The Subject Member will be invited to comment on the report and its findings and to call any witnesses. The Investigating Officer and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the Subject Member and any witnesses.
 - c) The Investigating Officer and the Subject Member will be invited, in that order, to make brief concluding remarks.
 - d) The Subject Member will remain present throughout the hearing although any witnesses would only be present when being invited to present their evidence.
9. The Chair and Hearings Panel, including the Independent Person, may ask for advice at any stage from the Monitoring Officer or another officer appointed to advise the committee.
10. Once the hearing has been concluded, the Independent Person will express their views. The Hearings Panel and the Monitoring Officer, or other officer where the Monitoring Officer is the investigator or has a conflict of interest, will then retire to consider its decision. The Hearings Panel is required to do the following:
 - (i) to make findings of the facts,
 - (ii) to decide on whether these facts constitute a breach of the Code of Conduct, and
 - (iii) where a breach is found, to decide on the appropriate sanction.
11. In deciding whether or not to uphold the complaint the Hearings Panel must apply, as the standard of proof, the balance of probability. Any officer present is simply there to advise the Panel and is not part of the decision-making process.
12. The Hearings Panel will then return and announce its findings on whether there has been a breach of the Code, and give reasons.
13. Following announcement of the Hearings Panel's findings, the Investigating Officer and the Subject Member will be invited to make submissions, if necessary, regarding remedies or sanctions. The Independent Person may also be asked to give any further views.
14. The Hearings Panel with the Monitoring Officer or other appropriate officer will then retire again to consider what, if any, sanction it wishes to impose. It will then announce its decision and give reasons. Following the hearing, a

Decision Notice will be issued within 3 working days, and a copy shall be sent to the complainant and Subject Member, and to the parish clerk where it is a parish council case.

15. There is no internal right of appeal against a decision on a Code of Conduct complaint.
16. The Decision Notice will be published on the Joint Standards Committee pages of the Council's website. This includes decisions relating to members of Town or Parish councils.

Sanctions available to a Hearings Panel

17. The Hearings Panel has powers to take action in respect of individual councillors as necessary to promote and maintain high standards of conduct.
18. The Hearings Panel may do one, or a combination, of the following:
 - a) report its findings in respect of the Subject Member's conduct to Council (or the relevant Parish Council);
 - b) issue (or recommend to the Parish Council to issue) a formal censure;
 - c) recommend to the Subject Member's Group Leader (or in the case of un-grouped members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council (or recommend such action to the Parish Council);
 - d) recommend to the Leader of the Council that the Subject Member be removed from positions of responsibility;
 - e) instruct the MO to (or recommend that the Parish Council) arrange training for the Subject Member;
 - f) recommend to Council (or recommend to the Parish Council) that the Subject Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council (or by the Parish Council);
 - g) recommend to Council (or recommend to the Parish Council) that it withdraws facilities provided to the Subject Member by the Council for a specified period, such as a computer, website and/or email and internet access; or
 - h) recommend to Council (or recommend that the Parish Council) that it excludes the Subject Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings and/or restricts contact with officers to named officers only;
 - i) if relevant recommend to the Council that the Subject Member be removed from their role as Leader of the Council;
 - j) if relevant recommend to the Secretary or appropriate official of the Group that the Member be removed as Group Leader or other position of responsibility.

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**Joint Standards Committee
Local Assessment and Hearings
Conflicts of Interest
Guidelines for Members and Officers**

Members

A Member must not participate in any part of the assessment or hearings process if they are:-

- the complainant
- a potential witness to, or the subject of the complaint
- closely associated with someone who is the complainant, a potential witness, or the subject of the complaint
- a parish representative and the matter concerns their own parish council.

A Member of the Joint Standards Committee who is involved in the initial assessment of a complaint can be a Member of the Hearings Panel which hears and determines the complaint at the conclusion of an investigation even if they were involved in the initial assessment decision, subject to the same tests for any conflict of interest. Each case where this could occur should however be considered carefully on its own particular circumstances, in order to assess whether there might be any perceptions of potential unfairness or bias, which would justify the Member concerned not being involved in the hearing/determination.

Officers

An officer who has previously advised the Subject Member, another member or the complainant about the issues giving rise to the complaint, should consider carefully whether they can be involved in any part of the assessment or hearings process at all.

An officer who has taken part in supporting the assessment and/or hearing process, should not be involved in the investigation of the matter, and vice-versa.

Members and officers

Members and officers should also take care to avoid any personal conflicts of interest in relation to the consideration of a complaint that a Member may have breached the Code of Conduct.

The provisions of the Council's Code of Conduct regarding interests apply to Joint Standards Committee Members in assessments and hearings.

These provisions should also be considered by officers to apply to them in the same way that they apply to Members, so that anyone (Member or Officer) who has an interest or is otherwise personally involved with a complaint in any way, must not take part in the assessment or hearing of that complaint.

The circumstances where a Member or Officer must not take part in an assessment or hearing of a complaint, include the following:-

- the Member or Officer or a relative or close associate of the Member or Officer is directly involved in the case

- the complaint is likely to affect the well-being or financial position of the Member or Officer or the well-being or financial position of a family member or person with whom they have a close association more than it affects the majority
- a family member, friend or close associate of the Member or Officer is involved in the case
- the Member or Officer has an interest in any matter relating to the case. For example, it concerns another Member's failure to declare an interest in a planning application in which the Member or Officer has an interest.

DRAFT

PROTOCOL FOR MEMBER/OFFICER RELATIONS

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2. Members
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4. The Relationship: General
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9. Officer Support: Overview & Scrutiny
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12. Involvement of Ward Councillors
13. Breaches of the Protocol
14. Monitoring and Review

1. Introduction

- 1.1 The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between Members and Officers as they work together. Employees who are required to give advice to members are referred to as "Officers" throughout.
- 1.2 A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council.
- 1.3 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of Local Government and they therefore demand very high standards of personal conduct.
- 1.4 The following extract from the Local Government Association guidance on the 2020 Model Councillor Code of Conduct states that:

"Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority."

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.

Councillors of the executive, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people

accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships.”

- 1.5 The provisions of this Protocol are designed to complement the Codes of Conduct and will be interpreted having regard to the requirements of the Members' Code of Conduct, the Officers' Code of Conduct, the Council's Whistleblowing Protocol and the Council's policies, procedures and processes.

2. Members

- 2.1 Mutual respect between Councillors and Officers is essential to good Local Government. Overly close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
- 2.2 It is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 2.3 In line with the Members' Code of Conduct, as set out in Part xx of this Constitution, a Member must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 2.4 Officers can expect Members:
- to give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision on issues based on advice
 - to act within the policies, practices, processes and conventions established by the Council
 - to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
 - to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines
 - to treat them fairly and with respect, dignity and courtesy
 - to act with integrity, to give support and to respect appropriate confidentiality
 - to recognise that Officers work to the instructions of their Senior Officers and not to individual Members or political groups
 - not to subject them to intimidation, harassment, or put them under undue pressure. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels
 - not to request them to exercise discretion which involves acting outside the Council's policies and procedures

- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority
- not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the Members Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and conventions agreed by the Council.

2.5 It is important that Members of the Authority:

- respect the impartiality of Officers and do not undermine their role in carrying out their duties
- do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party-political manner
- do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Managers

2.6 The Head of Paid Service, the Monitoring Officer and the Chief Finance (section 151) Officer and other Statutory Officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging their responsibilities under any statutory office a Member or Members shall not:

- improperly interfere with or obstruct the Officer in exercising those responsibilities
- victimise any Officer who is discharging or has discharged their responsibilities of the Statutory Office

3. Officers

3.1 The primary role of Officers is to advise, inform and support all members and to implement the lawfully agreed policies of the Council.

3.2 Officers are responsible for day-to-day managerial and operational decisions within the Council. Members should avoid inappropriate involvement in such matters.

3.3 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will respect a Member's view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

3.4 Officers must:

- implement decisions of the Council and its subordinate bodies which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded.

- work in partnership with Members in an impartial and professional manner
- treat Members fairly and with respect, dignity and courtesy
- assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- respond to enquiries and complaints in accordance with the Council's standards protocol
- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- act with honesty, respect, dignity and courtesy at all times
- provide support and learning and development opportunities for Members to help them in performing their various roles
- not seek to use their relationship with Members to advance their personal interests or to influence decisions improperly
- comply, at all times, with the Officer Code of Conduct, and such other Policies or Procedures approved by the Council
- Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

4. The Relationship: General

- 4.1 Members and Officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the public, whereas Officers are accountable to the Council as a whole.
- 4.2 At the heart of the Codes, and this Protocol, is the importance of mutual respect and also of civility. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.
- 4.3 Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.
- 4.4 A Member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times
 - ensure that any criticism is well founded and constructive

- ensure that any criticism is made in private
- take up the concern with the appropriate Director or Deputy Chief Officer
- If the matter is of a particularly serious nature inform the Head of Paid Service.

4.5 Neither should an officer raise with a councillor matters relating to the conduct or capability of another officer or to the internal management of the section or Directorate in a manner that is incompatible with the objectives of this Protocol.

4.6 Potential breaches of this Protocol are considered at paragraph 12 below.

5. Officer Advice to Party Groups

5.1 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups.

5.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a member of the Executive or shadow Executive or Chair or Spokesperson prior to a Committee meeting to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

5.3 Any requests for advice or attendance are to be directed through the Group Leaders, Executive Members (or their shadows) or Chairs/Spokespersons for the relevant Committee. The request shall be made to the relevant Chief Officer or, in their absence, to their deputy or the next appropriate lower tier officer. An officer accepting an invitation to one political group or individual will not decline an invitation to advise another political group or individual on the same subject, although the Officer is not obliged to offer to advise another political group on the same subject.

5.4 Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- (i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of *Council* business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of *party* business are to be discussed;
- (ii) Party Group Meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted

upon as such, particularly having regard to the risk of challenge on the grounds of pre- determination;

(iii) The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so;

(iv) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council meeting, Committee or Sub-Committee when the matter in question is considered.

5.5 In relation to budget proposals;

(a) The administration shall be entitled to confidential discussions with officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of the Executive /Council meetings, whichever is the earlier;

(b) The opposition groups shall be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Executive/Council meetings, whichever is the earlier.

5.6 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the Council's codes of conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, officers will only attend in these circumstances where the request has been made to, and agreed by, a Chief Officer. It must then be understood that officers may not be able to provide the same level of information and advice as they would to a 'Members only' meeting.

5.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group, unless agreed otherwise.

5.8 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

6. Support Services to Members and Party Groups

6.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

7. Members' Access to Information and to Council Documents

- 7.1 Members are free to approach any Council Directorate to provide them with such information, explanation and advice (about the Directorate's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Directorate's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Director or Deputy Chief Officer concerned.
- 7.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 7.3 Members have a statutory right to inspect any Council document *which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting*. This right applies irrespective of whether the Member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear in Part II (exempt) of the Agenda for meetings. Further details are contained in the Access to Information Procedure Rules at Part xx of the Council's Constitution. Examples are documents that contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 7.4 The common law right of Members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents *so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council*. This principle is commonly referred to as the "need to know" principle.
- 7.5 The exercise of this common law right depends therefore upon the Member's ability to demonstrate that they have the necessary "need to know". In this respect a member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the particular Director or Deputy Chief Officer who holds the document in question (with advice from the Monitoring Officer).
- 7.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.
- 7.7 Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a "need to know", and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 7.8 Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer.

- 7.9 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.
- 7.10 For completeness, Members do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

8. Officer – Executive Member/Chair Relationships

- 8.1 It is clearly important that there should be a close working relationship between the relevant Executive Member or Chair of a Committee and the Chief Officers who support that Portfolio or Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other Party Groups.
- 8.2 Whilst the Executive Member or Chair of a Committee (or Sub-Committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in their name. Any issues arising between a Chair or Executive Member and an Officer in this area should be referred to the Head of Paid Service for resolution.
- 8.3 It is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken only by the Council, Leader, Executive, Executive Member, a Committee, a Sub-Committees or an Officer.
- 8.4 Under the Constitution, individual Members of the Executive may, in some situations, take decisions. The Council has put in place mechanisms to ensure that the individual Executive Member seeks advice from relevant Members and officers before making a decision within their delegated authority. This includes taking legal advice, financial advice and professional officer advice as well as consulting the Monitoring Officer where there is doubt about powers to act.
- 8.5 The Council's delegation scheme and resolutions passed at Executive or Committee meetings may authorise a named officer to take action, sometimes in consultation with one or more Members such as the Executive Member or Chair and Vice-Chair of a Committee. In these circumstances it is the officer, rather than the Member, who takes the decision or action and it is the officer who is accountable for it.
- 8.6 Finally, it must be remembered that officers within a Directorate are accountable to their Chief Officer or Deputy Chief Officer and that, whilst officers should always seek to assist an Executive Member or Chair (or

indeed any Member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by their senior officer.

9. Officer Support: Overview and Scrutiny

9.1 It is not the role of scrutiny to act as a disciplinary tribunal in relation to the actions of Members or officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on a panel's behalf. This means:

- (a) Overview & Scrutiny's questioning about the conduct of individuals should be in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, not to imply criticism or blame;
- (b) In these circumstances, it is for the Head of Paid Service to institute a formal enquiry, and Overview & Scrutiny may ask (but not require) him to do so.

9.2 Overview & Scrutiny should not act as a "Court of Appeal" against decisions or to pursue complaints by individuals, as other procedures exist for this. These are internal, for example, the Corporate Complaints Procedure, and external/statutory, for example the Local Government Ombudsman or appeal to the Courts. However:

- (a) Overview & Scrutiny may investigate the manner in which decisions are made but should not pass judgement on the merits or otherwise of a decision in individual cases;
- (b) They can comment on the merits of a particular policy affecting individuals.

9.3 Wherever possible Overview & Scrutiny should provide written questions or details of indicative topics to someone invited to appear before a panel to ensure they have adequate time to prepare for the meeting. In addition, invitees ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Panel has previously indicated.

10. Correspondence

10.1 Correspondence between an individual Member and an Officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed. Acknowledging that the "BCC" system of e-mailing is used, it should be made clear at the foot of any e-mails if another Member has received an e-mail by adding "cc Councillor x."

- 10.2 Official letters or emails on behalf of the Council should normally be sent out under the name of the appropriate Officer, rather than under the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of a Member, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member
- 10.3 Correspondence to individual Members from officers concerning regulatory matters such as planning, enforcement, licensing and environmental health matters should not be sent or copied to complainants or other third parties if they are marked “confidential”. In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the Member in confidence only and why that is so.

11. Press and Media

- 11.1 Local Authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and customers. Local Authorities use publicity to keep the public informed and to encourage public participation. The Council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the Council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of Recommended Practice on Local Authority Publicity and the Council's Media Protocol. The full guidance on the Council's policy towards interaction with the press and media can be found within the Press and Media Protocol contained at Part xx of this Constitution. In summary, it is required as follows.
- 11.2 The Council must comply with the provisions of the Local Government Act 1986 (“the Act”) regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the Council must have regard to it and follow its provisions when making any decision on publicity.
- 11.3 The Leader, Deputy-Leader, Executive Members and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader, Executive Members and Chairs should liaise with the Communications Team on all forms of contact with the press and media.
- 11.4 A Chief Officer or Deputy Chief Officer or nominated representative may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political

opinion, comment or statement.

- 10.3 Any press release that may be necessary to clarify the Council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the appropriate Chief Officer and/or the Monitoring Officer.
- 10.4 For more detailed information and guidance regarding the role of Members in connection with the use of social media, reference should be made to the Council's Social Media Protocol contained at Part xx of this Constitution

12 Involvement of Ward Councillors

- 12.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

13 Breaches of the Protocol

- 13.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Director or Deputy Chief Officer. Where the Officer concerned is a Director or Deputy Chief Officer, the matter should be raised with the Head of Paid Service. Where the employee concerned is the Head of paid Service, the matter should be raised with the Monitoring Officer.
- 13.2 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Members.
- 13.3 Where an officer feels that they have not been properly treated with respect and courtesy, or is concerned about any action or statement relating to themselves or a colleague by a councillor and wishes to raise a grievance, they should raise the matter with their line manager, Director or the Head of Paid Service as appropriate. In these circumstances the Head of Paid Service or Director will take appropriate action either by approaching the individual councillor and/or the party group leader.
- 13.4 Where an Officer wishes to make a complaint under the Members' Code of Conduct this should be made to the Monitoring Officer and dealt with in accordance with the procedure in Part xx of the Constitution.
- 13.5 In the event of a grievance being upheld, the matter will be referred to the Head of Paid Service who, having advised the Leader of the Council and the appropriate Group Leader(s), will decide on the course of action to be taken, following consultation with the Constitution and Standards Committee if

appropriate.

13.6 Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct.

13.7 Breaches of this Protocol by an Officer may be referred for disciplinary action.

14 Monitoring and Review

14.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Joint Standards Committee in consultation with the Council's Monitoring Officer.

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Protocol between City of York Council and North Yorkshire Police

Purpose – to agree a protocol for the reporting of potential criminal offences arising from complaints against elected members of City of York Council and its town and parish councils made to the City Council.

In particular the Protocol covers allegations of failure to register or declare disclosable pecuniary interests (DPI) or from speaking and voting where a Member has a disclosable pecuniary interest and has not first sought a dispensation. These are offences under s34 of the Localism Act 2011.

- 1) In the event that the Monitoring Officer receives a complaint regarding a potential DPI offence they will make immediate contact with the Police through the nominated single point of contact at North Yorkshire Police (*details to be added*)
- 2) Similarly if the Police receive a complaint from a member of the public that a member of City of York Council or of a town or parish council within the City Council area may have failed to register or disclose a DPI they will inform the City of York Monitoring Officer of the receipt of that complaint. (*details to be added*)
- 3) In the event that the Monitoring Officer receives a complaint regarding a breach of the City of York Code of Conduct (or relevant town or parish council Code) which may also in the view of the Monitoring Officer potentially be a criminal matter other than a DPI offence they will also follow the procedure below.
- 4) The Monitoring Officer and/or the Council's Joint Standards Committee will carry out an initial assessment of the complaint and if, following that assessment, both the police and the Council are satisfied that there is prima facie evidence that a criminal offence may have been committed, North Yorkshire Police will register the complaint and will advise the relevant Monitoring Officer if they wish to be involved at that stage. In undertaking an initial assessment as to whether there is prima facie evidence of a criminal offence the relevant Monitoring Officer may conduct an interview with the complainant but will not approach the Member who is the subject of the complaint until the Police have been advised of the matter and have indicated how they wish to proceed. In the event of a complaint being received directly by the Police rather than through the relevant Monitoring Officer, the Police will conduct an initial assessment of the complaint but may

approach the relevant Monitoring Officers for background information on the complaint.

- 5) If the Police decide not to prosecute in the public interest they will pass the relevant evidence to the Monitoring Officer so that the question of whether a Code of Conduct breach is to be pursued can be considered. To facilitate this, City of York Council and the Police will enter into a data sharing agreement. In the event that the City Council decides to pursue the matter further in terms of a Code of Conduct breach, they will inform the Police of their decision.

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Joint Standards Committee**24 January 2022**

Report of the Monitoring Officer

Dispensation granted to Councillors Mason and Lomas on 15 July 2021 to enable them to participate in a debate of a Motion presented to Full Council**Summary**

To confirm a dispensation was granted to Councillors Mason and Lomas on 15 July 2021, to enable them to participate in a debate of a Motion presented to Full Council.

Background

A dispensation was granted to Councillors Mason and Lomas, who are both in receipt of Blue Badges, so that they could fully participate in a Motion presented to Full Council on 15 July 2021, which had implications for Blue badge holders. The dispensation was granted by the Chair of the Joint Standards Committee who, after consultation with the Lord Mayor, the Chief Operating Officer and the Monitoring Officer, was satisfied that sufficient information had been provided to him verbally during the meeting to merit the granting of the same.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

A dispensation may be granted to enable a member to participate in a discussion and vote on a matter at a meeting even if they have a disclosable pecuniary interest or a prejudicial interest.

Legal

The constitution enables a dispensation to be granted in prescribed circumstances and that the dispensation is granted in consultation with the Chair of the joint Standards Committee.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

To note that a dispensation was granted to Councillors Mason and Lomas on 15th July 2021, to enable them to participate in a debate of a Motion presented to Full Council.

**Author & Chief Officer
responsible for the report:**

Janie Berry

Director of Governance &
Monitoring Officer

01904 555385

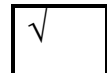
**Report
Approved**



Date 11 January
2022

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

- **Constitution**
- **Local Government Act 1972**



Joint Standards Committee**24 January 2022**

Report of the Monitoring Officer

Dispensation granted to Councillor Douglas on 12 October 2021, so that Councillor Douglas can substitute for Councillor Webb at Area Planning Committee on 13 October 2021**Summary**

To confirm a dispensation granted to Councillor Douglas on 12 October 2021, so that Councillor Douglas can substitute for Councillor Webb at Area Planning Committee on 13 October 2021.

Background

Upon receipt of a written request, the Chair of Joint Standards Committee was asked to consider the granting of a dispensation to allow for Councillor Douglas to substitute for Councillor Webb at Area Planning Committee on 13 October 2021. Councillor Webb was unable to attend and the named substitutes were not available. Councillor Douglas has received planning training. In his observations, the Chair of Standards Committee expressed hesitation at granting such a dispensation, and indicated that he would not normally do so in these circumstances. However the Chair of Joint Standards Committee was mindful that Full Council is being asked to consider an amendment to the constitution on 21 October 2021, to allow for a change to the substitution rules for Planning Committee and therefore as a one off, a dispensation was granted to Councillor Douglas.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

A dispensation may be granted to enable a member to participate in a discussion and vote on a matter at a meeting even if he or she has a disclosable pecuniary interest or a prejudicial interest

Legal

The constitution enables a dispensation to be granted in prescribed circumstances and that the dispensation is granted in consultation with the Chair of the joint Standards Committee.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

To note that a dispensation was granted to Councillor Douglas on 12th October 2021, so that Councillor Douglas can substitute for Councillor Webb at Area Planning Committee on 13th October 2021.

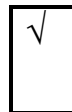
Author & Chief Officer responsible for the report:

Janie Berry

Director of Governance &
Monitoring Officer

01904 555385

Report
Approved



Date 11 January
2022

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- Constitution
- Local Government Act 1972

Work Plan for Joint Standards Committee 2021-22

Meeting Date (4.00pm start time)	Items	Notes
Wednesday 23 June 2021	<ul style="list-style-type: none"> • Appointment of Chair and Vice Chair • Workshop around Model Code of Conduct 	
Tuesday 6 July 2021	<ul style="list-style-type: none"> • Annual Report for Municipal Year 2020-2021 • Update on recruitment of Independent Persons • Review of York's Parish Charter • Model Code of Conduct for Elected Members • Review of Work Plan • Monitoring report in respect of complaints received 	Standard item
Thursday 23 September 2021	<ul style="list-style-type: none"> • Update on recruitment of Independent Persons • Terms of Reference for the Committee • Model Code of Conduct for Elected Members • Model Code of Conduct – Review of Procedures • Review of Work Plan • Monitoring report in respect of complaints received 	Standard Item
Tuesday 23 November 2021	<ul style="list-style-type: none"> • Model Code of Conduct – Review of 	

	Procedures	
Monday 24 January 2022	<ul style="list-style-type: none"> • Review of York's Parish Charter • Dispensation granted to City Councillors on 15 July 2021 • Dispensation granted to City Councillor on 12 October 2021 • Update on Review of Procedures – Hoey Ainscough • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
Wednesday 20 April 2022	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item



Joint Standards Committee**24 January 2022**

Report of the Monitoring Officer

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

This report is to update the Committee on the position regarding ongoing complaints.

Background

The table attached at Annex A provides information about ongoing complaints and the table attached at Annex B provides the list of closed complaints.

Case references 739, 740, 741, 2021/06 and 2021/11 have now been investigated. They are being referred for a hearing, which is currently being arranged. A hearing is also being arranged for case references 2020/17, 2021/08 and 2021/09 after a breach of the code of conduct was found by the investigating officers.

Case reference 2020/10 has been considered by a Sub Committee of the Joint Standards Committee who determined that they accepted the investigating officer's finding of no breach of the code, therefore, the matter is now closed.

Case reference 2020/14 was heard by a Joint Standards Committee Hearing Panel who found a breach of the code of conduct. The Panel formally reported the findings to the Parish Council and also recommended mandatory training for the Councillor.

Case reference 2020/20 has now been investigated and the investigating officer found no breach of the code. The Monitoring officer has upheld this finding, therefore, the matter is now closed.

Case reference 2021/13 is currently under investigation. So too is 2021/17.

Case reference 2021/14 was referred to an assessment sub committee which determined that no further action should be taken, therefore the matter is now closed.

Case reference 2021/15, 2021/16, 2021/18 and 2021/19 were assessed by the Monitoring Officer who did not progress the complaint because there was no breach of the code of conduct.

Case reference 2021/20 is being considered by an assessment sub committee on 13 January 2022. Case reference 2021/21 is also currently being assessed.

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

12. 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:
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**Chief Officer Responsible for the
report:** Janie Berry
Director of Governance &
Monitoring Officer
Tel: 01904 555385

**Report
Approved**



Date 11 January
2022

Wards Affected:

All



For further information please contact the author of the report

Annexes:

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

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Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
739	Parish	Parish Councillor	15/11/19	Allegations that the subject member behaved aggressively towards the complainant.		Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.	<p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> <p>External investigating officer has now been appointed.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
740	Parish	Parish Councillor	13/11/19	Allegations that the subject member behaved aggressively towards a Clerk.		Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.	<p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> <p>External investigating officer has now been appointed.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
741	Parish	Parish Councillor	15/11/19	Allegations that the subject member verbally attacked the Chair and the Clerk and sent threatening emails.		Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.	<p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> <p>External investigating officer has now been appointed.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
2020/10	City	Residents	12/07/20 - 24/07/20	Numerous complaints were received with regards to the Councillor's comments and behaviour on social media.		Closed.	<p>This complaint is currently being investigated.</p> <p>Draft report now finalised and sent to subject Councillor for comment.</p> <p>Comments received, subcommittee to be reconvened to review findings.</p> <p>Sub-Committee determined that further investigation is required – passed back to investigating officer.</p> <p>Investigation completed now – referred back to Sub-Committee.</p> <p>Assessment sub-committee determined that the Investigating Officer's report was complete and accepted the finding of no breach of the Code of Conduct. Closed.</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
2020/14	Parish	Resident	18/11/20	The complainant would like a Parish Councillor investigated as personal animosity has been preventing the PC to serve the parishioners.		Closed.	<p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Draft report to be distributed to parties w/c 15.03.21.</p> <p>Parties have responded, draft report to be passed to MO for consideration.</p> <p>Breach found, being referred for hearing.</p> <p>Hearing Panel adjourned to end of September.</p> <p>Hearing Panel met on 30 September 2021. Panel upheld the Investigating Officer's findings that the Councillor breached the Code of Conduct. The Panel imposed the following sanctions: Formal reporting of the findings of the Panel to the Parish Council, recommendation that the</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							Parish Council arrange mandatory training for the Parish Councillor around Charing Skills, including the Code of Conduct and Parish Council Governance.	
2020/17	Parish	Parish	01/12/20	The complainant claims the Councillor had an emotional outburst at an online parish council meeting which is claimed to have publicly impugned the integrity of the complainant.		Progressing to Hearing. Hearing panel to be convened.	<p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Investigation ongoing.</p> <p>Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then.</p> <p>Investigation now completed, breach in part found. With MO to determine next steps.</p> <p>MO has accepted the draft report, currently considering whether to deal with the</p>	Consulted with Vice Chair on 8 th November 2021.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							<p>matter informally or by way of hearing.</p> <p>Consulting with Vice Chair as to whether to refer to hearing sub-committee – awaiting response.</p>	
2020/20	CYC	CYC	13/12/20	The complainant claims the councillors breached the code of conduct. It is alleged the councillors made potentially libellous allegations against the complainant and others, and it is alleged they have set out a series of untruths about City of York Council within a newsletter sent out.		Closed.	<p>Assessment can now be completed as IP view now received.</p> <p>Investigation ongoing.</p> <p>This complaint is currently being investigated.</p> <p>Investigation concluded, no breach found. MO upholds the findings of the investigating officer, parties notified. Closed.</p>	
2021/06	Parish Councillor	Parish Councillor	11/02/20	The complainant alleges that the Cllr behaved in an intimidatory and bullying manner.		Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.	<p>This complaint is now being looked into as the criminal proceedings have now concluded (in 2021).</p> <p>The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							<p>now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>External investigating officer has now been appointed.</p> <p>External investigation ongoing.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.</p>	
2021/08	Parish Councillor	Parish Councillor	06/04/21	This is an additional complaint in respect of the Parish Council meeting in February 2021 in which the Chairman and to some extent the Council have acted "unlawfully" in respect to actions taken at the meeting.		Progressing to Hearing. Hearing panel to be convened.	<p>Matter currently under investigation.</p> <p>Consulting with Vice Chair as to whether to refer to hearing sub-committee – awaiting response.</p> <p>Progressing to Hearing. Hearing panel to be convened.</p>	Consulted with Vice Chair on 8 th November 2021.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
2021/09	Parish Councillor	York Resident	06/04/21	This complaint is in addition to 2020/19. This complaint pertains to the actions taken during the February 2021 Parish Council meeting in which the complainant feels further adds to the issues raised in the original complaint in respect to the conduct of the councillor.		Progressing to Hearing. Hearing panel to be convened.	Matter currently under investigation. Consulting with Vice Chair as to whether to refer to hearing sub-committee – awaiting response. Progressing to Hearing. Hearing panel to be convened.	Consulted with Vice Chair on 8 th November 2021.
2021/12	Parish	Parish	01/07/2021	The complainant alleges the Parish Councillor has repeatedly bullied, threatened and harassed Councillors and staff.		Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.	Complaint assessed and the allegations set out in the complaint are covered by the code, sufficient information is within the complaint to refer for investigation and the allegations are serious in nature. It is also in the public interest to refer for investigation. Referral to assessment subcommittee made. Sub-committee determined that the report is complete and	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							the finding accepted. Hearing to be arranged in New Year.	
2021/13	CYC	CYC	15/07/2021	The complainant alleges the Cllr has breached the following standards codes: failure to treat others with respect, bullying and intimidation, and bringing the council into disrepute.		This complaint is currently being investigated.	Complaint assessed and will progress to investigation.	
2021/14	CYC	CYC	19/08/2021	The complainant alleges the Cllr has breached the following standards codes: 3.1: You must treat others with respect. 3.2 You must not do anything which may cause the Council to break any equality enactment. 3.3 You must not bully or intimidate any person, or attempt to bully or intimate them. 3.7 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or		Closed.	This complaint is currently being investigated. Joint Assessment Sub-Committee being set up, await outcome. Assessment sub-committee agreed no further action. Parties notified, matter closed.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
				your position as a councillor into disrepute.				
2021/15	CYC & Parish	York resident	28/09/21	The complaint is in relation to an alleged breach of information regarding a planning application that was not in the public domain. The parish councillor allegedly acted unfair and biased towards a planning application.		Closed.	Complaint assessed, IP view sought, consultation with Chair of JSC, complaint not progressing further. Reason: if the complaint were proven, there would not be a breach of the Parish Council's code. Parties notified of outcome. Closed.	Chair consulted 05/10/21
2021/16	CYC	York resident	15/10/21	The complaint is in relation to a potential conflict of interest following an appearance on TV.	Vice Chair consulted 19/10/21	Closed.	Complaint assessed and not progressing to investigation. Reason: Councillor acting in private capacity, not in capacity of Councillor. Closed.	
2021/17	CYC	Parish	23/20/21	The complaint is in relation to matters at a Parish Council and the complainant alleges the Cllrs behaviour is not in line with the code of conduct.		Assessment sub-committee determined that the complaint should progress to an investigation and external	This complaint is currently being assessed. Assessment Sub-Committee being convened, await outcome. Assessment sub-committee determined that the complaint	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
						investigator appointed.	should progress to an investigation and external investigator appointed.	
2021/18	CYC	CYC	02/12/21	The complainant alleges the Cllr has breached the code following decisions made at Decision Sessions.	Vice Chair consulted 15/12/21	Closed.	This complaint is currently being assessed. Views of the IP sought. Closed. Complaint does not relate to councillor conduct, therefore falls outside the standards regime. Parties notified.	
2021/19	CYC	York resident	11/12/21	The complainant alleges a statement made in a York Press article was intended to coerce and stigmatise anyone who chooses not to be vaccinated.	Chair and Vice Chair consulted 15/12/21	Closed.	This complaint is currently being assessed. Views of the IP sought. Complaint assessed and no breach of the code of conduct was found. Closed. Parties notified.	
2021/20	CYC	York resident	16/12/21	The complainant alleges the Councillor's comments at a Planning Committee meeting breach the Member Code of Conduct.	Chair and Vice Chair consulted 17/12/21	Assessment Sub-Committee being convened, await outcome.	This complaint is currently being assessed. Views of the IP sought.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							Assessment Sub-Committee being convened, await outcome.	
2021/21	CYC	CYC	17/12/21	The complaint relates to an allegation that the Cllr used social media (Twitter) to make slanderous and/or defamatory comments which, relate to a Full Council meeting.		This complaint is currently being assessed.	This complaint is currently being assessed. Views of the IP sought.	

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Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status	Updates
723	Parish	Former Parish Council Clerk	24/6/19	The complainant alleges that the subject members have behaved in a manner that is disrespectful.	Closed – the Monitoring Officer has considered the Investigation Officer’s report and agrees with her findings of no breach of the Code of Conduct.	Closed – the Monitoring Officer has considered the Investigation Officer’s report and agrees with her findings of no breach of the Code of Conduct. The investigation was initially on hold as it was related to another complaint.
2020/01	Parish	Resident	05/02/20	The complainant alleges the Parish Councillor was supporting a planning application on a personal level and was not acting impartially. The complainant claims the Councillor did not acknowledge their objections.	Closed - after investigation, the Monitoring Officer advised this matter will not be taken further.	The Chairman of the PC has contacted the Monitoring Officer to discuss this matter. A Parish Councillor has resigned from their post following the incidents with the Parish Councillor. Response sent to the complainant on 28/04/20. Chair of PC also sent a copy. This matter will not be taken further.
2020/02	City	Resident	10/04/20	The complainant put in a complaint with regards to how a Councillor spoke to him online on Twitter.	Closed – the Monitoring Officer advised the complainant that this complaint does not merit further investigation as it appears that the thread consists of a series of comments between the complainant and the Councillor in which they were	

					both providing views on whether a previous comment made on Twitter was defamatory.	
2020/03	City	Councillor	26/06/20	The complainant alleges a Councillor had a personal and prejudicial interest in the matter of the decision to grant and fund early retirement of a Chief Officer.	Closed – the complaint was assessed and the views of an Independent Person were sought. Complaint did not progress to an investigation and the complaint was dismissed.	
2020/04	Parish	Parish Councillor	08/07/20	The complainant has put in 3 complaints about the behaviour of another Parish Councillor towards them.	Closed	<p>The case has been passed to an investigating officer to investigate.</p> <p>Parties have been interviewed and draft report is currently being finalised.</p> <p>Draft report now sent to the parties, they have until 19.03.21 to respond. Complainant has responded, awaiting comments from Subject PC.</p> <p>No comments received so draft report passed to MO.</p> <p>Draft report passed to Monitoring Officer who agrees with conclusion in that the complaint is not upheld. Parties contacted on 7 April 2021 and notified of outcome. Closed.</p>

2020/05	City	City	11/07/20	The complainant has submitted a formal complaint with regards to 4 CYC Councillors not submitting a Declaration of Interest at a Planning Committee meeting on 9 th July 2020. It is claimed one Councillor in particular attended with a predetermined and biased mind-set.	Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further as the points raised do not amount to a breach of the code of conduct.	
2020/06	City	Resident	14/07/20	The complaint concerns a Councillor's participation at the Staffing and Urgency Committee that discussed the early retirement of a Chief Officer and the lack of Declaration of Interest.	Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further.	Subject matter of complaint has already been subject of an investigation or other action relating to the Code of Conduct or subject of an investigation by other regulatory authorities.
2020/07	Parish	Parish	16/07/20	The complainants have put in a joint complaint about their fellow Councillor. The complaint focuses on the Councillor's attendance at meetings, his general tone of communication and behaviour amongst other things.	Closed as subject Parish Councillor has resigned.	This complaint is currently being investigated. Closed as subject Parish Councillor has resigned.
2020/08	Parish	Resident	23/07/20	The formal complaint submitted is with regards to the integrity, honesty and bullying behaviour of the Councillor.	Closed as subject Parish Councillor has resigned.	This complaint is currently being investigated. Closed as subject Parish Councillor has resigned.
2020/09	Parish	Parish	24/07/20	The complainant has put in a formal complaint with regards to the Councillor behaving in a 'disrespectful and intimidatory'	Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the	Closed

				manner. The complainant has given multiple examples of the behaviour.	complaint would not be taken further. The documents provided did not provide sufficient evidence of disrespectful and intimidatory behaviour. Comments made amount to freedom of speech and does not extend beyond that.	
2020/11	Parish	Parish Councillor	27/08/20	The complainant has put in a formal complaint with regards to a Councillor's behaviour at council meetings. The complainant has given multiple examples of the behaviour. This is a counter complaint to 2020/09.	Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further. The evidence provided did not provide sufficient evidence of behaviour amounting to a breach of the Code. Comments made would amount to freedom of speech and did not extend beyond that.	Closed
2020/15	Parish	Parish	18/11/20	The complainant claims a Parish Councillor does not abide by the Code of Conduct in his behaviour towards the PC or to the residents that he should represent. The complainant states it is bullying and harassment.	Closed	This complaint has been assessed and is due to be allocated to an investigating officer. Draft report to be distributed to parties w/c 15.03.21. Parties have responded, draft report to be passed to MO for consideration.

						Draft report passed to MO who agrees with the conclusion in that the complaint is not upheld and no breach was found. Parties contacted on 22 April 2021 and notified of outcome. Closed.
2020/16	Parish	Parish	25/11/20	The complainant claims the councillors displayed bullying behaviour at meetings and over email. The complainant advised the councillor's behaviour towards the PC has been unreasonable and unprofessional. Multiple examples of behaviour provided.	Closed	This complaint has been assessed and is due to be allocated to an investigating officer. Complaint withdrawn at request of complainant.
2020/18	CYC	CYC	08/12/20	The complainant claims the Councillor's attitude was unprofessional, undermining and intimidating, both to the complainant and other members of the committee during a meeting.	Closed.	This complaint is currently under investigation. Draft report sent to parties, comments now received. Complainant would like their opportunity to raise concerns around the investigation. Complaints procedure considered, but no mechanism for this. Draft report considered by MO and findings accepted, parties notified. Closed.

2020/19	Parish	Parish	10/12/20	The complainant claims the Councillor was discriminatory against them in relation to co-option and at a public meeting.	Investigating officer found no breach found. MO has reviewed the draft report and upholds the investigating officer's findings. Closed.	<p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Investigation ongoing.</p> <p>Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then.</p> <p>Investigating officer found no breach found. MO has reviewed the draft report and upholds the investigating officer's findings. Closed.</p>
2021/02	CYC	York Resident	16/01/21	The complainant alleges that proper process was not followed at a Committee meeting and sufficient information was not provided to attendees at the meeting to make an informed judgement.	Closed – the complaint was assessed and the views of an Independent Person sought. It was determined the complaint would not be taken further as the allegations do not breach the code of conduct.	
2021/03	Parish	Parish	29/01/21	The complainant has put in a formal complaint with regards to the councillor's behaviour. The complainant has requested an old complaint be revisited.	No breach found. Decision of investigating officer upheld by MO. Closed.	<p>Investigation ongoing.</p> <p>Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then.</p>

						No breach found. Decision of investigating officer upheld by MO. Closed.
2021/04	CYC	CYC	04/03/21	During a Council Planning Meeting, the Councillor publicly criticised Planning Officers in a disrespectful manner in a clear breach of Member Standards.	Closed	Currently being assessed, awaiting IP view. IP chased but no response yet. Complaint closed. Complaint appears to be politically motivated and in addition, as there is another route for this complaint to be dealt with, in accordance with the protocol on Officer/Member relations, it is not felt that the public interest would be served by progressing this matter further.
2021/05	CYC	York resident	11/03/21	The complainant alleges that the Cllr portrayed a biased view of a scheme during a Planning Committee Meeting, as well as attempting to influence a Planning Officer.	Closed.	Currently being assessed, IP view now received, with MO for determination. The complaint was assessed and IP view obtained. Complaint not progressing. Reason: whilst the complainant and the Councillor do not share the same views on the merits of the application, this does not justify a Code of Conduct complaint progressing any further.
2021/07	Parish Councillor	York Resident	20/03/21	The complaint alleges the Parish Council did not allow residents to join a virtual PC meeting as	Closed.	IP views being sought.

				the meeting time was changed without making residents aware.		The complaint was assessed and IP view obtained. Complaint not progressing. Reason: complaint does not fall within remit of Standards/Code of Conduct issue and does not raise issues in relation to a particular Parish Councillor, suggested complainant raises the issue with the Parish Council Clerk.
2021/10	CYC	York resident	17/06/2021	The complaint is in relation to a Tweet sent by the Cllr online. The complainant implies the Cllr has a prejudicial interest against taxis and does not see how the Cllr can continue as an Executive Member or remain on a Committee when it is dealing with issues related to taxi licensing.	Closed	Currently being assessed by MO. Closed - the reason for this decision is that the contents of the complaint are not covered by the Code, and after reviewing the Bio on the Cllrs Twitter account, it has been made clear that statements are made in a personal capacity. Code of Conduct complaints must relate to conduct in the course of acting as a Councillor.
2020/12	CYC	Resident	11/09/20 / 16/09/20 (officially)	The complaint is in relation to the resident's planning application. The complainant claims the Councillor supported a council officer rather than providing a fair and neutral opinion as a Councillor and was inextricably linked to personal interests in relation to a committee meeting.	MO reviewed report. No breach found, matter closed.	The subject matter of this complaint has been investigated by a 3 rd party, that has now concluded, therefore, this can now proceed. Investigation ongoing. MO reviewed report. No breach found, matter closed.

2020/13	CYC	Parish	05/11/20	The complaint is in relation to an email sent by the Councillor – the complainant believes this is an offensive email in breach of the code of conduct.	Local Resolution accepted by subject Member. Matter closed.	<p>This complaint has been passed to an investigating officer. Draft report prepared and to be sent to parties w/c 15.03.21 for comment.</p> <p>Draft report finalised and breach found. MO assessing whether local resolution is suitable.</p> <p>Breach to be dealt with through local resolution – parties informed.</p> <p>Local Resolution accepted by Subject Member. Matter closed.</p>
2021/01	CYC	York Residents	03/01/21	The complainant alleges the Cllr chose to be “aggressive, narrow minded and discriminative” against him and his business, “rather than take a pragmatic, reasonable approach to this incident”.	Closed. Hearing Panel determined no breach.	<p>Assessment of complaint currently taking place.</p> <p>Passed for investigation.</p> <p>Draft report sent to parties, asked for comments by 19.03.21.</p> <p>No comments so passed draft report to MO.</p> <p>Breach found, MO upholds the finding. Local resolution offered but not accepted. Hearing to be arranged.</p> <p>Closed. Hearing Panel determined no breach.</p>

2021/11	Parish	Parish	23/06/2021	The complaint relates to allegations of threats and false statements amongst Parish Councillors.	Closed.	Currently being assessed by MO. Complaint assessed. Complaint dismissed in relation to the Clerk, as they do not fall within the remit of the Code of Conduct. Complaint in relation to Town Councillors not progressing due to insufficient information and tit for tat. Closed.
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