

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 (Independent Person)

Date: Wednesday, 20 April 2022

Time: 4.00 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

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

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 10 (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 - 6)
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 24 January 2022, and to receive an update on the following matters raised at the meeting:
- supporting Parish / Town Councils in adopting the Model Code of Conduct;
 - substitutes for Parish / Town Councillors on Joint Standards Committee.
- 4. Minutes of Sub-Committees** (Pages 7 - 14)
To approve and sign the minutes of the meeting of the Standards Committee Hearings Sub-Committee held on 8 March 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. Due to the Easter Bank Holidays, the deadline for registering at this meeting is **5:00pm on Thursday, 14 April 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. Draft Annual Report for 2021/2022** (Pages 15 - 20)
This report invites Members to consider and comment upon the committee's draft Annual Report for the 2021/22 Municipal Year ahead of its presentation to Council.
- 8. Government response to the Committee for Standards in Public Life's Review of Local Government Ethical Standards** (Pages 21 - 24)
This report informs Members of the Government's response to the review of Local Government Ethical Standards carried out by the Committee for Standards in Public Life.
- 9. Dispensation granted to Councillors sitting on the Customer & Corporate Services Scrutiny Management Committee on 7 February 2022 to enable them to participate in a call -in of a decision taken by the Executive Member for Environment and Climate Change.** (Pages 25 - 28)
This report asks Members to note the granting of the above dispensation.
- 10. Review of Work Plan** (Pages 29 - 32)
To consider the Committee's work plan for the coming year and decide whether any amendments or additions are required.
- 11. Monitoring Report on Complaints Received** (Pages 33 - 82)
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 (Polish)
własnym języku.

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	24 January 2022
Present	Councillors Rowley (Chair), Baker, Carr, Douglas and Fisher (CYC Members) Councillors Rawlings (Vice-Chair), Chambers and Waudby (Parish Council Members) Mr Laverick (Independent Person)
Apologies	Ms Davies (Independent Person)

Part A - Matters Considered Under Delegated Powers

35. 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.

Cllr Douglas declared a personal interest in Agenda Item 10 (Minute 42 refers), as one of the Members granted a dispensation.

Cllr Fisher declared a personal interest in Agenda Item 12 (Minute 44 refers), as Chair of the Planning Committee referred to in one of the cases listed on Annex A to the report.

The Monitoring Officer declared an interest in Item 12 insofar as it related to case 2021/20 on the list at Annex A to the report.

For transparency, Cllrs Carr and Fisher declared their membership of Copmanthorpe and Osbaldwick parish councils respectively, in relation to cases listed on Annex A to the report at Item 12.

36. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of the exempt versions of Annexes A and B to Agenda Item 11 (Monitoring

Report in Respect of Complaints Received), on the grounds that they contain information likely to reveal the identity of individuals, which is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

37. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 23 November 2021 be approved as a correct record, to be signed by the Chair at a later date.

38. Minutes of Sub-Committees

Resolved: That the minutes of the meetings of the Joint Standards Assessment Sub-Committee held on 1 December 2021, 9 December 2021, 15 December 2021 and 13 January 2022 be approved as a correct record in each case, to be signed by the Chair at a later date.

39. 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 in relation to Agenda Item 8 (Model Code of Conduct – Review of Procedures), suggesting amendments to parts of the draft case handling procedure at Annex A in order to reduce reliance on delegated decisions by officers.

40. York's Parish Charter

Members considered a report which provided an update on the review of the charter between City of York Council and the parish and town councils within the York local authority area, following Members' input to the draft charter at the meeting on 6 July 2021.

The review had been co-ordinated by the York Parish Council Liaison Group. The finalised Charter, attached as Annex to the

report, incorporated Members' suggested amendments. It had now been signed by the Executive Member for Culture, Leisure & Communities on behalf of the council and by the Chair of the York Branch of the Yorkshire Local Councils Association (YLCA).

In response to questions from Members, officers confirmed that:

- All parish / town councils in the area had been offered the opportunity to comment on the Charter before it was finalised, including any that were not members of YLCA.
- Timescales for planning application consultations (paragraph 11 of the Charter) would be discussed by the Liaison Group.
- Relationships, confidence and trust between the parties would be key to the success of the Charter.

Resolved: That the finalised Charter at Annex 1 to the report be noted.

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

41. 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

Members considered a report which informed them of the granting of a dispensation to Cllrs Mason and Lomas on 15 July 2021 to enable them to participate in the debate of a motion at Full Council.

The Chair of Joint Standards Committee had granted the dispensation, in consultation with the Lord Mayor, the Chief Operating Officer and the Monitoring Officer, to enable the Members in question, who both held Blue Badges, to participate in a motion which had implications for Blue Badge holders

Resolved: That the grant of the dispensation to Cllrs Mason and Lomas be noted.

Reason: So that the committee has oversight of dispensations granted.

42. 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

Members considered a report which informed them of the granting of a dispensation to Cllr Douglas on 12 October 2021 to enable her to substitute for Cllr Webb at an Area Planning Sub-Committee meeting on 13 October.

The Chair of Joint Standards Committee had granted the dispensation as a 'one-off' to enable Cllr Webb to be substituted at a meeting when he was unable to attend and both named substitutes were unavailable. Council had since approved an amendment to the substitution rules for Planning committees.

Resolved: That the grant of the dispensation to Cllr Douglas be noted.

Reason: So that the committee has oversight of dispensations granted.

43. Review of Work Plan

Members considered the committee's work plan for the current municipal year. The next meeting, on 20 April 2022, would be the last of the current year.

Resolved: That the work plan be noted and the following items be added for consideration at the meeting on 20 April:

- Adoption of the Model Code of Conduct by parish councils
- Training Programme for Members on the ethical framework
- Substitutes for parish council members of Joint Standards Committee.

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

44. Monitoring Report on Complaints Received

Members considered a report which provided an update on current business regarding complaints.

An anonymised list of live complaints was attached at Annex A to the report, and an anonymised list of closed complaints at Annex B. Full details were provided in an exempt version of each annex. Discussion of the exempt lists took place in private session, in accordance with the resolution in Minute 36 above.

Resolved: That the report be noted.

Reason: To ensure that the committee is aware of current levels of activity.

Chair's Comments

The Chair noted that this was the last meeting of the committee to be attended by Rachel Antonelli, Deputy Monitoring Officer, before leaving the council in February. He thanked Rachel for her work with the committee, and wished her well in her new role.

Part B - Matters Referred to Council

45. Model Code of Conduct - Review of Procedures

Members considered a report which presented an update from Hoey Ainscough on their review of the current procedures in place to deal with Code of Conduct complaints.

Paul Hoey and Natalie Ainscough were in attendance at the meeting to present the updated procedures annexed to the report, including the additional annexes (Annexes G-I) in the Agenda Supplement. These documents incorporated the amendments agreed by the committee at the meeting on 23 November 2021.

After a full discussion on the draft updated procedures, and having noted the comments made on this item under Public Participation, it was

Recommended: That Council approve and adopt the draft procedures at Annexes A-I to the report, subject to the following amendments:

- Annex A (case handling procedure): In paragraph 5, after '*deputy monitoring officer (DMO)*', insert '*or external person*'.

- Annex C (procedure for hearings):
 - Paragraph 4 - amend to clarify the position of the Public Participation Scheme in relation to Joint Standards sub-committees
 - Paragraph 5 – amend to include further detail on the rights of the Subject Member to be informed.
 - Correct the typographical error on the numbering of paragraph 9 onwards.
- Annexes G and H (flowcharts) – provide a key to the acronyms in the charts.
- Annex I (Subject Member FAQs) – amend the answer to question 9 to clarify that the hearing can proceed in the absence of the Subject Member if he/she chooses not to attend.

Reason: In order to support the Model Code of Conduct.

Cllr M Rowley BEM, Chair

The meeting started at 4.03 pm and finished at 6.31 pm.

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20 April 2022

Joint Standards Committee

Report of the Monitoring Officer

Draft Annual report for 2021/2022

Summary

1. This report provides the Joint Standards Committee with a finalised draft Annual Report for 2021/2022.

Background

2. It is good practice for the Committee to prepare an Annual Report at the start of each municipal year, setting out work undertaken by the Joint Standards Committee during the previous year.
3. The final breakdown of complaints received during the municipal year has now been calculated to date and will be checked and finalised in May 2022 when the new municipal year commences. A draft of the annual report is attached at Annex A.

Implications

Financial

4. Not applicable to this report.

Human Resources (HR)

5. Not applicable to this report.

Equalities

6. The Equality Act 2010 places specific duties on Local Authorities, and Members, including Members of the Joint Standards Committee who play a vital role in ensuring that equality issues are integral to the aims and performance of a Local Authority. Providing an Annual Report of work undertaken by the Committee,

providing an overview of the Code of Conduct complaints received and reviewing the procedures in place for such complaints ensures that all Members adhere to the principles of the Act.

Legal

7. As detailed within the report.

Crime and Disorder, Information Technology and Property

8. Not applicable to this report.

Recommendations

9. Members are recommended to note the report and provide their views on the draft Report, ahead of it being presented to Full Council later in the year.

Author:

Frances Harrison
Head of Legal Services
& Deputy Monitoring Officer

Tel: 01904 551988

Chief Officer Responsible for the report:

Janie Berry
Director of Governance &
Monitoring Officer
Tel: 01904 555385

**Report
Approved**

Date 28 March
2022

Specialist Implications Officer(s): none

Wards Affected:

All

For further information please contact the author of the report

Annexes: Annex A – Draft Annual Report 2021/2022



20 April 2022

DRAFT Annual report for 2021/2022

Foreword from the Chair of the Joint Standards Committee

This has been a busy year for the Joint Standards Committee as we have sought to make improvements to the Council's ethical governance framework which resulted in the adoption of the LGA Model Code of Conduct in October 2021. We have also overseen a comprehensive revision of the associated procedures to support to Model Code and we are pleased to have worked alongside colleagues on the Audit & Governance Committee so as to ensure these procedures are published in the revised constitution.

However, managing the complaints received about our City and Parish and Town Councillors has remained a large part of our work during this year. An integral part of this has been the value contribution of our Independent Persons and I would like to take this opportunity to thank them for their commitment and support during this year and as both have expressed a wish to retire from the Committee, I would like to take this opportunity to thank Angharad and David and wish them every best wish for the future.

Cllr M Rowley BEM
Chair of Joint Standards Committee

Membership of the Committee

The Committee would like to thank all of its Members for supporting and attending the meetings during this year. The Committee appointed Councillor Martin Rowley as the Chair and Councillor Stuart Rawlings as the Vice Chair.

City of York Council:

- Councillor Martin Rowley BEM
- Councillor Claire Douglas
- Councillor Rosie Baker
- Councillor David Carr
- Councillor Tony Fisher

Parish Councils

- Councillor Stuart Rawlings
- Councillor Christopher Chambers
- Councillor Mark Waudby

Independent Persons

- Angharad Davies
- David Laverick

Complaints (*NOTE THIS SECTION WILL BE COMPLETED AT THE CONCLUSION OF THE 2021-2022 MUNICIPAL YEAR*)

During the municipal year 2021-2022, the Council received X complaints.

Of these, X complaints related to X City of York Councillors and X complaints related to Parish and or Town Councils.

Of the X Complaints received,

- X complaints were upheld
- X complaints were not upheld
- X complaints did not progress to an investigation

The remainder are still being investigated and await determination in accordance with the published procedures.

The Joint Standards Committee is also considering a number of complaints from the previous municipal year and where necessary these will be determined by a Joint Standards Committee Hearing Panel.

All of the complaints received have been reported to meetings of the Joint Standards Committee throughout the year.

Other work

Model Code of Conduct for Members and review of Supporting Procedures

A substantial amount of work has been carried out to adopt the LGA Model Code of Conduct during this municipal year. This work was undertaken with advice and support from Paul Hoey and Natalie Ainscough from Hoey Ainscough Associates, who attended several Joint Standard Committee Meetings throughout the municipal year.

The Model Code, which was adopted by Full Council in October 2021, contributes to the delivery of the Action Plan, arising from the Public Interest Report which is currently being monitored by Audit and Governance Committee. The Joint Standards Committee are also grateful to the Chair and Vice Chair of the Audit and Governance Committee for their assistance and feedback in discussions around the adoption of the Model Code of Conduct.

Following the adoption of the Model Code of Conduct it has been essential for the Committee to review the supporting procedures and this was undertaken with the ongoing support of Hoey Ainscough Associates. The revised procedures provide additional assistance and clarity in key areas of the process, including assessment of complaints, a FAQ document for complainants or subject Councillors and a flowchart of the key stages in the process.

Consultation with the Chair and Vice Chair of the Joint Standards Committee has been introduced at key stages in the complaints process, including assessment stage and also when deciding whether a matter should progress to a Hearing.

Recruitment of Independent Persons

A recruitment exercise took place during the middle of 2021. Unfortunately, there were no applicants, and the Chief Operating Officer and Director of Governance are now working on a further recruitment exercise following the resignation of our two Independent Persons. It is hoped that a third could be appointed which will add resilience especially in view of the volume of complaints currently being experienced.

York's Parish Charter

The Joint Standards Committee has been kept informed on the progression of the review of the charter between City of York Council and the 31 Parish and Town Council's across the City, as represented by the York Branch of the Yorkshire Local Councils Associations. The Committee was assisted in these discussions by Charlie Croft, Assistant Director of Communities and Culture.

Dispensations granted to City of York Councillors

The Committee noted a dispensation given by the Monitoring Officer to Councillors relating to an agenda item at Full Council in July 2021 and also a further dispensation given at the Customer and Corporate Services Scrutiny Management Committee Meeting which took place in February 2022. The meeting was convened as an Executive decision was called in for further scrutiny.

Review of the Constitution

The Joint Standards Committee has actively contributed to the Review of the Council's Constitution and as aforementioned the Model Code of Conduct and the supporting procedures will form an integral part of the revised constitution, which should be in place in time for the municipal year 2022-2023.

The Joint Standards Committee has also taken the opportunity to review its terms of reference to ensure they remain fit for purpose and satisfactorily address the remit of the Committee's work and in doing so has made a recommendation that the Parish Council Members of the Committee should have the support of substitute Parish Councillors to add resilience.

The Joint Standards Committee will continue to develop and strengthen its role in embedding a positive culture of ethical governance and hopes to work collaboratively with the Audit & Governance Committee as regards issues such as member development and induction programmes.



20 April 2022

Joint Standards Committee

Report of the Monitoring Officer

Government response to the Committee for Standards in Public Life's Review of Local Government Ethical Standards

Summary

1. On 18th March 2022, the Department for Levelling Up, Housing and Communities, published its formal response to the Committee for Standards in Public Life's Recommendations to Local Government Ethical Standards.

Background

2. In January 2019, The Committee for Standards in Public Life issued its report and recommendations on ethical standards in Local Government. This report was published following extensive consultation with local authorities and the Joint Standards Committee submitted a consultation response on behalf of City of York Council.
3. In its published response, Government has provided its response to the numerous recommendations however it does not propose any immediate plans to amend or introduce revised legislation to address some of the issues raised, for example amendments to the Localism Act 2011, to sanctions and further clarity as regards disclosable pecuniary interests.
4. However with regards to other recommendations, the Government does support and encourage local authorities to develop best practice, for example adoption of the LGA Model Code of Conduct, reporting and monitoring gifts and hospitality for councillors from the same source over a period of time and preparation of annual reports including code of conduct complaints.

5. The Government response can be found at the following link:

<https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report/government-response-to-the-committee-on-standards-in-public-life-review-of-local-government-ethical-standards#letter-from-kemi-badenoch-mp-to-lord-evans-chair-committee-on-standards-in-public-life>

6. It should be noted that from a City of York perspective, the Joint Standards Committee has already responded positively to some of the recommendations for example adoption of the LGA Model Code, publication of an annual report, clarity for councillors in respect of gifts and hospitality, and that the Committee is committed to encourage our Parish and Town Councils to adopt the LGA Model Code of Conduct.

Implications

Financial

7. Not applicable to this report.

Human Resources (HR)

8. Not applicable to this report.

Equalities

9. There are no equality implications directly relating to this report however there are potential future implications detailed within the Government Response and these will be addressed as and when necessary.

Legal

10. There are no legal implications directly relating to this report however there are potential future implications detailed within the Government Response and these will be addressed as and when necessary.

Crime and Disorder, Information Technology and Property

11. Not applicable to this report.

Recommendations

12. Members are recommended to note the Government response to the Committee for Standards in Public Life's Review of Local Government Ethical Standards.

Author:

Janie Berry
Director of Governance &
Monitoring Officer

Chief Officer Responsible for the report:

Janie Berry
Director of Governance &
Monitoring Officer
Tel: 01904 555385

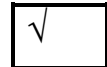
**Report
Approved**



Date 7 April 2022

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

- Agenda, Reports and Minutes of the Joint Standards Committee for the municipal year 2019-2022
- The Committee for Standards in Public Life – Review of Local Government Ethical Standards Report published in January 2019

Annexes:

- Annex A - Government response to the Committee for Standards in Public Life's Review of Local Government Ethical Standards [*a printed copy can be made available on request*]
<https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report/government-response-to-the-committee-on-standards-in-public-life-review-of-local-government-ethical-standards#letter-from-kemi-badenoch-mp-to-lord-evans-chair-committee-on-standards-in-public-life>

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20 April 2022

Joint Standards Committee

Report of the Monitoring Officer

Dispensation granted to Councillors sitting on the Customer & Corporate Services Scrutiny Management Committee on 7th February 2022 to enable them to participate in a call –in of a decision taken by the Executive Member for Environment and Climate Change.

Summary

1. To confirm, a dispensation was granted to Councillors Crawshaw, Fenton, Hollyer, Pearson, Orrell, Wann, Melly and Douglas on 7th February 2022, to enable them to participate in a call-in of a decision taken by the Executive Member for Environment and Climate Change.

Background

2. At the request of Councillor Crawshaw a dispensation was granted to Councillors Crawshaw, Fenton, Hollyer, Pearson, Orrell, Wann, Melly and Douglas, so that they could fully participate in a Customer & Corporate Services Scrutiny Management Committee call-in of a decision made by the Executive Member for Environment and Climate Change on 12th January 2022. This decision related to Weed Management of Highways and Associated Areas. Councillor Crawshaw believed that the dispensation was required due to Member voting unanimously in favour of A Motion granted by Full Council in 2019, relating to the promotion of a pollinator strategy which links to the council's use of pesticides. The dispensation was granted by the Chair of the Joint Standards Committee who, in doing so, raised concerns as to his ability to grant himself a dispensation as he was also a member of the Committee considering the call-in. The Monitoring Officer therefore agreed to grant a dispensation for the Chair of Joint Standards Committee as to not do so would have the

undemocratic effect of restricting Councillor Rowley's ability to fully contribute to the meeting in the same way his colleagues could.

Implications

Financial

3. Not applicable to this report.

Human Resources (HR)

4. Not applicable to this report.

Equalities

5. 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

6. 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

7. Not applicable to this report.

Recommendations

8. To note that a dispensation was granted to Councillors Crawshaw, Fenton, Hollyer, Pearson, Orrell, Wann, Melly and Douglas on 7th February 2022, to enable them to participate in a call-in of a decision taken by the Executive Member for Environment and Climate Change.

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

Janie Berry
Director of Governance &
Monitoring Officer
01904 555385

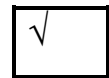
**Report
Approved**



Date 8 February
2022

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

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

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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 	

	<ul style="list-style-type: none"> • 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"> • Draft Annual Report for Municipal Year 2021-2022 • Monitoring report in respect of complaints received • Work to support Parish/Town Councils in adoption of Model Code 	Standard Item

	<p>of Conduct</p> <ul style="list-style-type: none">• Dispensation granted to City Councillor on 7 February 2022• Discussion around use of substitutes for Parish/Town Councillors on Joint Standards Committee• Review of Work Plan	
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Work Plan for Joint Standards Committee 2022-23

Meeting Date (4.00pm start time)	Items	Notes
TBC - June 2022	<ul style="list-style-type: none"> • Draft Annual Report for Municipal Year 2021-2022 • Monitoring report in respect of complaints received • Development of Member Training Programme for Ethical Framework • Review of Work Plan 	Standard Item
TBC – September 2022	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
TBC – November 2022	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
TBC – January 2023	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
TBC – March 2023	<ul style="list-style-type: none"> • Draft Annual Report for Municipal Year 2022-2023 • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item



Joint Standards Committee**20 April 2022**

Report of the Monitoring Officer

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

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

Background

2. The table attached at Annex A provides information about ongoing complaints and the table attached at Annex B provides the list of closed complaints.
3. Case references 739, 740, 741, 2021/06 and 2021/11 have now been investigated. They are being referred for a hearing, which has been arranged for 20th April 2022.
4. A hearing took place on 8th March 2022 for case references 2020/17, 2021/08 and 2021/09 after a breach of the code of conduct was found by the investigating officers. The Panel imposed sanctions and a decision notice was published.
5. Case reference 2021/13 is currently under investigation. So too is 2021/17.
6. Case reference 2021/20 was considered by an assessment subcommittee on 13 January 2022 and the matter has been referred for investigation.
7. Case reference 2022/03 and 2022/04 are currently being assessed as regards what if any further action should be taken.

Implications**Financial**

8. Not applicable to this report.

Human Resources (HR)

9. Not applicable to this report.

Equalities

10. 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

11. As detailed within the report.

Crime and Disorder, Information Technology and Property

12. Not applicable to this report.

Recommendations

13. That the Joint Standards Committee notes the report, in order to ensure that the Committee is aware of the current levels of activity and is able to provide oversight of the complaints procedure.

Author:

Janie Berry
Director of Governance &
Monitoring Officer

Chief Officer Responsible for the report: Janie Berry

Director of Governance &
Monitoring Officer
Tel: 01904 555385

**Report
Approved**

Date 7 April 2022

Specialist Implications Officer(s):

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

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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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	Consultation stage not in force when complaint made.	Closed.	<p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Investigation ongoing.</p>	Consulted with Vice Chair on 8 th November 2021.

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							sanctions and the decision notice was published online.	
2021/06	Parish Councillor	Parish Councillor	11/02/20	The complainant alleges that the Cllr behaved in an intimidatory and bullying manner.	Consultation stage not in force when complaint made.	Hearing Panel adjourned to 20 th April 2022.	<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 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>	15/12/21 – sub-committee convened and agreed to progress to Hearing.

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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.	Consultation stage not in force when complaint made.	Closed.	<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> <p>Progressing to Hearing. Hearing panel arranged for 8th March.</p> <p>Hearing Panel met on 8 March 2022. The Panel imposed sanctions and the decision notice was published online.</p>	Consulted with Vice Chair on 8 th November 2021.
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	Consultation stage not in force when complaint made.	Closed.	<p>Matter currently under investigation.</p> <p>Consulting with Vice Chair as to whether to refer to hearing sub-committee – awaiting response.</p>	Consulted with Vice Chair on 8 th November 2021.

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				further adds to the issues raised in the original complaint in respect to the conduct of the councillor.			<p>Progressing to Hearing. Hearing panel to be convened.</p> <p>Progressing to Hearing. Hearing panel arranged for 8th March.</p> <p>Hearing Panel met on 8 March 2022. The Panel imposed sanctions and the decision notice was published online.</p>	
2021/12	Parish	Parish	01/07/2021	The complainant alleges the Parish Councillor has repeatedly bullied, threatened and harassed Councillors and staff.	Consultation stage not in force when complaint made.	Hearing Panel adjourned to 20 th April 2022.	<p>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.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and</p>	15/12/21 – sub-committee convened and agreed to progress to Hearing.

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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.	Consultation stage not in force when complaint made.	This complaint is currently being investigated.	Complaint assessed and will progress to investigation.	
2021/17	CYC	Parish	23/10/21	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.	Referred to assessment sub-committee.	Investigation with external investigator progressing.	<p>This complaint is currently being assessed.</p> <p>Assessment Sub-Committee being convened, await outcome.</p> <p>Assessment sub-committee determined that the complaint should progress to an</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>investigation and external investigator appointed.</p> <p>Investigation with external investigator progressing.</p>	
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.	<p>Chair and Vice Chair consulted 17/12/21.</p> <p>Referred to assessment sub-committee.</p>	External investigator appointed – parties notified.	<p>This complaint is currently being assessed.</p> <p>Views of the IP sought.</p> <p>Assessment Sub-Committee being convened, await outcome.</p> <p>Assessment sub-committee determined that the complaint should progress to an investigation and external investigator appointed.</p> <p>External investigator appointed – parties notified.</p>	
2022/01	CYC	CYC	15/01/22	The complainant alleges the Councillor failed to treat others with respect and notes a lack of response to correspondence.	Vice Chair consulted on 21/01/22	Closed.	<p>This complaint is currently being assessed.</p> <p>Views of the IP sought.</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
							Closed. Reason: MO does not deem that the delay is evidence of a lack of respect or sufficient to bring the council into disrepute, therefore, does not believe that there has been a breach of the code.	
2022/02	CYC	CYC	29/01/22	The complainant alleges the Councillor has abused their position, using an 'apolitical role' to seemingly confer an advantage on the political party.	Vice Chair consulted on 17/02/22	Closed.	Complaint is currently being assessed. Views of the IP sought. Views of the Vice Chair sought. Closed. Reason: MO does not believe this to bring the council into disrepute and there is no reference to the role, therefore, does not believe that there has been a breach of the code.	
2022/03	Parish	Parish	22/03/22	The complainant alleges the subject Councillor has shown a lack of respect on numerous occasions at Parish Council meetings, and a disregard for rulings from the Chair in direct		This complaint is currently being assessed.	This complaint is currently being assessed. Views of the IP sought.	

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				opposition to the Standing orders and the Code of Conduct.				
2022/04	Parish	Parish	29/03/22	The complainant alleges the Parish Councillor breached the code of conduct by bullying and harassing them, and also failing to treat them with respect.		This complaint is currently being assessed.	This complaint is currently being assessed. Views of the IP sought.	

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