

Joint Standards Committee

- To:** Councillors Rowley BEM (Chair), Douglas, Baker, Carr and Fisher (CYC Members)
- Cllrs Chambers and Rawlings (Vice-Chair) (Parish Council Members)
- Ms Davies and Mr Laverick (Independent Persons)
- Date:** Wednesday, 20 January 2021
- Time:** 4.00 pm
- Venue:** Remote Meeting

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 excluding the public and press from the meeting during consideration of Annex B to Agenda item 13 (Monitoring Report in Respect of Complaints Received), on the grounds that it contains information which is likely to reveal the identity of individuals. This information is classed as exempt under Paragraph 2 of Part 1 of Schedule 12 A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006.

3. Minutes

(Pages 1 - 8)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 30 September 2020.

- 4. Minutes of Sub-Committees** (Pages 9 - 10)
To approve the minutes of the meeting of the Joint Standards Assessment Sub-Committee held on 26 October 2020.

- 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 remote meetings. The deadline for registering at this meeting is at **5.00pm on Monday, 18 January 2021.**

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 the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public 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** (Pages 11 - 16)
This report provides Members with an update on the draft Annual Report for 2019/20.

- 8. Update on Model Code of Conduct** (Pages 17 - 34)
This report provides Members with an update on the Model Code of Conduct.
- 9. Member Development** (Pages 35 - 36)
This report has been prepared to encourage a debate around Member Development.
- 10. Update on International Travel Protocol** (Pages 37 - 40)
This report updates the Committee on the draft International Travel Protocol.
- 11. Update on Parish Council Membership** (Pages 41 - 42)
This report provides Members with an update on the steps taken to fill the current Parish vacancy on the Joint Standards Committee.
- 12. Review of Work Plan for 2020/21** (Pages 43 - 44)
To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.
- 13. Monitoring Report in respect of Complaints Received** (Pages 45 - 56)
This report updates the Committee on the position regarding ongoing complaints.

Democratic Services Officer:
Name: Fiona Young
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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	30 September 2020
Present	Councillors Douglas, Baker, Carr, Fisher and Rowley (CYC Members)
	Cllrs Chambers and Rawlings (Parish Council Members)
	Ms Davies and Mr Laverick (Independent Persons)

49. **Appointment of Chair**

As a result of Councillor Douglas indicating that she wished to stand down as Chair of the Committee, nominations for the appointment of a Chair for the remainder of the Municipal Year were sought. Councillor Rowley was moved and seconded to be appointed as Chair, with no other nominations being made, it was

Resolved: That Councillor Rowley be elected as Chair of Joint Standards Committee for the remainder of the 2020/21 Municipal Year, with thanks being extended to Councillor Douglas for undertaking the role with such commitment over the last year.

Councillor Rowley in the Chair

50. **Appointment of Vice Chair**

Nominations were sought for the vacant Vice-Chair and Parish Councillor Rawlings was duly moved and seconded. There being no other nominations, it was

Resolved: That Parish Councillor Rawlings be elected as Vice – Chair for the remainder of the current Municipal Year.

51. 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.

52. Exclusion of Press and Public

Resolved: That the public and press be excluded from the meeting during consideration of Agenda Item 10 (Monitoring Report in respect of Complaints received) on the grounds that it contains information likely to identify individuals, which is classed as exempt under paragraph 2 of part 1 of Schedule 12A to the Local Government 1972, as amended by the Local Government (Access to Information) Variation Order 2006.

53. Minutes

Whilst there were no direct amendments to the minutes of the last meeting (22 July 2020) proposed, the former Chair, Councillor Douglas, clarified for the record that, in relation to Minute No 45 (Model Code of Conduct Consultation), concerns about the cumulative effect of gifts/hospitality under the value of £25 had been identified in the response to the Local Government Association (LGA). At this point, the Monitoring Officer also clarified that a full response to the consultation had been submitted to and acknowledged by the LGA, but, as yet, no formal response to that had been received from the LGA.

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 22 July 2020, be approved and signed as a correct record by the Chair, on behalf of the Committee.

54. Urgent Business

The Chair reported that no urgent business for this meeting had been received.

55. 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 about her concerns about the impartiality of support for this Committee, with particular regard to handling complaints received against Councillors. She informed the Committee that she had specifically asked for complaints she had herself made not to be processed until the outcome of the Mazar's investigation had been determined and had further asked that these be investigated externally, in light of her concerns.

56. Report on Parish Council membership

Members considered a report outlining steps taken to fill an outstanding Parish Council vacancy on this Committee through the Yorkshire Local Councils Association (YLCA). The Committee would be informed when a Parish or Town Council nomination had been received, to ensure appropriate local representation continued on the Committee.

In response to some concerns raised about variations in the process for nominating Parish or Town Council representatives in recent years, the Deputy Monitoring Officer advised that the process currently being applied had been recommended by the YLCA but she would refer Members' comments to the Association.

Resolved: That the update and current position be noted, with the Chair to meet with the new appointee should one be received prior to the next formal meeting of the Committee in January 2021.

57. Monitoring Report on Complaints Received

Members considered a report which provided an update on progress relating to complaints received by the Committee. Both the Monitoring Officer and Deputy Monitoring Officer responded to Members' queries in relation to cases reported.

It was noted that, in future, for the purpose of greater clarity, details of cases closed would be reported separately to ongoing

ones and reasons would be given where cases had been closed down.

Resolved: That the report be noted.

Reason: To ensure that Members were kept up to date with progress made against cases.

(In accordance with paragraph 2 of Schedule 12A to the Local Government Act 1972, the above matter was considered in private session)

58. Dispensation Granted to City of York Council Elected Members

Members considered a report advising them of a dispensation granted by the Monitoring Officer to all Members of the Customer & Corporate Services Management & Policy Scrutiny Committee, in conjunction with the then Chair of this Committee and in accordance with the Constitutional requirements, to enable them to freely participate in a Special Meeting, requiring them to comment on a Government Consultation relating to changes in the current planning and future systems.

Resolved: That the dispensation granted be noted.

59. Planning and Pre-determination: Advice for Council Members and the role of JSC in disseminating this

Members considered a report summarising the requirements upon Members to act in accordance with the principles of the Local Planning Code of Conduct when involved in the determination of planning matters. It invited Members consider whether there was role for this Committee in disseminating the guidance further across local and parish Councillors.

A full debate followed on the Council's duty to support locally elected Members adequately in their learning and skills development.

Resolved: That the report be noted and options for retraining those Members appointed to planning committees in abiding by the requirements of the Local Planning Code of Conduct, be considered as part of a wider

appraisal on Member training by this Committee in January 2021.

60. Update on Whistleblowing Policy

Members considered a report giving an update on the review of the Council's Whistleblowing Policy, initially undertaken by Veritau in 2018/19 and subsequently revised by a Task Group of this Committee and by Corporate Management Team.

Resolved: That the update be noted.

61. DBS checks and Remit of Joint Standards Committee

Members considered a report giving a brief update on whether the decision making relating to Members requiring DBS checks rested with this Committee or not, formally. Members were informed that constitutionally it was not within the remit of this Committee, rather it was a matter for Group Leaders, given that this was not a mandatory requirement but a discretionary one.

In response to Members' queries, the Monitoring Officer confirmed that, due to their roles, she would expect Executive Members for Children's and Adult Social Services to be DBS checked and was aware that current postholders had been.

Resolved: That the update be noted.

62. International Travel Protocol

Members considered a report setting out a draft skeleton framework for an International Member Travel Protocol, intended for wider circulation and views, prior to referral to Audit & Governance Committee for inclusion within the Council's Constitution.

The Protocol would aim to establish the need and objectives for the trip, prior to agreement to travel and the benefits gained on return.

In debate, Members felt that cost of the trip, perception and a similar staff protocol would be important in addressing this protocol for Members.

Resolved: That a more complete draft be considered by the Committee at its next meeting, following wider consultation.

63. Report on how the Joint Standards Committee and City of York Council can better support Parish Councils in their work

Members considered a report outlining potential areas for the Committee and the Council to better support Parish Councils, within available resources. Earswick Parish Council had made a number of suggestions, including completing the review of the Parish Charter, the current draft of which was appended to the report, and better communications between the Council and Parish Councils.

Parish Councillors Rawlings and Chambers commented variously on the need to improve feedback between Parishes and the Council and vice versa and to offer training to Parish Councillors on appropriate areas.

It was suggested that the Assistant Director (Lifelong Learning & Communities) be invited to attend a future meeting to set out the review being undertaken by his team in their capacity to support and liaise with Parish Councils.

Resolved: That the Assistant Director (Lifelong Learning & Communities) be invited to a future meeting to outline the review of support to Parish Councils being undertaken in his area, as a starting point for future discussion.

64. Update on Draft Annual Report

Members considered a report advising them that the Monitoring Officer was currently preparing a draft Annual Report for the Committee, to include a breakdown of complaints received by the Committee, work carried out and any dispensations granted. The Monitoring Officer confirmed she would circulate a draft version for comment covering 2 years initially to address the pandemic period, with reports being annually thereafter.

Resolved: That the update be noted and the Monitoring Officer circulate a draft report, with a view to

formal consideration by a future meeting in January 2020.

65. Review of Work Plan

Members considered the Committee's work plan for the remainder of the current municipal year.

Resolved: That the work plan be approved subject to:

- (i) the addition of the following items reporting back to the next meeting of the Committee in January 2021:
 - draft international Member travel protocol;
 - member development review for elected Members;
 - draft Annual Report
- (ii) an appropriate date for the Committee to consider the revised model Code of Conduct, in consultation with the Chair/Vice Chair of the Committee;
- (iii) an appropriate date being set to receive an update from the Assistant Director (Lifelong Learning & Communities) on liaison with and support to Parish Councils.

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

Cllr M Rowley, Chair

The meeting started at 4.00 pm and finished at 6.01 pm.

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City of York Council

Committee Minutes

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	26 October 2020
Present	Councillors Fisher and Rowley (CYC Members) Councillor Rawlings (Parish Council Member)
In Attendance	Angharad Davies (Independent Person)

1. Appointment of Chair

Resolved: That Councillor Rawlings be appointed to act as Chair of the meeting.

2. Declarations of Interest

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

3. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Agenda Item 4 (Code of Conduct Complaint Received in Respect of a Member of City of York Council), 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.

4. 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:

- A. Rule that the complaint did not fall within the remit of the Code of Conduct and therefore no further action be taken or
- B. Rule that the complaint should progress to an investigation, in which case the Monitoring Officer would appoint an investigating officer.

Having reviewed the information provided, and taking into consideration the views of the Independent Person in attendance at the meeting, it was

Resolved: That the complaint progress to an investigation, in accordance with Option B.

Reason: The sub-committee considers that further information is required before a decision can be made in this case.

Councillor S Rawlings, Chair

[The meeting started at 5.00 pm and finished at 5.40 pm].



Joint Standards Committee**20 January 2021**

Report of the Monitoring Officer

Draft Annual Report**Summary**

This report provides the Joint Standards Committee with an update on the draft Annual Report.

Background

At the last Joint Standards Committee meeting in September 2020, Members resolved that the draft annual report be prepared for formal consideration by the Committee.

The draft report is attached to this report at annex A.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

None applicable to this report.

Legal

The Annual Report will ensure an oversight on the functions of the Joint Standards Committee, including the promotion and maintenance of high standards of conduct by Members of the Council and Parish Councillors and also aids future work planning.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members are asked to approve the draft Annual Report in order that it can be considered at a future meeting of Full Council.

Author:

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the report: Janie Berry

Director of Governance &

Monitoring Officer

Tel: 01904 555385

**Report
Approved**

Date

*11 January
2021*

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

Background Papers:

- **Annex A – Draft Annual Report**



20 January 2021

Joint Standards Committee

Report of the Monitoring Officer

Draft Annual report for 2019/2020

Foreword from the Chair of the Joint Standards Committee

I would like to take the opportunity to thank the Members on the Committee and the Independent Persons for their continued hard work and support in the work of the Committee during the year. The work of the Standards Committee remains central to the ethical and governance responsibilities of the Council which are an essential element in local government continuing to retain the trust of the public which it serves.

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 Claire Douglas as the Chair and Parish Councillor Wiseman as the Vice Chair.

City of York Council:

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

Parish Councils

- Councillor Christopher Chambers
- Councillor Stuart Rawlings
- Councillor Wiseman

Independent Persons

- Angharad Davies
- David Laverick

The Committee also welcomed Janie Berry, Director of Governance & Monitoring Officer following her appointment on 19th December 2019, and took the opportunity

to thank Suzan Harrington, Interim Monitoring Officer for the support and advice she had offered the Committee prior to her departure in March 2020.

Complaints

During the municipal year 2019-2020, the Council received the following complaints.

Of these 14 complaints related to 20 City of York Councillors and 8 complaints related to 11 Parish Councillors.

1 complaint was upheld;

2 complaints were not upheld; and

16 complaints did not meet the published criteria for investigation, 10 of these complaints were determined by a sub-committee formed by the Joint Standards Committee.

3 complaints are yet to be concluded, this is due to the fact that another party investigation is still taking place.

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

Other work

Annual Review of Procedures for dealing with Council Code of Conduct Complaints

In 2019 the Committee reviewed proposals suggested by the previous Joint Standards Committee in relation to the procedures for dealing with code of conduct complaints in York. This review finalised the work previously done ahead as part of a regular review for the Committee.

Committee for Standards in Public Life

The Committee also considered the findings of the report of the Committee for Standards in Public Life ("CSPL") which was published in January 2019. The terms of reference for CSPL included examination of structures, processes and practices across England around Codes of Conduct, investigation of breaches to ensure they are dealt with fairly and with due process, sanctions and enforcement of Codes, conflicts of interest and declaring interests and whistleblowing.

The CSPL made 26 recommendations and identified 15 areas of best practice to improve ethical standards in local government. The Joint Standards Committee considered these recommendations and suggested best practice alongside practices adopted in York.

Review of Council's Constitution

The Joint Standards Committee reviewed parts of the Constitution as part of the wider Council review which were of relevance to the work of the Committee during this municipal year. The Committee also provided a response to the consultation e

The Joint Standards Committee reviewed parts of the Constitution as part of the wider Council review which were of relevance to the work of the Committee during this municipal year. The Committee also provided a response to the consultation exercise which took place at the end of 2019.

Whistleblowing

Veritau conducted a review of the Council's Whistleblowing policy in 2018-2019. On 6 February 2019 the Head of Internal Audit at City of York Council asked the Audit and Governance Committee to consider a new draft policy. The document was being shared with the Committee for comment before being taken forward for approval. It was suggested that the views of the Joint Standards Committee should be sought, because a whistleblowing report may involve a Councillor.

The Joint Standards Committee convened a Task Group in order to discuss the draft policy and the Committee's views were fed back to Veritau. The policy was again considered by the Audit and Governance Committee on 4 December 2019. The views of the Joint Standards Committee were taken into account and minor amendments were made to the draft policy.

The national lockdown in response to COVID-19 on 23rd March 2020, meant that the Joint Standards Committee was unable to complete its intended work programme for this particular year but it is hoped that this can be resumed and concluded during 2020/21.

Author & Chief Officer responsible for the report:

Janie Berry

Director of Governance & Monitoring Officer

01904 555385

Report Approved

Date

11 January 2021

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

Background Papers: None



Joint Standards Committee**20 January 2021**

Report of the Monitoring Officer

Update on Model Code of Conduct**Summary**

This report provides Members with an update on the Model Code of Conduct.

Background

The Local Government Association (LGA) approved a final Model Code of Conduct in December 2020. A copy of the final Model Code can be found at Annex A. The LGA have confirmed that the next step is to prepare guidance based upon key areas suggested during the consultation process in due course. Once this is available, the guidance will be shared with the Joint Standards Committee for further consideration.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

None applicable to this report.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

That the Joint Standards Committee notes the update from the LGA.

Author:

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the

report: Janie Berry

Director of Governance &

Monitoring Officer

Tel: 01904 555385

**Report
Approved**

Date

*11 January
2021*

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

Background Papers:

- **Annex A – Final Model Code of Conduct**

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. *Bullying, harassment and discrimination*

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. *Impartiality of officers of the council*

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. **act in accordance with the local authority's requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. *Complying with the Code of Conduct*

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.



Joint Standards Committee**20 January 2021**

Report of the Monitoring Officer

Member Development**Summary**

This report is prepared to encourage a debate around Member Development.

Background

City of York Council conducts Member Development and Training to all Members at regular intervals, whether this be induction Training or a review of certain areas which aids Members in their roles. A review of the Training provided to Members is currently being conducted and the views of the Joint Standards Committee are sought before proposals are presented to Group Leaders.

Member Training and Development could include Training for new Members and also update Training to refresh Members. Topics for Development could include Licensing, Planning, the Council's Constitution, Standards, Information Governance, Safeguarding (Adults and Children) and Corporate Parenting.

Members views are sought as to possible platforms for delivering Training and also an indication as to areas of Development which could be mandatory for Members.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

None applicable to this report.

Legal

As detailed within the report.]

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members views are sought around Member Training and Development.

Author:

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the report: Janie Berry

Director of Governance &

Monitoring Officer

Tel: 01904 555385

**Report
Approved**



Date

*11 January
2021*

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

Background Papers: None



Joint Standards Committee**20 January 2021**

Report of the Monitoring Officer

Update on Draft International Travel Protocol**Summary**

This report updates the Committee on the draft International Travel Protocol.

Background

In September 2020 the Joint Standards Committee considered a draft International Travel Protocol. The Committee resolved that a more complete draft of the Protocol be brought to the next meeting. Further work has been carried out on the document, which can be found at Annex A.

After consideration and comments of the Joint Standards Committee, the draft Protocol will be considered by Audit and Governance Committee as part of their review of the Council's constitution before being presented to Full Council at a future date.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

None applicable to this report.

Legal

As detailed within the report.]

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members are recommended to note the report and provide their views on the draft Protocol document, ahead of it being presented to Audit and Governance Committee and Full Council.

Author:	Chief Officer Responsible for the report:
Rachel Antonelli	Janie Berry
Senior Solicitor & Interim Deputy Monitoring Officer	Director of Governance & Monitoring Officer
Tel: 01904 551043	Tel: 01904 555385

Report Approved	<input checked="" type="checkbox"/>	Date	<i>11 January 2021</i>
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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

Background Papers:

- **Annex A – Draft International Travel Protocol**



Appendix **
DRAFT

Protocol for Members and Officers in respect of International Travel Applicable to both Councillors and Officers

All international travel journeys shall be undertaken for legitimate council business reasons only.

- All travel arrangements will be confirmed as “economy class” or at the lowest costs to the public purse. Councillors and Officers would be able to upgrade their ticket but do so at their own personal expense.
- Councillors and Officers will provide the Council with confirmation that they are no known medical reasons which could prevent them from undertaking international travel, flights etc.
- Subject to meeting health and any other requirements which may be deemed necessary in respect of the proposed travel arrangements and destination, the Council will provide appropriate insurance for the Councillor or Officer.

Actions to be taken prior to approval being granted

The Councillor or Officer will be required to (it is acknowledged that some of the details may be confidential):

- Clarify the purpose of the travel;
- Give details of the aims and objectives to be sought from this travel and how this would benefit City of York Council;
- Give reasons as to why this travel is essential and how the aims and objectives cannot be sought by other means e.g. virtual meeting
- Explain what the Councillor or Officer hopes to get out of the proposed trip;

Upon returning from an approved trip, the Councillor or Officer will be required to (it is acknowledged that some of the details may be confidential):

- Provide feedback from the authorised trip;
- Detail the achieved outcomes and how this will be actioned;
- Detail how City of York Council will benefit as a result of this authorised trip.

Applicable to Councillors only

Authorisation for expenditure for international travel shall be sought from the s151 Officer.

Applicable to Officers only

The Council’s Corporate Management Team will authorise expenditure for international travel for officers following consultation with the s151 Officer.

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Joint Standards Committee**20 January 2021**

Report of the Monitoring Officer

Update on Parish Council Membership**Summary**

This report updates the Committee with an update on the steps taken to fill the current Parish vacancy on the Joint Standards Committee.

Background

Members were provided with the background around the Parish Council vacancy which has arisen on the Joint Standards Committee. This report provides an update on the nominations and ballot process.

The Yorkshire Local Councils Association is conducting the ballot on behalf of the Council. An invitation for nominations has been sent to all Parish and Town Councils across the City of York Council area and the closing date for receipt of nominations is 5pm on Friday 22 January 2021. If the ballot is contested then the next stage will be to conduct the ballot. If this is necessary, then this will take place in February 2021.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

None applicable to this report.

Legal

The Council's constitution requires that the Joint Standards Committee shall be a joint committee consisting of City of York Council and 3 Parish Councils.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members are asked to note the update on the steps being taken in order to ensure that full Membership of the Joint Standards Committee can be maintained.

Author:

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the

report: Janie Berry

Director of Governance &

Monitoring Officer

Tel: 01904 555385

**Report
Approved**

Date

*11 January
2021*

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

Background Papers: None

Work Plan for Joint Standards Committee 2020-21

Meeting Date (4.00pm start time)	Items	Notes
Wednesday 22 July 2020	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Dispensation of the 6 month rule for City of York Councillors and attendance at meetings • LGA consultation on a Model Code of Conduct for Elected Members • Review of work plan 	Standard item
Wednesday 30 September 2020	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Report on Parish Council membership • Dispensation granted to City of York Council elected Members • Planning and pre-determination: advice for Council Members and the role of JSC in disseminating this • Update on whistleblowing policy • DBS checks and remit of JSC • International travel protocol • Report on how the JSC and CYC can better support Parish councils in their work. 	Standard item
20 January 2021	<ul style="list-style-type: none"> • Annual Report for Municipal Year 	

	<p>2019-2020</p> <ul style="list-style-type: none"> • Update on Model Code of Conduct • Discussion on Member Development • Update on International Travel Protocol • Update on Parish Council Membership • Review of Work Plan for 2020/2021 • Monitoring report in respect of complaints received 	<p>Standard item</p>
<p>31 March 2021</p>	<ul style="list-style-type: none"> • Model Code of Conduct • Update on how the JSC and CYC can better support Parish councils in their work. • Monitoring report in respect of complaints received 	<p>Standard item until guidance published by LGA</p> <p>Standard item</p>



Joint Standards Committee**20 January 2021**

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.

Case references 739, 740 and 741 are still on hold pending the outcome of investigations into the conduct by another party.

Case references 2020/04 and 2020/10 are both currently being investigated. Case reference 2020/12 has been on hold pending the outcome of an investigation into the conduct by another party. The Council have just been notified that this investigation has now concluded, therefore, the investigation can now begin. Case references 2020/13 to 2020/20 are all also currently under investigation.

Case references 2020/07 and 2020/08 have both concluded as the Parish Councillor resigned from the Parish Council.

Case references 2020/09 and 2020/11 have been assessed and no further action is to be taken, therefore, these matters are now closed.

Case reference 2020/21 is 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.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

1. 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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Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the report:

Janie Berry

Director of Governance &
Monitoring Officer

Tel: 01904 555385

Report
Approved

Date

11 January
2021

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

Background Papers:

- Annex A – Table showing complaints received.
- Annex B (Exempt) - Table showing complaints received.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status	Updates
739	Parish	Parish Councillor	15/11/19	Allegations that the subject member behaved aggressively towards the complainant.		The complaint is on hold pending the outcome of investigations into the conduct by another party.
740	Parish	Parish Councillor	13/11/19	Allegations that the subject member behaved aggressively towards a Clerk.		The complaint is on hold pending the outcome of investigations into the conduct by another party.
741	Parish	Parish Councillor	15/11/19	Allegations that the subject member verbally attacked the Chair and the Clerk and sent threatening emails.		The complaint is on hold pending the outcome of investigations into the conduct by another party.
2020/04	Parish	Parish Councillor	08/07/20	The complainant has put in 3 complaints about the behaviour of another Parish Councillor towards them.	This complaint is currently being investigated.	Draft report is currently being finalised.
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.	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.	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' manner. The complainant has given multiple examples of the behaviour.	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 documents provided did not provide	Closed

					sufficient evidence of disrespectful and intimidatory behaviour. Comments made amount to freedom of speech and does not extend beyond that.	
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.	This complaint is currently being investigated.	Draft report is being finalised.
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
2020/12	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.	This complaint is currently being investigated.	The subject matter of this complaint has been investigated by a 3 rd party, that has now concluded, therefore, this can now proceed.

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.	This complaint is currently being investigated.	This complaint has been passed to an investigating officer.
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.	This complaint is currently being investigated.	This complaint has been assessed and is due to be allocated to an investigating officer.
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.	This complaint is currently being investigated.	This complaint has been assessed and is due to be allocated to an investigating officer.
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.	This complaint is currently being investigated.	This complaint has been assessed and is due to be allocated to an investigating officer.
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.	This complaint is currently being investigated.	This complaint has been assessed and is due to be allocated to an investigating officer.

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.	This complaint is currently being investigated.	This complaint is currently under investigation.
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.	This complaint is currently being investigated.	This complaint has been assessed and is due to be allocated to an investigating officer.
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.	This complaint is currently being investigated.	Assessment can now be completed as IP view now received.
2021/21	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".	This complaint is currently being investigated.	Assessment of complaint currently taking place.

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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