

Joint Standards Committee - Assessments Sub-Committee

To: Councillors Carr and Douglas (CYC Members)
Cllr Chambers (Parish Council Member)

Mr Laverick (Independent Person)

Date: Tuesday, 20 April 2021

Time: 2.00 pm

Venue: Remote Meeting

AGENDA

1. Appointment of Chair

To appoint a member to chair the meeting.

2. 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 may have in respect of business on this agenda.

3. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of the private report at Agenda Item 4 (Code of Conduct Complaint Received in Respect of a Parish/Town Councillor), on the grounds that it contains information relating to an individual. This information 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 Parish/Town Councillor (Pages 1 - 100)

To consider a number of Code of Conduct complaints received in respect of a Parish/Town Councillor and determine the next steps.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services Officer responsible for this meeting:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.



Joint Standards Assessments Sub-Committee

20 April 2021

Public Report

Report of the Monitoring Officer

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

Summary

1. To consider a Complaint in respect of the Code of Conduct received in respect of a Parish/Town Councillor to determine next steps.

Recommendations

2. The options available to the Sub-Committee are as follows:
 - 1) Rule that the complaints in respect of the Councillor do not fall within the remit of the Code of Conduct. This will mean that no further action is taken and the matter is brought to a close.
 - 2) Rule that the Complaints should progress to an investigation. This will mean that the Monitoring Officer will appoint an Investigating Officer in accordance with the Procedure for handling of Complaints. Members will be asked for a view as to who may conduct such an investigation, including whether the investigation should be conducted internally, or whether an external body is instructed.

Background

3. In 2019 complaints were received relating to allegations around the conduct of a Parish/Town Councillor. This resulted in a 3rd party investigation taking place, which meant that the complaints were placed on hold in order to allow the 3rd party investigation to proceed.

4. The 3rd party investigation has now completed and the complainants have confirmed that they still wished their Complaints to be considered in accordance with the Procedures for dealing with such matters.
5. The Monitoring Officer has requested a meeting of the Sub Committee of the Joint Standards Committee to determine if the Complaints received should be investigated.
6. There are 4 Complaints in total containing allegations that the subject Councillor behaved aggressively towards a Complainant, that they acted aggressively towards another person, that they verbally attacked another Councillor and another person and sent threatening emails.

Options

7. The Sub-Committee must now consider the following options:
 - a. The Complaints in respect of the Councillor do not fall within the remit of the Code of Conduct. This will mean that no further action is taken and the matter is brought to a close.
 - b. The Complaints should progress to an investigation. This will mean that the Monitoring Officer will appoint an Investigating Officer in accordance with the Procedure for Handling of Complaints. Members will be asked for a view as to who may conduct such an investigation, including whether the investigation should be conducted internally, or whether an external body is instructed.

Implications

Financial

8. Not applicable to this report.

Human Resources (HR)

9. Not applicable to this report.

Equalities

10. The Councillor has been offered the support of an Independent Person as part of this process.

Legal

11. The Monitoring Officer is required to consider all formal complaints received in respect of the Code of Conduct in line with the published Procedure for managing Code of Conduct Complaints.

Crime and Disorder, Information Technology (IT) and Property

12. Not applicable to this report.

Other

13. Not applicable to this report.

Contact Details

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

Tel No. 01904 555385

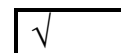
**Report
Approved**



Date 07 April 2021

Wards Affected: All

All



For further information please contact the author of the report

Background Papers:

- City of York Council Code of Conduct and Procedure for Handling of Complaints
- City of York Council Constitution

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of the Local Government Act 1972.

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