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Meeting	Joint Standards Committee Hearings Sub-Committee
Date	7 September 2021
Present	Councillors Carr (in the Chair) and Baker(CYC Members) Councillor Rawlings (Parish Council Member)  Mr Laverick (Independent Person)

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#### **5. Appointment of Chair**

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

#### **6. Declarations of Interest**

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

#### **7. Urgent Business - Exclusion of Press and Public**

The Chair introduced this item under urgent business on the basis that, although there were no exempt papers on the agenda, it may be necessary to exclude the press and public during certain parts of the meeting.

Resolved: That the Press and Public be excluded from the meeting if at any point Members request legal advice in private, and during their deliberations and decision at the end of the meeting.

#### **8. Public Participation**

It was reported that there had been four registrations to speak at the meeting regarding Agenda Item 4 (Complaint Against a Member of City of York Council).

Jill Edwards, Chair of Kexby & Scoreby Parish Council, stated that on the basis of her experience of Cllr Warters since he

became a ward councillor in 2015, the allegations against him were untrue, and that there was no evidence to support them.

Peter Broadley, Chairman of Holtby Parish Council, said he had known Cllr Warters for over 20 years, that he was honest, hardworking and never disrespectful to residents, and the complaint was trivial and did not warrant investigation.

Wendy Maddocks, as a long-term resident of Osbaldwick and member of Osbaldwick Parish Council, said she had known Cllr Warters for many years; the only aggression she had witnessed had been from the complainant at a parish council meeting, and she was astonished that the complaint was being considered.

Gwen Swinburn commented on the complaints process, which she described as 'surreal', stating that the complaint should have been dismissed by the Monitoring Officer and that it had been treated differently from a previous complaint against the Council Leader.

## **9. Complaint Against a Member of City of York Council**

The Panel considered a complaint made against Cllr Mark Warters, a City of York Councillor, by Mr Jason Moore. The complaint related to the behaviour of Cllr Warters towards the complainant during a telephone call.

The matter had been referred to the Hearings Sub-Committee for determination following an investigation.

Introductions were carried out and the procedure for the hearing was explained.

### **Determining factual disputes**

Copies of the investigator's report and the written submissions received had been circulated to the Panel and to the parties prior to the meeting. During the meeting the Panel took advice from the Monitoring Officer, the Deputy Monitoring Officer, and the Independent Person.

The investigating officer was not present at the hearing.

Neither the Subject Member nor the Complainant were present at the hearing. The Complainant was represented by a friend,

Mr Arif Khalfe, who made submissions on behalf of the Complainant and responded to questions from the Panel.

*[The meeting then went into private session whilst the Panel made their deliberations and returned to public session for the Panel to announce their findings]*

The Panel gave consideration to the following allegation of breaches of the Code of Conduct:

That Councillor Warters' alleged behaviour during the telephone conversation failed to adhere to the following principles upon which the Code of Conduct is specified as being based:

- Openness,
- Accountability,
- Treating others with respect,
- Bullying and Intimidation,
- Equality enactment/Legislation
- Bringing the Council into disrepute.

### **Panel's Findings**

Having considered the written documentation and the verbal representations made at the meeting, the Panel

Resolved: That the complaint be dismissed.

Reasons: (i) In the absence of both the subject Member and the Complainant at this hearing it has proved impossible to have the opportunity to hear direct evidence as to the conduct, manner and tone of the telephone call in question. In the absence of any other relevant evidence being brought to the Panel's attention it has not, in our opinion, been possible to make a direct link between the telephone conversation and the email in the investigating officer's report.

(ii) The email referred to in the Investigating Officer's report does not, in the Panel's opinion, cast sufficient light on the conduct or tone of the subject or relevant telephone conversation. There is no evidence presented to the Panel that there has been a breach of the Code of Conduct.

(iii) The Panel reminds itself that the only witnesses to the telephone call were the complainant, Mr Moore, and the subject Member, Councillor Warters. In the absence of any evidence it has not been possible for the Panel to determine whether or not Councillor Warters breached the Code of Conduct.

### **Determining Sanctions**

No sanctions were determined, as the complaint was dismissed.

*Note: the Decision Notice issued following this meeting has been published alongside these minutes*

Cllr D Carr, Chair

[The meeting started at 10.00 am and finished at 12.32 pm].