

City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held remotely on Tuesday, 4 May 2021, starting at 6.00 pm.

Present: The Lord Mayor (Cllr Janet Looker) in the Chair, and the following Councillors:

Acomb Ward	Bishopthorpe Ward
Barnes Lomas	Galvin
Clifton Ward	Copmanthorpe Ward
Myers Wells	Carr
Dringhouses & Woodthorpe Ward	Fishergate Ward
Fenton Mason Widdowson	D'Agorne D Taylor
Fulford and Heslington Ward	Guildhall Ward
Aspden	Craghill Fitzpatrick
Haxby & Wigginton Ward	Heworth Ward
Cuthbertson Hollyer Pearson	Douglas Perrett Webb
Heworth Without Ward	Holgate Ward
Ayre	Heaton Melly K Taylor

Hull Road Ward

Musson
Norman
Pavlovic

Huntington and New Earswick
Ward

Cullwick
Orrell
Runciman

Micklegate Ward

Baker
Crawshaw
Kilbane

Osbalwick and Derwent Ward

Rowley
Warters

Rawcliffe and Clifton Without Ward

Smalley
Wann
Waudby

Rural West York Ward

Barker
Hook

Strensall Ward

Doughty
Fisher

Westfield Ward

Daubeney
Hunter
Waller

Wheldrake Ward

Vassie

109. 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 they might have in the main item of business on the agenda (Agenda Item 3).

The following **personal** interests were declared:

Councillor	Description of Interest
D'Agorne	As a member of the Staffing Matters & Urgency Committee (SMUC) at the meeting on 17 February 2020 referred to in the Public Interest Report (PIR).
Hook	As a member of the SMUC at the meeting on 17 February 2020 referred to in the PIR.
Lomas	As she had submitted a complaint in June 2020 regarding matters referred to in the PIR.
Myers	As a member of the SMUC at the meeting on 17 February 2020 referred to in the PIR.
Pavlovic	Having had sight of information on the 17 February 2020 meeting of the SMUC that was not in the public domain, in his capacity as Chair of Audit & Governance Committee.

In declaring their interests, the above Members all confirmed that they remained open-minded in respect of the Public Interest Report.

The following **prejudicial or disclosable pecuniary** interests were declared:

Councillor	Description of Interest
Aspden	As Respondent in the Employment Tribunal claim referred to in the PIR.

Cllr Aspden stated that he had requested and been granted a dispensation by the Monitoring Officer and the Chair of Joint Standards Committee to enable him to take part in the debate and decision on Item 3.

110. Public Participation

It was reported that eleven members of the public had registered to speak under Public Participation in relation to the Public Interest Report (PIR) at Agenda Item 3.

Gwen Swinburn expressed concerns regarding the conduct of senior council officers, and urged Council to reject the officer action plan at Annex B to the report under item 3.

Emilie Knight asked Council to focus on the governance improvements suggested by the PIR rather than on its political aspects, particularly in view of the current pandemic.

Verna Campbell, a former Sheriff of York, spoke in support of Cllr Aspden, stating she had known and worked with him since 2003 and, contrary to reports in the press, he had never bullied anyone.

Philip Goldenberg, a retired solicitor and former standards committee member, expressed concerns about Mazars' interpretation of the Code of Conduct and of the payment to the former Chief Executive.

Ann Reid, a former councillor, disputed suggestions that decisions had been taken in secret and references to allegations of bullying, and said York was a well-managed authority.

Diane Geogheghan-Breen drew attention to the auditors' concerns about the payment to the former Chief Executive, and said Cllr Aspden had put his personal politics above the people of York.

David Ellis said he had been involved in politics for 40 years and expressed disappointment at the conduct of Cllr Aspden, supporting those calling for the Leader's resignation.

Alistair Graham, a former Chair of the Committee on Standards in Public Life, drew attention to the Nolan principles and the issues relevant to the discussion; namely, accountability and leadership.

Dafydd Williams, a former councillor, called on Cllr Aspden to resign on the grounds that he had breached the Nolan principles and brought the council into disrepute.

Johnny Hayes, a former councillor, criticised the officer response to the PIR as inadequate, and said he hoped there would be cross-party support for positive change.

Robert Gordon said the mistakes set out in the PIR had been blown out of proportion and urged Council to vote to implement the action plan at Annex B.

111. Public Interest Report - Early Termination of the Chief Executive's Employment Contract

Council received a report of the Chief Operating Officer (COO) that responded formally to the Public Interest Report (PIR) recently issued by the Council's external auditor, Mazars.

Members were invited firstly to ask questions of the representatives of Mazars in attendance at the meeting in relation to the factual content of the PIR.

On conclusion of the question and answer session, the Lord Mayor moved, and Cllr Ayre seconded, the following recommendations contained in paragraph 4 of the report of the COO:

"Members are asked to:

- i. Accept the recommendations of the Public Interest Report presented by the external auditor.
- ii. Approve the action plan that is attached as Annex B.
- iii. Agree that the Audit and Governance Committee receive updates on implementation of the Action Plan."

After some debate on the recommendations motion, Cllr Douglas moved, and Cllr Galvin seconded, a motion to suspend Standing Orders 10.2 and 23.1 to enable a motion of no confidence to be moved without notice.

A named vote was taken on this motion, the result of which was a unanimous vote in favour of the motion, with no abstentions. The motion to suspend Standing Orders was therefore declared CARRIED.

[The meeting was adjourned for a break from 7:58 pm to 8:14 pm]

Debate on the original recommendations then resumed. On conclusion of the debate, a separate named vote was taken on each of the three recommendations, with the following result:

Recommendation (i)

All Members voted in favour of this recommendation, which was therefore declared CARRIED.

Recommendation (ii)

For	Against	Abstained
Cllr Aspden	Cllr Barnes	Cllr Galvin
Cllr Ayre	Cllr Crawshaw	
Cllr Baker	Cllr Doughty	
Cllr Barker	Cllr Douglas	
Cllr Carr	Cllr Heaton	
Cllr Craghill	Cllr Kilbane	
Cllr Cullwick	Cllr Lomas	
Cllr Cuthbertson	Cllr Melly	
Cllr D'Agorne	Cllr Musson	
Cllr Daubeney	Cllr Myers	
Cllr Fenton	Cllr Norman	
Cllr Fisher	Cllr Pavlovic	
Cllr Hollyer	Cllr Perrett	
Cllr Hook	Cllr Rowley	
Cllr Hunter	Cllr K Taylor	
Cllr Mason	Cllr Warters	
Cllr Orrell	Cllr Webb	
Cllr Pearson	Cllr Wells	
Cllr Runciman	Cllr Looker (Lord Mayor)	
Cllr Smalley		
Cllr D Taylor		
Cllr Vassie		
Cllr Waller		
Cllr Wann		
Cllr Waudby		
Cllr Wells		
Cllr Widdowson		
26	20	1

The above recommendation was therefore declared CARRIED.

Recommendation (iii)

All Members voted in favour of this recommendation, which was therefore declared CARRIED, and it was.

Resolved: That the recommendations contained in paragraph 4 of the report of the Chief Operating Officer be approved.

[The meeting was adjourned for a break from 9:14 pm to 9:23 pm]

Motion of No Confidence

Cllr Myers then moved, and Cllr Doughty seconded the following motion without notice:

“Council notes the findings of its independent external auditor’s Public Interest Report (PIR) and the significant role played by the council leader in removing the council’s former Chief Executive from their job.

Council concludes from the report’s findings that the officer’s removal was for reason other than their ability to effectively do their job - at significant avoidable cost to the local taxpayer.

Council further notes from the independent PIR assessment:

- that the Council Leader prioritised political considerations over propriety in the use of public money in making this decision;
- that the Council Leader failed to declare a prejudicial conflict of interest in chairing the meeting and taking part in the (potentially unlawful) decision to commit over £400k to ensure the officer was removed from their job;
- the Council Leader’s decision to use this sum of public money to ensure a bullying and victimisation case made against himself and the council was dropped;
- that while off work ill, evidence provided indicates ‘the council’ did not want the former Chief Executive to return to work.

The Council Leader has already once before been found in breach of the Councillor Code of Conduct.

Council believes pursuing a personal vendetta to remove a council officer for simply doing their job, and using £400k of public money

to do so, is immoral and an unacceptable waste of public money, representing a major failure to adhere to the Nolan principles for standards in public life.

Council resolves that it no longer has confidence in Councillor Keith Aspden to undertake the role of Council Leader with the integrity, professionalism and ethical standards required of someone having the honour to represent this great city at such a high level.”

After debate, a named vote was taken on the above motion, with the following result:

For	Against	Abstained
Cllr Barnes	Cllr Aspden	Cllr Carr
Cllr Crawshaw	Cllr Ayre	
Cllr Doughty	Cllr Baker	
Cllr Douglas	Cllr Barker	
Cllr Fitzpatrick	Cllr Cullwick	
Cllr Galvin	Cllr Cuthbertson	
Cllr Heaton	Cllr D’Agorne	
Cllr Kilbane	Cllr Daubeney	
Cllr Lomas	Cllr Fenton	
Cllr Melly	Cllr Fisher	
Cllr Musson	Cllr Hollyer	
Cllr Myers	Cllr Hook	
Cllr Norman	Cllr Hunter	
Cllr Pavlovic	Cllr Mason	
Cllr Perrett	Cllr Orrell	
Cllr Rowley	Cllr Pearson	
Cllr K Taylor	Cllr Runciman	
Cllr Warters	Cllr Smalley	
Cllr Webb	Cllr D Taylor	
Cllr Wells	Cllr Vassie	
Cllr Looker (Lord Mayor)	Cllr Waller	
	Cllr Wann	
	Cllr Waudby	
	Cllr Widdowson	
21	25	1

The above motion was therefore declared LOST and it was

Resolved: That the motion of no confidence not be approved.

Cllr Janet Looker

LORD MAYOR OF YORK

[The meeting started at 6.00 pm and concluded at 9.59 pm]

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