

Joint Standards Committee

- To:** Councillors D'Agorne, Fisher, Galvin, Kilbane and Rowley BEM (CYC Members)
Councillors Chambers, Rawlings and Waudby (Parish Council Members)
- Date:** Thursday, 30 June 2022
- Time:** 4.00 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

AGENDA

- 1. Declarations of Interest**
At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.
- 2. Appointment of Chair**
To appoint a Chair of the Joint Standards Committee for the 2022/23 municipal year.
- 3. Appointment of Vice-Chair**
To appoint a Vice Chair of the Joint Standards Committee for the 2022/23 municipal year.
- 4. Exclusion of Press and Public**
To consider the exclusion of the public and press from the meeting during consideration of exempt Annexes A and B to Agenda Item 13 (Monitoring Report on Complaints Received), on the grounds that they contain information which is likely to reveal the identity of individuals.

This information is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006.

5. **Minutes** (Pages 1 - 6)
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 20 April 2022.
6. **Minutes of Sub-Committees** (Pages 7 - 8)
To approve and sign the minutes of the Joint Standards Assessments Sub-Committee meeting held on 19 May 2022.
7. **Urgent Business**
Any other business which the Chair decides is urgent under the Local Government Act 1972.
8. **Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Tuesday, 28 June 2022**. To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

9. **Annual report for 2021/2022** (Pages 9 - 14)
This report invites Members to provide their views on a finalised draft Annual Report for 2021/2022, ahead of its presentation to Full Council later in the year.

10. Government Response to the Committee for Standards in Public Life Review of Local Government Ethical Standards: City of York's Response to the Recommendations made by the Committee for Standards in Public Life Recommendation - Update (Pages 15 - 22)

This report provides an update on the activity undertaken (where possible) at City of York Council in response to the Recommendations published by the Committee for Standards in Public Life Review of Local Government Ethical Standards in January 2019.

11. Development of a Member Training Programme for the Ethical Governance Framework (Pages 23 - 26)

This report provides an update on the position regarding the development of a member training programme, in so far as it relates to the ethical governance framework.

12. Review of Work Plan (Pages 27 - 30)

To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.

13. Monitoring Report on Complaints Received (Pages 31 - 110)

To receive a routine update report on recent standards complaints.

Democratic Services officer:

Name: Fiona Young

Contact Details:

Telephone – (01904) 552030

Email – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

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	20 April 2022
Present	Councillor Rawlings (Parish Council Member, Vice-Chair, in the Chair) Councillors Rowley (Chair) (<i>present for Agenda Items 8-11</i>), Baker, Carr, Douglas and Fisher (CYC Members) Councillors Chambers and Waudby (Parish Council Members)
Apologies	Ms Davies (Independent Person)

46. **Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, or any prejudicial interests or disclosable pecuniary interests which they might have in respect of business on the agenda.

Cllr Fisher declared a prejudicial interest in Agenda Item 11 (Monitoring Report on Complaints Received), as the subject member of one of the cases on the list. He left the room during consideration of this item and took no part in the discussions or decision thereon.

Cllr Chambers also declared an interest in Item 11, as Vice-Chair of Strensall Parish Council (of which Cllr Fisher was Chair), and stated that he would leave the room if the case in question was discussed.

47. **Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of the exempt versions of Annexes A and B to Agenda Item 10 (Monitoring Report in Respect of Complaints Received), on the grounds that they contain information likely to reveal the identity of individuals, which is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

48. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 24 January 2022 be approved and signed as a correct record, subject to the following amendment:

- Under Minute 35 (Declarations of Interest), amend 'Fisher' to 'Rowley' in the final paragraph.

49. Minutes of Sub-Committees

The Monitoring Officer advised that the minutes of the Hearings Sub-Committee on 8 March 2022 attached to the agenda not be approved, as they contained information that was additional to that in the Notice of Decision published after the hearing. The Notice of Decision contained all relevant information regarding the outcome of the hearing and a separate minute was not required.

50. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

51. Draft Annual Report for 2021/2022

Members considered a report which invited them to comment upon the committee's draft Annual Report for the 2021/22 Municipal Year, attached at Annex 1, ahead of its presentation to Full Council.

Following discussion, it was

- Resolved: (i) That the draft be amended to:
- complete the 'Complaints' section;
 - refer in the second paragraph of the 'Other work' section to the refresher training offered to Members on the Model Code of Conduct;
 - add to the 'Dispensations' section the dispensation granted to Cllr Douglas on 12 October 2021;

- add a section on ‘Aspirations’, and a final section on work planned for the next year.

(ii) That the revised draft be shared with the Chair and Vice Chair then brought back to the committee for approval.

Reason: To ensure that the Annual Report presented to Council reflects the views of the committee.

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

Members considered a report which informed them of the Government's response to the review of Local Government Ethical Standards carried out by the Committee for Standards in Public Life.

The response, published on 18 March 2022, did not propose any immediate plans to amend or introduce legislation to deal with the matters raised. However, the Government did support and encourage local authorities to develop best practice. In York, the Joint Standards Committee had already responded positively to some of the recommendations, including adoption of the LGA Model Code and encouraging parish councils to adopt it, publishing an annual report, and clarity for councillors in respect of gifts and hospitality.

The response had been made available online as Annex A to the report. Following discussion, it was

Resolved: (i) That the Government response to the Committee for Standards in Public Life's Review of Local Government Ethical Standards be noted.

(ii) That the Chair, in consultation with the Monitoring Officer, write to the Local Government Minister to express Members' concern that the response had not addressed the issue of sanctions in respect of breaches of the Code of Conduct.

Reason: To bring the committee's views to the Government's attention.

(iii) That the Monitoring Officer be asked to bring to the next meeting a list of 10 main points in relation to areas of best practice with details of progress made on these.

Reason: In order to monitor progress and inform the committee's work plan.

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

Members considered a report which informed them of the granting of a dispensation to all Members of the Customer & Corporate Services Scrutiny Management Committee (Calling-in) at the committee's meeting on 7 February 2022.

The dispensation had been granted to enable the Members to participate in the meeting, which related to the call-in of a decision made by the Executive Member for Transport on 'Weed Management of Highways and Associated Areas', despite all having in 2019 voted in favour of a motion to Council promoting the Pollinator Strategy. It had been granted to Cllrs Crawshaw, Fenton, Hollyer, Pearson, Orrell, Wann, Melly and Douglas by Cllr Rowley, as the Chair of Joint Standards Committee, and to Cllr Rowley himself by the Monitoring Officer.

Resolved: That the granting of the above dispensation be noted.

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

54. Review of Work Plan

Members considered the committee's work plan for the upcoming 2022/23 Municipal Year.

Resolved: That the work plan be approved subject to the following amendments / additions to the items listed for the June 2022 meeting:

- Annual Report - amend 'Draft' to 'Final';

- Add an item on Areas of Best Practice (*as referenced in Minute 52 above*).

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

55. Monitoring Report on Complaints Received

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

An anonymised list of live complaints was attached at Annex A to the report, and an anonymised list of closed complaints at Annex B. Full details were provided in an exempt version of each annex. Discussion of the exempt lists took place in private session, in accordance with the resolution in Minute 47 above.

Resolved: That the report be noted.

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

Cllr S Rawlings, Chair

The meeting started at 4:06 pm and finished at 5:06 pm.

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City of York Council

Committee Minutes

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	19 May 2022
Present	Councillor Baker and Douglas (CYC Members) Councillor Waudby (Parish Council Member) Mr Oram (Independent Person)

37. Appointment of Chair

Resolved: That Cllr Douglas be appointed as Chair of the meeting.

38. Declarations of Interest

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

No interests were declared, but for the sake of transparency Cllr Waudby stated, in relation to Agenda Item 4, that he was acquainted with a member of the City Council who was also a member of the same council as the subject members and complainants.

39. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of the private report at Agenda Item 4 (Code of Conduct Complaint received in respect of Parish / Town Councillors), on the grounds that it contains information relating to individuals, 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.

40. Complaints received in respect of Parish / Town Councillors

Members considered a report on five Code of Conduct complaints received in respect of four Parish / Town. Details of the complaints and the circumstances were presented in the private report referred to in Minute 39 above.

The report invited Members to decide whether to:

- 1) Rule that the complaint did not fall within the remit of the Code of Conduct and therefore no further action be taken;
or
- 2) Rule that the complaint should progress to an investigation, in which case the Monitoring Officer would appoint an investigating officer in accordance with the procedure for the handling of complaints.

Discussion took place in private session, in accordance with the decision in Minute 35. During the debate, it was confirmed that a third option was available; namely, to seek informal resolution, as set out in paragraph 4 of the complaints procedure approved by Joint Standards Committee in January 2020.

Having considered the information provided, and taking into account the views of the Independent Person at the meeting, it was

Resolved: That the sub-committee finds that all 5 of the complaints constitute potential breaches of the Code of Conduct, and that informal resolution be sought in respect of them all.

Reason: In accordance with paragraph 4 of the complaints procedures.

Cllr C Douglas, Chair

[The meeting started at 3.03 pm and finished at 4.20 pm].



30 June 2022

Joint Standards Committee

Report of the Monitoring Officer

Annual report for 2021/2022

Summary

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

Background

2. It is good practice for the Committee to prepare an Annual Report at the start of each municipal year, setting out work undertaken by the Joint Standards Committee during the previous year.

3. The final breakdown of complaints received during the municipal year has now been calculated to date and will be checked and finalised in May 2022 when the new municipal year commences. A draft of the annual report is attached at Annex A.

Implications

Financial

4. Not applicable to this report.

Human Resources (HR)

5. Not applicable to this report.

Equalities

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

place for such complaints ensures that all Members adhere to the principles of the Act.

Legal

7. As detailed within the report.

Crime and Disorder, Information Technology and Property

8. Not applicable to this report.

Recommendations

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

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

Janie Berry

Director of Governance &
Monitoring Officer

Tel: 01904 555385

**Report
Approved**

Date 20 June
2022

Specialist Implications Officer(s):

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

All

For further information please contact the author of the report

Annexes:

- Annex A – Annual Report 2021/2022

30 June 2022

Annual report for 2021/2022

Foreword from the Chair of the Joint Standards Committee

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

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

Cllr M Rowley BEM
Chair of Joint Standards Committee

Membership of the Committee

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

City of York Council:

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

Parish Councils

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

Independent Persons

- Angharad Davies
- David Laverick

Complaints

The Council received 29 complaints during the municipal year 2021-2022, and of the 21 concluded in that time:

- 1 complaint was upheld
- 1 complaint was not upheld
- 19 complaints did not progress to an investigation

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

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

Other work

Model Code of Conduct for Members and review of Supporting Procedures

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

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

Supporting the adoption of the Model Code, Hoey Ainsough were also commissioned by the Joint Standards Committee to deliver a series of training events to all City of York Councillors and key staff on the interpretation and application of the new Code.

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

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

Recruitment of Independent Persons

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

York's Parish Charter

The Joint Standards Committee has been kept informed on the progression of the review of the charter between City of York Council and the 31 Parish and Town Council's across the City, as represented

by the York Branch of the Yorkshire Local Councils Associations. The Committee was assisted in these discussions by the Assistant Director of Communities and Culture.

Dispensations granted to City of York Councillors

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

Review of the Constitution

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

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

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



30 June 2022

Joint Standards Committee

Report of the Monitoring Officer

Government response to the Committee for Standards in Public Life review of local government ethical standards

City of York's response to the recommendations made by the Committee for Standards in Public Life recommendation – update

Summary

1. This report provides the Joint Standards Committee with an update as to the activity undertaken (where possible) at City of York Council in response to the Recommendations published by the Committee for Standards in Public Life Review of Local Government Ethical Standards in January 2019.

Background

2. In January 2019, the Committee for Standards in Public Life published its Review of Local Government Ethical Standards. This prompted significant action, nationally and locally with particular focus on the review and production of a Model Code of Conduct by the LGA.

3. A number of recommendations were put forward, many of which would require primary legislation changes and some which could be adopted locally.

4. In March 2022, the Government published its final response to the Committee for Standards in Public Life Report and where necessary indicated its stance as regards any proposals for legislative changes.

5. Set out below are the Government responses together with the action which has already been taken, where possible, by City of York Council.

Recommendations

6. Joint Standards Committee is invited to review and note, as detailed within this report, the Government's formal response and where possible, progress made by City of York in meeting the committee for Standards in Public Life Recommendations from January 2019,

Committee for Standards in Public Life Recommendations and Responses

Recommendation One:

7. The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officer of all tiers of local government

8. The LGA has produced a Model Code of Conduct. City of York Council adopted this Code in October 2021, with the associated procedures being implemented on 26th May 2022. Training for all Members and Key Officers took place during October 2021.

9. Work is now ongoing with the YLCA to encourage all Parish and Town Councils to adopt the LGA Model Code of Conduct.

Recommendation Two:

10. The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

This requires the Government to change legislation.

11. City of York already offers an informal ability to all councillors to remove their home addresses from their Register of Interests, however the details must be held by the Monitoring Officer. When standing for election, candidates do not need to declare their home address however again, the details must be held by the (Acting) Returning Officer.

Recommendation Three:

12. Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to

permit local authorities to presume so when deciding upon code of conduct breaches.

The government is not proposing to change legislation.

13. City of York Council does have a social media policy. The Code of Conduct does apply to all forms of communication, including social media and this is an issue which the LGA will keep under annual review. The Protocol for Officer/Member Relations offers further guidance on social media correspondence.

Recommendation Four:

14. Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

15. City of York has adopted and implemented the LGA Model Code of Conduct almost unchanged. The Joint Standards Committee has made a commitment to keep this under review, which ideally will be triggered by national updates issues by the LGA. The Code of Conduct is incorporated into the Constitution which will be reviewed on a six monthly basis with an annual fitness for purpose test undertaken by Audit & Governance Committee on an annual basis.

Recommendation Five:

16. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships, trusteeships, management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy

17. City of York has issued guidance about appointments to outside bodies, trusts and charities which is incorporated into the Council's constitution. The Register of Interests form ask for details of membership of these organisations to be declared.

Recommendation Six:

18. Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

19. The Monitoring Officer holds the Register of Gifts and Hospitality. City of York's Council has made specific provision in its Code of Conduct that all gifts accepted over a value of £25 should be declared. Likewise any Councillor who declines a gift and or hospitality is also required to declare the same to the Monitoring Officer.

Recommendation Seven:

20. Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting they have any interest, whether registered or not "if a member of the public, with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".

21. This requires government change to legislation but the Council has adopted the LGA Model Code of Conduct which is clear as to guidance for councillors in the instances where they believe they have a DPI.

Recommendation Eight:

22. The Localism Act 2011 should be amended to require that Independent Person are appointed for a fixed term of 2 years, renewable once.

23. City of York Council is currently promoting a recruitment exercise to appoint Independent Persons to the Joint Standards Committee.

Recommendation Nine:

24. The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

25. The Council provides the Joint Standards Committee with summary information about all complaints. Following a hearing decision notices are published in the Council's website.

Recommendation Ten:

26. A local authority should be able to suspend a councillor where the authority's Independent Person agrees both with the finding of the

breach and that suspending the councillor would be a proportionate response.

Recommendation Twelve:

27. Local authorities should be given the discretionary power to establish a decision making standards committee with voting independent members and voting member and voting members from dependent parishes, to decide on allegations and impose sanctions.

Recommendation Thirteen:

28. Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.

Recommendation Fourteen:

29. The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed.

The Ombudsman's decision should be binding on the local authority.

Recommendation Sixteen:

30. Local Authorities should be given power to suspend councillors, without allowance for up to 6 months.

31. All of the above would require the government to change legislation; until such time as that happens, City of York cannot consider these recommendations.

Recommendation Eleven:

32. Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

Awaiting confirmation from the insurers.

Recommendation Fifteen:

33. The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct

complaints they receive; what the complaints broadly relate to (e.g. bullying, conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

34. The Joint Standards Committee receives an update report in respect of Code of Conduct complaints as a standing item on every agenda. The Joint Standards Committee now also publishes an annual report by way of good practice.

Recommendation Seventeen:

35. The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities or sanctions. These powers should be put beyond doubt in legislation if necessary.

36. The council has not taken any action as regards this recommendation. However should the circumstances arise, each case will be considered on a case by case basis.

Recommendation Eighteen:

37. The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

This is an issue for the government and not City of York Council.

Recommendation Twenty:

38. Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.

39. The Joint standards Committee is supporting the YLCA in its encouragement for all Parish and Town Councils to adopt the LGA Model Code of Conduct.

Recommendation Twenty-One:

40. Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following a finding of a breach is to be determined by the relevant principal authority.

This is an issue for the government and not City of York Council.

Recommendation Twenty-Two:

41. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

This is an issue for the government and not City of York Council.

Recommendation Twenty-Three:

42. The Local Government transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

43. City of York Council's Whistleblowing Policy details our Internal Auditors, Veritau and External Auditors, Mazars, as points of contact for whistleblowing purposes and does provide contact details but not named individuals.

Recommendation Twenty-Four:

44. Councillors should be listed as prescribed persons for the purposes of the Public Disclosure Act 1998.

This is an issue for the government and not City of York Council.

Implications

Financial

45. Not directly applicable to this report, however costs were incurred in the review of the Code of Conduct and associated procedures.

Human Resources (HR)

46. Not applicable to this report.

Equalities

47. There are no known equalities issues applicable to this report.

Legal

48. Where necessary the legal implications are addressed within the body of this report.

Crime and Disorder, Information Technology and Property

49. Not applicable to this report.

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

Janie Berry

Director of Governance &
Monitoring Officer

01904 555385

**Report
Approved**

Date 7 June 2022

Specialist Implications Officer(s):

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

All

For further information please contact the author of the report

Background Papers:

- Committee for Standards in Public Life Review of Local Government Ethical Standards published in January 2019.
- Government Response to the Committee for Standards in Public Life Report published in March 2022
- City of York Council Constitution
- Agendas, Reports and Minutes (various) of the Joint Standards Committee 2019-2022,



Joint Standards Committee**30 June 2022**

Report of the Monitoring Officer

Development of a Member Training Programme for the Ethical Governance Framework**Summary**

1. This report is to update the Committee on the position regarding the development of a member training programme in so far as it relates to the ethical governance framework.

Background

2. In order to continue to embed good governance, the Audit & Governance Committee has oversight of the formulation of Council's Member Development Programme as part of its role in monitoring delivery against the Action Plan. Its aim is to finalise the programme by December 2022, in readiness for the City Elections in May 2023. As the Committee is aware, the Audit & Governance Committee is also seeing the support of the Local Government Association [hereafter referred to as the LGA] in its work relating to the Action Plan. The LGA has also offered to undertake some of the training as part of this plan.

3. Ethical Governance training will be a particularly important part of the induction process immediately after the City Elections in May 2023. Subject to the Joint Standards Committee's views it is proposed that this will be a mandatory training programme for all City of York Councillors and will include:

- An understanding of the Code of Conduct including what happens if someone makes a complaint about a councillor. At present, it is envisaged that this will include information about the role of the Joint Standards Committee and their support to the Monitoring Officer;
- Register of Interests and how to declare an interest;
- Member Officer Relations Protocol;
- An awareness of the Employee Code of Conduct
- Equalities training

4. Again subject to the Committee's views delivery of the training programme is also being considered as part of this process with consideration to a combination of face to face sessions, hybrid sessions and wholly virtual sessions but with a condition that all training is recorded to be easily accessed at later dates.

5. The LGA had intended to report to the Audit & Governance Committee on 29th June 2022, however with agreement from the Chair of the Committee they are now to report on 7th September 2022. This second phase of reporting by the LGA will cover the work undertaken to demonstrate the embedding of good governance such as the delivery of a training programme. With this in mind, the council is preparing a draft training programme which can be shared with the LGA as part of their ongoing work.

6. Timeliness of the training is also crucial and whilst the aforementioned training is mandatory as part of the induction process, views of the Joint Standards Committee are sought as to frequency of the delivery of this ethical training by way of refresher during the four year cycle. Good practice would suggest that access to such training should be readily available with perhaps refresher training being delivered/promoted by the Committee on an annual basis.

Implications

Financial

7. Not applicable to this report.

Human Resources (HR)

8. Not applicable to this report.

Equalities

9. Maintaining standards across the City through the embedding of a fit for purpose ethical governance framework, which includes the Codes of Conduct, supports the council's robust decision making framework and ensures City of York Councillors and Officers are appropriately advised of their respective responsibilities.

Legal

10. As detailed within the report.

Crime and Disorder, Information Technology and Property

11. Not applicable to this report.

Recommendations

12. That the Joint Standards Committee considers the report and notes any views which can be shared with the Audit & Governance Committee as part of their established work plan.

Author and Chief Officer Responsible for the report:

Janie Berry, Director of
Governance & Monitoring
Officer

Tel: 01904 555385

**Report
Approved**

Date 20 June
2022

Specialist Implications Officer(s):

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

All

For further information please contact the author of the report

Background Papers:

- Agendas reports and minutes of the Joint Standards Committee in so far as they relate to the Code of Conduct and supporting procedures;
- Agendas, report and minutes of the Audit & Governance Committee
- City of York Council Constitution

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Work Plan for Joint Standards Committee 2021-22

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

Previous meetings

Wednesday 23 June 2021	<ul style="list-style-type: none"> • Appointment of Chair and Vice Chair • Workshop around Model Code of Conduct 	
Tuesday 6 July 2021	<ul style="list-style-type: none"> • Annual Report for Municipal Year 2020-2021 • Update on recruitment of Independent Persons • Review of York's Parish Charter • Model Code of Conduct for Elected Members • Review of Work Plan • Monitoring report in respect of complaints received 	Standard item
Thursday 23 September 2021	<ul style="list-style-type: none"> • Update on recruitment of Independent Persons • Terms of Reference for the Committee • Model Code of Conduct for Elected Members • Model Code of Conduct – Review of Procedures • Review of Work Plan • Monitoring report in respect of complaints received 	Standard Item
Tuesday 23 November 2021	<ul style="list-style-type: none"> • Model Code of Conduct – Review of Procedures 	

Monday 24 January 2022	<ul style="list-style-type: none"> • Review of York's Parish Charter • Dispensation granted to City Councillors on 15 July 2021 • Dispensation granted to City Councillor on 12 October 2021 • Update on Review of Procedures – Hoey Ainscough • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
Wednesday 20 April 2022	<ul style="list-style-type: none"> • Draft Annual Report for Municipal Year 2021-2022 • Monitoring report in respect of complaints received • Work to support Parish/Town Councils in adoption of Model Code of Conduct • Dispensation granted to City Councillor on 7 February 2022 • Discussion around use of substitutes for Parish/Town Councillors on Joint Standards Committee • Review of Work Plan 	Standard Item

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Joint Standards Committee**30 June 2022**

Report of the Monitoring Officer

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

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

Background

2. The table attached at Annex A provides information about ongoing complaints and the table attached at Annex B provides the list of closed complaints.

3. Case references 739, 740, 741, 2021/06 and 2021/12 were investigated and the Hearing of 20th April 2022 concluded there was a breach of the code of conduct. The Panel imposed sanctions and the decision notice was published.

4. Case reference 2021/13 is closed, no breach of the code was found following an investigation.

5. Case references 2021/17, 2021/20, 2022/07, 2022/13, 2022/14, 2022/16 and 2022/17 are currently under investigation.

6. Case references 2022/03, 2022/04, 2022/05, 2022/06 and 2022/08 were considered by an Assessment Sub-Committee on 19th May 2022. It was agreed these complaints would not progress to investigation, local resolution to be sought.

7. Case references 2022/09, 2022/10, 2022/11 and 2022/12 are closed and did not progress to investigation.

8. Case reference 2022/15 is currently being assessed by the Deputy Monitoring Officer.

Implications**Financial**

9. Not applicable to this report.

Human Resources (HR)

10. Not applicable to this report.

Equalities

11. Maintaining standards across the City through the Code of Conduct ensures that an ethical framework can be adhered to, including ensuring that equality issues form an integral part of that framework.

Legal

12. As detailed within the report.

Crime and Disorder, Information Technology and Property

13. Not applicable to this report.

Recommendations

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

Author:

Janie Berry

Director of Governance &
Monitoring Officer

Chief Officer Responsible for the report: Janie Berry

Director of Governance &
Monitoring Officer

Tel: 01904 555385

**Report
Approved**

Date

16 June
2022

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

All

For further information please contact the author of the report

Annexes:

- Annex A – Table showing open complaints received.
- Annex B – Table showing closed complaints received.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
739	Parish	Parish Councillor	15/11/19	Allegations that the subject member behaved aggressively towards the complainant.	Consultation stage not in force when complaint made.	Closed.	<p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> <p>External investigating officer has now been appointed.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and</p>	15/12/21 – sub-committee convened and agreed to progress to Hearing.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							<p>the finding accepted. Hearing to be arranged in New Year. Hearing Panel convened, Hearing to take place on 18th February.</p> <p>Hearing Panel adjourned to 20th April 2022.</p> <p>Hearing Panel met on 20th April 2022. The Panel imposed sanctions and the decision notice was published online.</p>	
740	Parish	Parish Councillor	13/11/19	Allegations that the subject member behaved aggressively towards a Clerk.	Consultation stage not in force when complaint made.	Closed.	<p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p>	15/12/21 – sub-committee convened and agreed to progress to Hearing.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							<p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> <p>External investigating officer has now been appointed.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.</p> <p>Hearing Panel convened, Hearing to take place on 18th February.</p> <p>Hearing Panel adjourned to 20th April 2022.</p> <p>Hearing Panel met on 20th April 2022. The Panel imposed</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							sanctions and the decision notice was published online.	
741	Parish	Parish Councillor	15/11/19	Allegations that the subject member verbally attacked the Chair and the Clerk and sent threatening emails.	Consultation stage not in force when complaint made.	Closed.	<p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> <p>External investigating officer has now been appointed.</p> <p>Referral to assessment subcommittee made.</p>	15/12/21 – sub-committee convened and agreed to progress to Hearing.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							<p>Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.</p> <p>Hearing Panel convened, Hearing to take place on 18th February.</p> <p>Hearing Panel adjourned to 20th April 2022.</p> <p>Hearing Panel met on 20th April 2022. The Panel imposed sanctions and the decision notice was published online.</p>	
2021/06	Parish Councillor	Parish Councillor	11/02/20	The complainant alleges that the Cllr behaved in an intimidatory and bullying manner.	Consultation stage not in force when complaint made.	Closed.	<p>This complaint is now being looked into as the criminal proceedings have now concluded (in 2021).</p> <p>The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p>	15/12/21 – sub-committee convened and agreed to progress to Hearing.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							<p>Assessment Sub Committee to be formed.</p> <p>External investigating officer has now been appointed.</p> <p>External investigation ongoing.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.</p> <p>Hearing Panel adjourned to 20th April 2022.</p> <p>Hearing Panel met on 20th April 2022. The Panel imposed sanctions and the decision notice was published online.</p>	
2021/12	Parish	Parish	01/07/2021	The complainant alleges the Parish Councillor has repeatedly bullied,	Consultation stage not in force when	Closed.	Complaint assessed and the allegations set out in the complaint are covered by the	15/12/21 – sub-committee convened and

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
				threatened and harassed Councillors and staff.	complaint made.		<p>code, sufficient information is within the complaint to refer for investigation and the allegations are serious in nature. It is also in the public interest to refer for investigation.</p> <p>Referral to assessment subcommittee made.</p> <p>Sub-committee determined that the report is complete and the finding accepted. Hearing to be arranged in New Year.</p> <p>Hearing Panel convened, Hearing to take place on 18th February.</p> <p>Hearing Panel adjourned to 20th April 2022.</p> <p>Hearing Panel met on 20th April 2022. The Panel imposed</p>	agreed to progress to Hearing.

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							sanctions and the decision notice was published online.	
2021/13	CYC	CYC	15/07/2021	The complainant alleges the Cllr has breached the following standards codes: failure to treat others with respect, bullying and intimidation, and bringing the council into disrepute.	Consultation stage not in force when complaint made.	Closed.	<p>Complaint assessed and will progress to investigation.</p> <p>This complaint is currently being investigated.</p> <p>Draft report sent to parties for comment.</p> <p>Parties have responded to draft report, addendum to the report to include comments from parties added by the DMO. To be passed to MO and IP for consideration.</p> <p>IP and MO agree with the conclusion in that no breach was found. Parties contacted on 26 May 2022 and notified of outcome. Closed.</p>	
2021/17	CYC	Parish	23/10/21	The complaint is in relation to matters at a	Referred to assessment	Investigation with external	This complaint is currently being assessed.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
				Parish Council and the complainant alleges the Cllrs behaviour is not in line with the code of conduct.	sub-committee.	investigator progressing.	<p>Assessment Sub-Committee being convened, await outcome.</p> <p>Assessment sub-committee determined that the complaint should progress to an investigation and external investigator appointed.</p> <p>Investigation with external investigator progressing.</p>	
2021/20	CYC	York resident	16/12/21	The complainant alleges the Councillor's comments at a Planning Committee meeting breach the Member Code of Conduct.	<p>Chair and Vice Chair consulted 17/12/21.</p> <p>Referred to assessment sub-committee.</p>	Investigation with external investigator progressing.	<p>This complaint is currently being assessed.</p> <p>Views of the IP sought.</p> <p>Assessment Sub-Committee being convened, await outcome.</p> <p>Assessment sub-committee determined that the complaint should progress to an</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							<p>investigation and external investigator appointed.</p> <p>External investigator appointed – parties notified.</p> <p>Investigation with external investigator progressing.</p>	
2022/03	Parish	Parish	22/03/22	The complainant alleges the subject Councillor has shown a lack of respect on numerous occasions at Parish Council meetings, and a disregard for rulings from the Chair in direct opposition to the Standing orders and the Code of Conduct.	Chair and Vice Chair consulted	Closed. Assessment Sub-Committee determined local resolution should be sought.	<p>This complaint is currently being assessed.</p> <p>Views of the IP sought.</p> <p>Referred to Assessment Sub-Committee to determine whether complaint should progress to investigation.</p> <p>Assessment Sub-Committee determined local resolution should be sought.</p> <p>Closed.</p>	
2022/04	Parish	Parish	29/03/22	The complainant alleges the Parish Councillor breached the code of	Chair and Vice Chair consulted	Closed. Assessment Sub-Committee	This complaint is currently being assessed.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
				conduct by bullying and harassing them, and also failing to treat them with respect.		determined local resolution should be sought.	Views of the IP sought. Referred to Assessment Sub-Committee to determine whether complaint should progress to investigation. Assessment Sub-Committee determined local resolution should be sought. Closed.	
2022/05	Parish	Parish	11/04/22	The complainant alleges the Parish Councillor has breached the code of conduct by acting in a way which a reasonable person would regard as bullying or intimidatory.	Chair and Vice Chair consulted	Closed. Assessment Sub-Committee determined local resolution should be sought.	This complaint is currently being assessed. Views of the IP sought. Referred to Assessment Sub-Committee to determine whether complaint should progress to investigation. Assessment Sub-Committee determined local resolution should be sought.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							Closed.	
2022/06	Parish	Parish	11/04/22	The complainant alleges the Parish Councillor has breached the code of conduct by acting inappropriately during a Parish Council Meeting.	Chair and Vice Chair consulted	Closed. Assessment Sub-Committee determined local resolution should be sought.	<p>This complaint is currently being assessed.</p> <p>Views of the IP sought.</p> <p>Referred to Assessment Sub-Committee to determine whether complaint should progress to investigation.</p> <p>Assessment Sub-Committee determined local resolution should be sought.</p> <p>Closed.</p>	
2022/07	Parish	Parish	13/04/22	The complainant alleges the Parish Councillor breached the code of conduct by not declaring a Personal Interest at a Parish Council meeting and did not leave the room when the agenda item was discussed.	Chair and Vice Chair consulted 22/04/22	This complaint is currently being investigated.	<p>This complaint is being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>Complaint assessed and will progress to investigation.</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
2022/08	Parish	Parish	14/04/2022	The complainant alleges the Parish Councillor has breached the code of conduct by acting inappropriately during a Parish Council Meeting.	Chair and Vice Chair consulted	Closed. Assessment Sub-Committee determined local resolution should be sought.	<p>This complaint is currently being assessed.</p> <p>Views of the IP sought.</p> <p>Referred to Assessment Sub-Committee to determine whether complaint should progress to investigation.</p> <p>Assessment Sub-Committee determined local resolution should be sought.</p> <p>Closed.</p>	
2022/09	Parish	Parish	20/04/2022	The complainant alleges the Parish Councillor has breached the code of conduct by making false and misleading statements in an attempt to blemish a Parish Councillor's character.	Chair and Vice Chair consulted 21/04/22	Closed.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>Following consultation with the IP and the Chair and Vice Chair of JSC, the DMO will not refer the matter to</p>	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							investigation as the behaviour complained of does not constitute a breach of the Code of Conduct.	
2022/10	CYC	Parish	20/04/2022	The complainant alleges the Councillor has breached the code of conduct due to their behaviour at a Council meeting.	Chair and Vice Chair consulted 21/04/22	Closed.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>Following consultation with the IP and the Chair and Vice Chair of JSC, the DMO will not refer the matter to investigation as the behaviour complained of does not constitute a breach of the Code of Conduct. The complaint relates primarily to dissatisfaction with the Standards process rather than the behaviour of the Councillor involved.</p>	
2022/11	CYC	Parish	21/04/22	The complainant alleges that the Members on a Hearings Panel have	Chair and Vice Chair	Closed.	This complaint is currently being assessed by the Deputy Monitoring Officer.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
				breached the code of conduct following their involvement and actions at the hearing.	consulted 21/04/22		Views of the IP sought. Following consultation with the IP and the Chair and Vice Chair of JSC, the DMO will not refer the matter to investigation as the behaviour complained of does not constitute a breach of the Code of Conduct. The complaint relates primarily to dissatisfaction with the Standards process rather than the behaviour of the Councillors involved.	
2022/12	CYC	York resident	25/04/22	The complainant alleges the Cllr breached the code of conduct in a comment made online. The complainant alleges the comment breached the code and the following Nolan Principle: "Holders of public office should be truthful."	Chair and Vice Chair consulted 13/05/22	Closed.	This complaint is currently being assessed. Views of the IP sought. This matter will not be referred to investigation as the comments complained about do not constitute a breach of the Code of Conduct, the	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
							Councillor is entitled to free speech and regulatory intervention would be a disproportionate restriction of this right.	
2022/13	Parish	Parish	29/04/22	The complainant alleges the Parish Councillor has routinely refused to comply with the Parish Council's Code of Conduct at multiple Parish Council meetings.	Chair and Vice Chair consulted 13/05/22	Complaint assessed and will progress to investigation.	This complaint is currently being assessed by the Deputy Monitoring Officer. Views of the IP sought. Complaint assessed and will progress to investigation. Parties notified.	
2022/14	Parish	Parish	29/04/22	The complainant alleges the Parish Councillor did not declare an interest with regards to a Motion at a Parish Council meeting and did voted in favour of the Motion.	Chair and Vice Chair consulted 13/05/22	Complaint assessed and will progress to investigation.	This complaint is currently being assessed by the Deputy Monitoring Officer. Views of the IP sought. Complaint assessed and will progress to investigation. Parties notified.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
2022/15	Parish	Parish	16/05/22	The complainant alleges the Parish Councillor breached the code of conduct by not declaring an interest at a Parish Council meeting and did not leave the room when the agenda item was discussed and voted on.		This complaint is being assessed by the Deputy Monitoring Officer.	This complaint is being assessed by the Deputy Monitoring Officer. Views of the IP sought.	
2022/16	CYC	CYC	23/05/22	The complainant alleges the Cllr breached the code of conduct in a comment made online. The complainant alleges the comment breached the code and brings the Local Authority into disrepute.	Chair and Vice Chair consulted 25/05/22	Complaint assessed and will progress to investigation.	This complaint is being assessed by the Monitoring Officer. Views of the IP sought. Complaint assessed and will progress to investigation. Parties notified.	
2022/17	CYC	CYC	23/05/22	The complainant alleges the Cllr breached the code of conduct in a comment made online. The complainant alleges the comment breached	Chair and Vice Chair consulted 25/05/22	Complaint assessed and will progress to investigation.	This complaint is being assessed by the Monitoring Officer. Views of the IP sought.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	MO consulted with Chair & Vice Chair (assessment stage)	Status	Updates	If progressing to hearing, date consulted Chair & Vice Chair and comments
				sections 5.1 and 6 of the code.			Complaint assessed and will progress to investigation. Parties notified.	

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status	Updates
723	Parish	Former Parish Council Clerk	24/6/19	The complainant alleges that the subject members have behaved in a manner that is disrespectful.	Closed – the Monitoring Officer has considered the Investigation Officer’s report and agrees with her findings of no breach of the Code of Conduct.	Closed – the Monitoring Officer has considered the Investigation Officer’s report and agrees with her findings of no breach of the Code of Conduct. The investigation was initially on hold as it was related to another complaint.
2020/01	Parish	Resident	05/02/20	The complainant alleges the Parish Councillor was supporting a planning application on a personal level and was not acting impartially. The complainant claims the Councillor did not acknowledge their objections.	Closed - after investigation, the Monitoring Officer advised this matter will not be taken further.	The Chairman of the PC has contacted the Monitoring Officer to discuss this matter. A Parish Councillor has resigned from their post following the incidents with the Parish Councillor. Response sent to the complainant on 28/04/20. Chair of PC also sent a copy. This matter will not be taken further.
2020/02	City	Resident	10/04/20	The complainant put in a complaint with regards to how a Councillor spoke to him online on Twitter.	Closed – the Monitoring Officer advised the complainant that this complaint does not merit further investigation as it appears that the thread consists of a series of comments between the	

					complainant and the Councillor in which they were both providing views on whether a previous comment made on Twitter was defamatory.	
2020/03	City	Councillor	26/06/20	The complainant alleges a Councillor had a personal and prejudicial interest in the matter of the decision to grant and fund early retirement of a Chief Officer.	Closed – the complaint was assessed and the views of an Independent Person were sought. Complaint did not progress to an investigation and the complaint was dismissed.	
2020/04	Parish	Parish Councillor	08/07/20	The complainant has put in 3 complaints about the behaviour of another Parish Councillor towards them.	Closed	<p>The case has been passed to an investigating officer to investigate.</p> <p>Parties have been interviewed and draft report is currently being finalised.</p> <p>Draft report now sent to the parties, they have until 19.03.21 to respond. Complainant has responded, awaiting comments from Subject PC.</p> <p>No comments received so draft report passed to MO.</p> <p>Draft report passed to Monitoring Officer who agrees with conclusion</p>

						in that the complaint is not upheld. Parties contacted on 7 April 2021 and notified of outcome. Closed.
2020/05	City	City	11/07/20	The complainant has submitted a formal complaint with regards to 4 CYC Councillors not submitting a Declaration of Interest at a Planning Committee meeting on 9 th July 2020. It is claimed one Councillor in particular attended with a predetermined and biased mind-set.	Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further as the points raised do not amount to a breach of the code of conduct.	
2020/06	City	Resident	14/07/20	The complaint concerns a Councillor's participation at the Staffing and Urgency Committee that discussed the early retirement of a Chief Officer and the lack of Declaration of Interest.	Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further.	Subject matter of complaint has already been subject of an investigation or other action relating to the Code of Conduct or subject of an investigation by other regulatory authorities.
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.	Closed as subject Parish Councillor has resigned.	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.	Closed as subject Parish Councillor has resigned.	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 sufficient evidence of disrespectful and intimidatory behaviour. Comments made amount to freedom of speech and does not extend beyond that.	Closed
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
2020/15	Parish	Parish	18/11/20	The complainant claims a Parish Councillor does not abide by the Code of Conduct in his behaviour	Closed	This complaint has been assessed and is due to be allocated to an investigating officer.

				towards the PC or to the residents that he should represent. The complainant states it is bullying and harassment.		<p>Draft report to be distributed to parties w/c 15.03.21.</p> <p>Parties have responded, draft report to be passed to MO for consideration.</p> <p>Draft report passed to MO who agrees with the conclusion in that the complaint is not upheld and no breach was found. Parties contacted on 22 April 2021 and notified of outcome. Closed.</p>
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.	Closed	<p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Complaint withdrawn at request of complainant.</p>
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.	Closed.	<p>This complaint is currently under investigation.</p> <p>Draft report sent to parties, comments now received.</p>

						<p>Complainant would like their opportunity to raise concerns around the investigation.</p> <p>Complaints procedure considered, but no mechanism for this. Draft report considered by MO and findings accepted, parties notified. Closed.</p>
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.	Investigating officer found no breach found. MO has reviewed the draft report and upholds the investigating officer's findings. Closed.	<p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Investigation ongoing.</p> <p>Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then.</p> <p>Investigating officer found no breach found. MO has reviewed the draft report and upholds the investigating officer's findings. Closed.</p>
2021/02	CYC	York Resident	16/01/21	The complainant alleges that proper process was not followed at a Committee meeting and sufficient information was not provided to attendees at the	Closed – the complaint was assessed and the views of an Independent Person sought. It was determined the complaint would not be taken further as	

				meeting to make an informed judgement.	the allegations do not breach the code of conduct.	
2021/03	Parish	Parish	29/01/21	The complainant has put in a formal complaint with regards to the councillor's behaviour. The complainant has requested an old complaint be revisited.	No breach found. Decision of investigating officer upheld by MO. Closed.	Investigation ongoing. Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then. No breach found. Decision of investigating officer upheld by MO. Closed.
2021/04	CYC	CYC	04/03/21	During a Council Planning Meeting, the Councillor publicly criticised Planning Officers in a disrespectful manner in a clear breach of Member Standards.	Closed	Currently being assessed, awaiting IP view. IP chased but no response yet. Complaint closed. Complaint appears to be politically motivated and in addition, as there is another route for this complaint to be dealt with, in accordance with the protocol on Officer/Member relations, it is not felt that the public interest would be served by progressing this matter further.
2021/05	CYC	York resident	11/03/21	The complainant alleges that the Cllr portrayed a biased view of a scheme during a Planning	Closed.	Currently being assessed, IP view now received, with MO for determination.

				Committee Meeting, as well as attempting to influence a Planning Officer.		The complaint was assessed and IP view obtained. Complaint not progressing. Reason: whilst the complainant and the Councillor do not share the same views on the merits of the application, this does not justify a Code of Conduct complaint progressing any further.
2021/07	Parish Councillor	York Resident	20/03/21	The complaint alleges the Parish Council did not allow residents to join a virtual PC meeting as the meeting time was changed without making residents aware.	Closed.	IP views being sought. The complaint was assessed and IP view obtained. Complaint not progressing. Reason: complaint does not fall within remit of Standards/Code of Conduct issue and does not raise issues in relation to a particular Parish Councillor, suggested complainant raises the issue with the Parish Council Clerk.
2021/10	CYC	York resident	17/06/2021	The complaint is in relation to a Tweet sent by the Cllr online. The complainant implies the Cllr has a prejudicial interest against taxis and does not see how the Cllr can continue as an Executive Member or remain on a Committee when it is dealing with issues related to taxi licensing.	Closed	Currently being assessed by MO. Closed - the reason for this decision is that the contents of the complaint are not covered by the Code, and after reviewing the Bio on the Cllrs Twitter account, it has been made clear that statements are made in a personal capacity. Code of Conduct complaints must

						relate to conduct in the course of acting as a Councillor.
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.	MO reviewed report. No breach found, matter closed.	The subject matter of this complaint has been investigated by a 3 rd party, that has now concluded, therefore, this can now proceed. Investigation ongoing. MO reviewed report. No breach found, matter closed.
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.	Local Resolution accepted by subject Member. Matter closed.	This complaint has been passed to an investigating officer. Draft report prepared and to be sent to parties w/c 15.03.21 for comment. Draft report finalised and breach found. MO assessing whether local resolution is suitable. Breach to be dealt with through local resolution – parties informed. Local Resolution accepted by Subject Member. Matter closed.
2021/01	CYC	York Residents	03/01/21	The complainant alleges the Cllr chose to be “aggressive, narrow minded and discriminative”	Closed. Hearing Panel determined no breach.	Assessment of complaint currently taking place.

				against him and his business, “rather than take a pragmatic, reasonable approach to this incident”.		<p>Passed for investigation.</p> <p>Draft report sent to parties, asked for comments by 19.03.21.</p> <p>No comments so passed draft report to MO.</p> <p>Breach found, MO upholds the finding. Local resolution offered but not accepted. Hearing to be arranged.</p> <p>Closed. Hearing Panel determined no breach.</p>
2021/11	Parish	Parish	23/06/2021	The complaint relates to allegations of threats and false statements amongst Parish Councillors.	Closed.	<p>Currently being assessed by MO.</p> <p>Complaint assessed. Complaint dismissed in relation to the Clerk, as they do not fall within the remit of the Code of Conduct. Complaint in relation to Town Councillors not progressing due to insufficient information and tit for tat. Closed.</p>
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.	Closed.	<p>This complaint is currently being investigated.</p> <p>Draft report now finalised and sent to subject Councillor for comment.</p>

						<p>Comments received, subcommittee to be reconvened to review findings.</p> <p>Sub-Committee determined that further investigation is required – passed back to investigating officer.</p> <p>Investigation completed now – referred back to Sub-Committee.</p> <p>Assessment sub-committee determined that the Investigating Officer’s report was complete and accepted the finding of no breach of the Code of Conduct. Closed.</p>
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.	Closed.	<p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Draft report to be distributed to parties w/c 15.03.21.</p> <p>Parties have responded, draft report to be passed to MO for consideration.</p> <p>Breach found, being referred for hearing.</p>

						<p>Hearing Panel adjourned to end of September.</p> <p>Hearing Panel met on 30 September 2021. Panel upheld the Investigating Officer's findings that the Councillor breached the Code of Conduct. The Panel imposed the following sanctions: Formal reporting of the findings of the Panel to the Parish Council, recommendation that the Parish Council arrange mandatory training for the Parish Councillor around Chairing Skills, including the Code of Conduct and Parish Council Governance.</p>
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.	Closed.	<p>Assessment can now be completed as IP view now received.</p> <p>Investigation ongoing.</p> <p>This complaint is currently being investigated.</p> <p>Investigation concluded, no breach found. MO upholds the findings of the investigating officer, parties notified. Closed.</p>

2021/14	CYC	CYC	19/08/2021	<p>The complainant alleges the Cllr has breached the following standards codes:</p> <p>3.1: You must treat others with respect.</p> <p>3.2 You must not do anything which may cause the Council to break any equality enactment.</p> <p>3.3 You must not bully or intimidate any person, or attempt to bully or intimate them.</p> <p>3.7 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a councillor into disrepute.</p>	Closed.	<p>This complaint is currently being investigated.</p> <p>Joint Assessment Sub-Committee being set up, await outcome.</p> <p>Assessment sub-committee agreed no further action. Parties notified, matter closed.</p>
2021/15	CYC & Parish	York resident	28/09/21	<p>The complaint is in relation to an alleged breach of information regarding a planning application that was not in the public domain. The parish councillor allegedly acted unfair and biased towards a planning application.</p>	Closed.	<p>Complaint assessed, IP view sought, consultation with Chair of JSC, complaint not progressing further. Reason: if the complaint were proven, there would not be a breach of the Parish Council's code. Parties notified of outcome. Closed.</p>
2021/16	CYC	York resident	15/10/21	<p>The complaint is in relation to a potential conflict of interest following an appearance on TV.</p>	Closed.	<p>Complaint assessed and not progressing to investigation. Reason: Councillor</p>

						acting in private capacity, not in capacity of Councillor. Closed.
2021/18	CYC	CYC	02/12/21	The complainant alleges the Cllr has breached the code following decisions made at Decision Sessions.	Closed.	This complaint is currently being assessed. Views of the IP sought. Closed. Complaint does not relate to councillor conduct, therefore falls outside the standards regime. Parties notified.
2021/19	CYC	York resident	11/12/21	The complainant alleges a statement made in a York Press article was intended to coerce and stigmatise anyone who chooses not to be vaccinated.	Closed.	This complaint is currently being assessed. Views of the IP sought. Complaint assessed and no breach of the code of conduct was found. Closed. Parties notified.
2021/21	CYC	CYC	17/12/21	The complaint relates to an allegation that the Cllr used social media (Twitter) to make slanderous and/or defamatory comments which, relate to a Full Council meeting.	Closed.	This complaint is currently being assessed. Views of the IP and JSC Vice Chair sought. Complaint assessed and no breach of the code of conduct was found. Closed. Parties notified.

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.	Closed.	<p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Investigation ongoing.</p> <p>Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then.</p> <p>Investigation now completed, breach in part found. With MO to determine next steps.</p> <p>MO has accepted the draft report, currently considering whether to deal with the matter informally or by way of hearing.</p> <p>Consulting with Vice Chair as to whether to refer to hearing sub-committee – awaiting response.</p> <p>Progressing to Hearing. Hearing panel arranged for 8th March.</p> <p>Hearing Panel met on 8 March 2022. The Panel imposed sanctions</p>
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						and the decision notice was published online.
2021/08	Parish Councillor	Parish Councillor	06/04/21	This is an additional complaint in respect of the Parish Council meeting in February 2021 in which the Chairman and to some extent the Council have acted “unlawfully” in respect to actions taken at the meeting.	Closed.	<p>Matter currently under investigation.</p> <p>Consulting with Vice Chair as to whether to refer to hearing sub-committee – awaiting response.</p> <p>Progressing to Hearing. Hearing panel to be convened.</p> <p>Progressing to Hearing. Hearing panel arranged for 8th March.</p> <p>Hearing Panel met on 8 March 2022. The Panel imposed sanctions and the decision notice was published online.</p>
2021/09	Parish Councillor	York Resident	06/04/21	This complaint is in addition to 2020/19. This complaint pertains to the actions taken during the February 2021 Parish Council meeting in which the complainant feels further adds to the issues raised in the original complaint in respect to the conduct of the councillor.	Closed.	<p>Matter currently under investigation.</p> <p>Consulting with Vice Chair as to whether to refer to hearing sub-committee – awaiting response.</p> <p>Progressing to Hearing. Hearing panel to be convened.</p> <p>Progressing to Hearing. Hearing panel arranged for 8th March.</p>

						Hearing Panel met on 8 March 2022. The Panel imposed sanctions and the decision notice was published online.
2022/01	CYC	CYC	15/01/22	The complainant alleges the Councillor failed to treat others with respect and notes a lack of response to correspondence.	Closed.	<p>This complaint is currently being assessed.</p> <p>Views of the IP sought.</p> <p>Closed. Reason: MO does not deem that the delay is evidence of a lack of respect or sufficient to bring the council into disrepute, therefore, does not believe that there has been a breach of the code.</p>
2022/02	CYC	CYC	29/01/22	The complainant alleges the Councillor has abused their position, using an 'apolitical role' to seemingly confer an advantage on the political party.	Closed.	<p>Complaint is currently being assessed.</p> <p>Views of the IP sought. Views of the Vice Chair sought.</p> <p>Closed. Reason: MO does not believe this to bring the council into disrepute and there is no reference to the role, therefore, does not believe that there has been a breach of the code.</p>

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