

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	23 July 2024
Present	Cllrs Fisher and Pavlovic (City Council Members) Cllr Chambers (Parish Council Member) Joe Leigh and Roseleen Mazza (Independent Members)
In Attendance	Frances Harrison (Deputy Monitoring Officer)

1. Appointment of Chair (4:51pm)

That Parish Councillor Chambers be appointed as Chair of the meeting.

2. Declarations of Interest (4:51pm)

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. None were declared.

3. Exclusion of Press and Public (4:51pm)

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Items 4 and 5 (two Code of Conduct Complaints received, each in respect of a City of York Councillor), on the grounds that they contain information relating to individuals and information likely to reveal the identity of individuals, which is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

[Note: following the above resolution, the Deputy Monitoring Officer confirmed that she had nothing further to add in respect of the public reports in the agenda papers, and the remainder of the meeting took place in private session.]

4. Code of Conduct Complaint received in respect of a City of York Councillor (4:52pm)

Members considered a report which set out a Code of Conduct complaint received in respect of a City Councillor. This matter was returned to subcommittee for rehearing following a complaint that the case handling procedure had not been applied fairly in the complainant's case by failing to make adjustments for their disability.

The subcommittee considered additional evidence in the form of a contemporaneous note containing details of the original complaint as verbally conveyed to the Deputy Monitoring Officer. The Committee was satisfied that this ensured the complainant suffered no disadvantage in the complaints handling process. The committee was further satisfied that hearing directly from the complainant in subcommittee was not an adjustment it was required to make where the case handling procedure did not ordinarily provide for oral submissions from complainants or subject members. Details of the complaint were presented in the private report.

Members were asked to decide whether to:

- A. Rule that the complaint was out of scope.
- B. Rule that the complaint was in scope and choose to (i) take no further action, (ii) seek to resolve the matter informally; or (iii) refer the matter for investigation.

Having considered all the information provided, and the advice of the Independent Person at the meeting, it was

Resolved: That Option A be approved.

Reason: The assessment sub-committee concluded that the matters complained of are not capable of constituting breaches of the Member Code of Conduct. There was no evidence of disrespect

within the meaning of the Code and the complaint was consequently not in scope.

The complainant alleged that the Member had breached the Code of Conduct by failing to respond to them, failing to rectify the alleged disability discrimination they had suffered and that this equated to disrespect for the purposes of the Code.

The Committee, having considered all of the evidence afresh, found no evidence that the subject member had failed to deal appropriately with the complainant's correspondence and had in no way failed to treat them with respect.

The Committee noted that the Deputy Monitoring Officer had made a reasonable adjustment to the Case Handling Procedure by receiving the complaint verbally.

5. Code of Conduct Complaint received in respect of a City of York Councillor (5:15pm)

Members considered a report which set out a Code of Conduct complaint received in respect of a City Councillor.

The complainant alleged that the member had breached the Code of Conduct through comments posted on social media which were said to: a) Fail to treat others with respect b) Attempted to bully and intimidate and c) Brought the council into disrepute.

Details of the complaint were presented in the private report.

Members were asked to decide whether to:

- A. Rule that the complaint was out of scope.
- B. Rule that the complaint was in scope and choose to (i) take no further action, (ii) seek to resolve the matter informally; or (iii) refer the matter for investigation.

Having considered all the information provided, and the advice of the Independent Persons at the meeting, it was

Resolved: That Option B(i) be approved.

Reason: The assessment sub-committee concluded that the comments posted by the subject member on social media fell within the acceptable parameters of political debate and consequently did not breach of the Member Code of Conduct. Accordingly, no further action would be taken in respect of the complaint.

Parish Councillor Chris Chambers, Chair

[The meeting started at 4.50 pm and finished at 5.30 pm].