

20 April 2023

Annual report for 2022/2023

Foreword from the Chair of the Joint Standards Committee

It has been a privilege to both chair and be a member of this statutory committee for the last municipal year. Unlike some local authorities, York, decided some time ago to not impose proportionality to this committee, thereby ensuring an even political balance. That decision has proved very beneficial as we have attempted to handle our workload as collaboratively as possible, the invaluable input from our Parish Council representative, and our independent persons has been very much appreciated. Some changes in membership were needed when Councillor David Carr began his year as Lord Mayor, and so Councillor John Galvin replaced him, bringing his wealth of experience to the Committee. Councillor Rosie Baker was replaced by Councillor Andy D'Agorne too. As the Chair, I want to extend my appreciation to Councillors Galvin and D'Agorne for their valuable input into the work of this committee this year. This was the first municipal year in which the new model code of conduct was used to assess a deal with complaints. However, there were still some outstanding complaints which needed to be dealt with by the old code. Staffing issues led to some unavoidable delays, but these now seem to be resolved. As we enter a phase of transition to a new administration, I want to thank my colleagues for allowing me the honour to chair this committee for the last three years, and I believe we have laid down a 'blue print' for future committees to follow which is both robust and workable.

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 Andy D'Agorne
- Councillor Tony Fisher
- Councillor John Galvin
- Councillor Peter Kilbane

Parish Councils

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

Independent Persons

- Alex Oram
- Joe Leigh
- Richard Gadd

Complaints

The Council received the following Code of Conduct complaints in the Municipal year May 2022 to May 2023:

Total number of complaints made: 14

Of those, number closed: 6

Number of current year complaints ongoing: 8

The following pie charts illustrate the nature of the complaints, who they came from, whether they were Parish or CYC and how they were dealt with (if closed).

Figure 1 - Nature of complaint

11/14 disrespect/disrepute
3/14 not declaring an interest

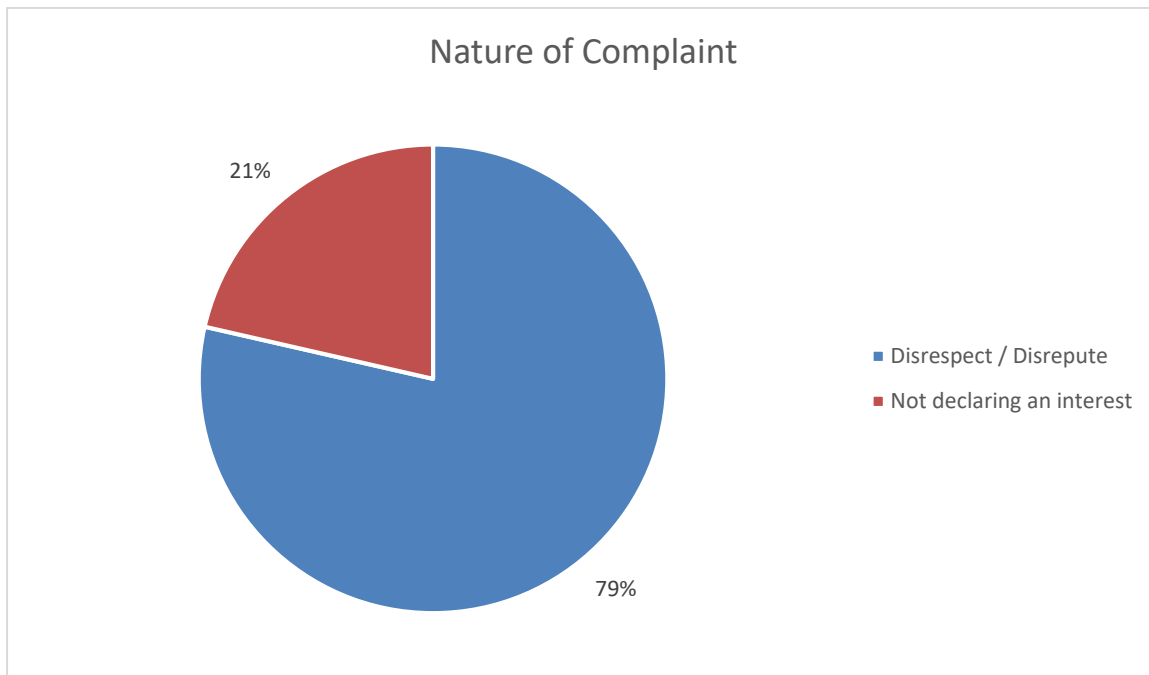


Figure 2 - Origin of complaint

CYC Councillor 3/14
Parish Councillor 5/14
Member of the Public 4/14
Officer/Other 2/14

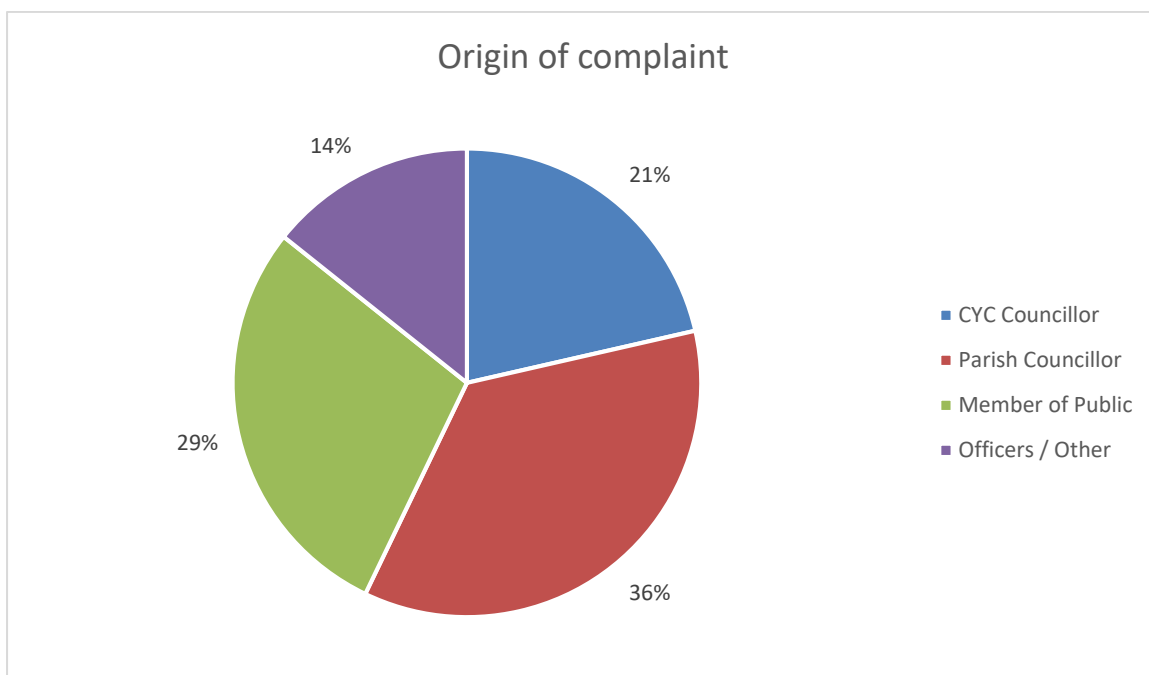


Figure 3 - Subject Member of complaint

CYC Councillor 8/14

Parish Councillor 6/14

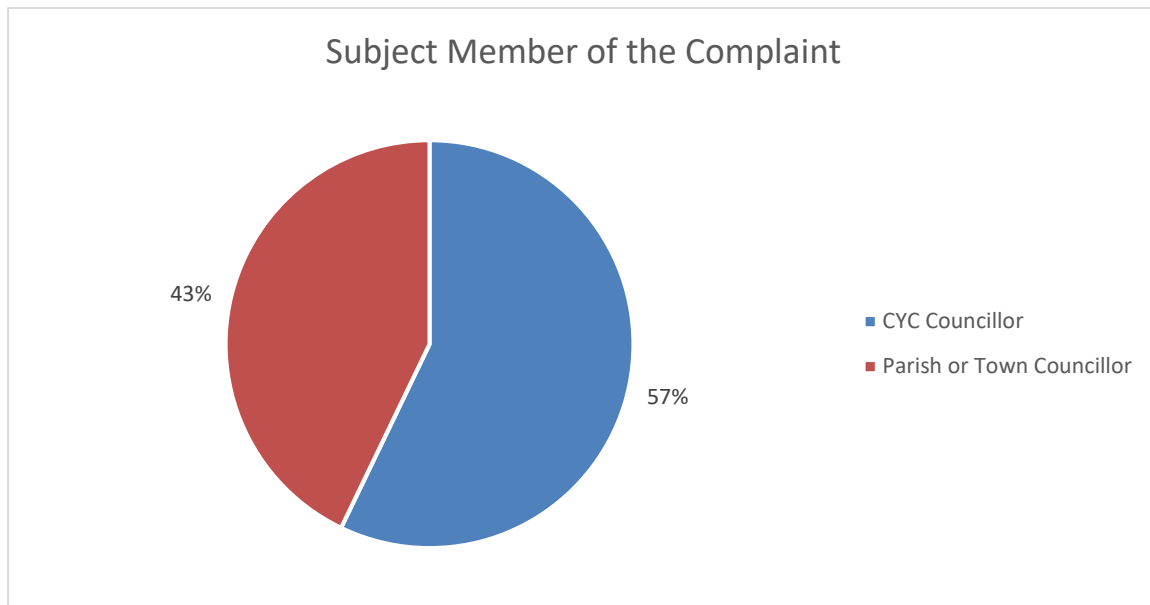


Figure 4 - Outcome of complaints received 2022-23

Currently being assessed by the Monitoring Officer 2/14

NFA at filter stage 4/14

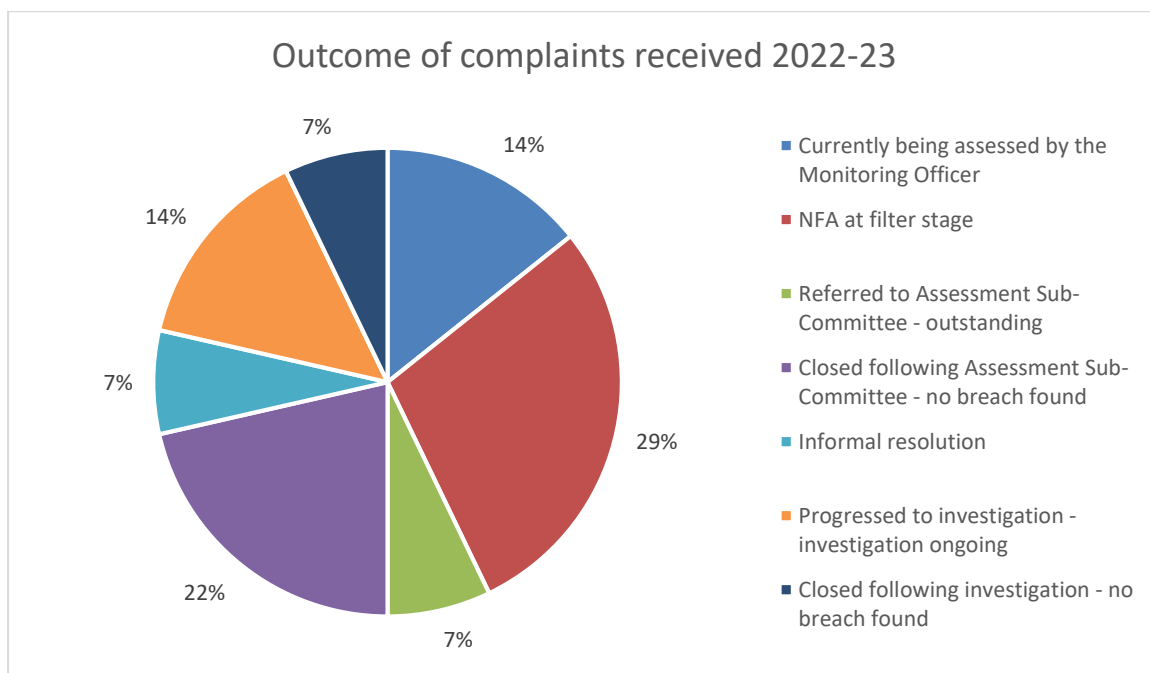
Referred to Assessment Sub-Committee – outstanding 1/14

Closed following Assessment Sub-Committee - no breach found 3/14

Informal resolution 1/14

Progressed to investigation - investigation ongoing 2/14

Closed following investigation - no breach found 1/14



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 was carried out in the years 2021/21 and 21/22 to adopt the LGA Model Code of Conduct and implement a procedure for dealing with complaints. Reflections of the Committee's experience of using that procedure during 22/23 (Appendix 29 of the Constitution) will inform future amendments scheduled for the new municipal year 23/24.

Recruitment of Independent Persons

A recruitment exercise took place during the middle of 2022. Joe Leigh and Richard Gadd were successfully recruited as Independent Persons and both have received training and mentoring and have taken on full responsibility for the role, serving in rotation.

Alex Oram served as a professional Independent Person pending these appointments and will continue to support ongoing training and development as necessary.

Fair Investigations

The Joint Standards Committee has been kept informed on developments nationally in the Standards field. In a notable case investigated by the Local Government Ombudsman in December 2022 (case reference 21004645), Teinbridge District Council was asked to rescind a decision notice upholding a complaint of breach of its Member Code of Conduct. The Ombudsman found fault in the Council's investigation process because it had a) failed to make adequate written records of sharing the complaint with the subject member or consultation with the Independent Person; b) had expanded the scope of the investigation without clear reasons or an explanation to the subject member; and c) had failed to fully take into account the subject member's right to freedom of expression.

The Committee remains focused on ensuring its procedures are scrupulously fair and transparent and will continue to learn from good and bad practice highlighted elsewhere.

Civility in Public Life

The Committee has noted the ongoing work of the Local Government Association on Civility in Public Lifeⁱ. This project began out of concern for the increasing number of councillors experiencing abuse. The consequences of abuse of public figures range from tragic incidents like the murder of MP Jo Cox to the insidious growth in reluctance for new councillors to come forward and serve their communities. A mutual respect between citizens and holders of public office is essential to local democracy. The committee is keen to ensure that this is observed on both sides. It can hold Members to account for breaches of the Code of Conduct. Citizens can only be held to account if their actions are also criminal. The Committee may however wish to make recommendations on how negative citizen engagement can be discouraged with one option being to sign up to the LGA's pledge.

Code of Conduct Training for Members/Member Induction Programme

The Joint Standards Committee shares a responsibility with the Audit and Governance Committee for shaping training for Members around Standards. Training delivered to Members by Alex Oram in November 2022 was positively received. Alex will be returning to York to deliver Code of Conduct training as part of the Member Induction Programme.

Effective dissemination of information and training is a key aspect of the work of the Committee. A proactive role in promoting high standards of conduct is the Committee's primary focus. The Council is required by law to have a mechanism for dealing with allegations of breach of the Member Code of Conduct and that function sits with the Standards Committee and the Monitoring Officer in collaboration. The Committee's aspiration is to have a fair and robust procedure which is never used.

It will continue to develop and strengthen its role in embedding a positive culture of ethical governance. Measures of success will be a decreased number of complaints, satisfactory resolution of any complaints which

are received and increased overall public perception of City of York Council as a Council of integrity.

ⁱ <https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-resources-councillors>