

Report of the Deputy Monitoring Officer

Code of Conduct Complaints received in respect of City of York Councillors

Summary

1. To consider three complaints alleging breach of the Code of Conduct received in respect of three councillors, all of City of York Council, and to determine next steps.

Recommendations

2. The options available to the Sub-Committee are as follows:
 - a. Rule that one or more complaints are out of scope.
 - b. Rule that one or more complaints are in scope and choose to
 - (i) take no further action; (ii) seek to resolve the matter(s) informally; or (iii) refer the matter(s) for investigation.

Option B (iii) is recommended in respect of all complaints.

In each case there is no right of appeal to these decisions.

Background

3. On 26 and 27 November 2023 the Monitoring Officer received three letters of complaint, two of which concerned the same three members of City of York Council and one which concerned two of those three members.
4. The JSC Assessment Sub Committee is asked to assess the complaints in accordance with paragraph 5 of the Case Handling Procedure as contained within Appendix 29 of the Constitution.

5. The subject members have been notified of the complaints and were offered an opportunity to submit comments. The Independent Person was consulted on both complaints and their views will be reported to the Sub Committee.

Options

- (a) The Sub-Committee must now consider the following options:
 - a. Rule that one or more of the complaints are out of scope.
 - b. Rule that one or more of the complaints are in scope and choose to
 - (i) take no further action, (ii) seek to resolve the matter informally; or
 - (iii) refer the matter for investigation.

Implications

Financial

- (b) There will be costs incurred in the event that the matter progresses to investigation.

Human Resources (HR)

- (c) Not applicable to this report.

Equalities

- (d) Councillors are offered the support of an Independent Person as part of the Complaints Handling Procedure.

Legal

- (e) The Monitoring Officer is required to consider all formal complaints received in respect of the Code of Conduct in line with the published Procedure for managing Code of Conduct Complaints.

Crime and Disorder, Information Technology (IT) and Property

- (f) Not applicable to this report.

Other

(g) Not applicable to this report.

Contact Details

**Author and Officer
Responsible for the report:**

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Report **Date** 22 January 2024
Approved

For further information please contact the author of the report

Background Papers:

- City of York Council Code of Conduct & Procedure for Handling of Complaints
- City of York Council Constitution
- LGA Model Councillor Code of Conduct 2020
- LGA Guidance on Member Model Code of Conduct Complaints Handling