

**Notice of meeting of
Joint Standards Committee - Assessments Sub-Committee**

- To:** Councillors Fisher and Rowley (CYC Members)
Councillor Chambers (Parish Council Member),

Mr Leigh (Independent Person)
- Date:** Tuesday, 30 January 2024
- Time:** 2.00 pm
- Venue:** The Craven Room - Ground Floor, West Offices (G048)

AGENDA

- 1. Appointment of Chair**
To appoint a member to chair the meeting.
- 2. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, Members and co-opted 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. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

3. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of the private reports at Agenda Item 4, on the grounds that they contain information relating to individuals and information likely to reveal the identity of individuals. This information is classed as exempt under Private Document Pack 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: the private reports referred to above follow the public report on each item in the agenda papers.

4. Code of Conduct Complaint received in respect of City of York Councillors (Pages 3 - 32)

To consider a complaint of breach of the Code of Conduct received in respect of City of York Councillors and determine next steps.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services Officer responsible for this meeting:

Name: Ben Jewitt

Contact details:

- Telephone – (01904) 553073
- E-mail – benjamin.jewitt@york.gov.uk

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**

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.



Joint Standards Assessments Sub-Committee**30 January 2024**

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:

Lindsay Tomlinson

Deputy Monitoring Officer

Tel No. 07591 337143

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

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of the Local Government Act 1972.

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