

**Joint Standards Committee**

**14 May 2024**

Report of the Deputy Monitoring Officer

**Review of the Case Handling Procedure for complaints under the Member Code of Conduct (Appendix 29 of the Council's Constitution) Update**

**Summary**

1. This report updates members on the review of the Case Handling Procedure for complaints under the Member Code of Conduct.

**Background**

2. Members received a report at the November meeting of the Joint Standards Committee setting out the legal requirements in relation to the handling of complaints under the member code of conduct.
3. The report, appended, also presented some comparator information and some options for revision. Members comments on the options were noted.
4. There was significant discussion in respect of the continued role of the JSC in carrying out initial assessment of complaints against members of the Executive or Shadow Executive or a committee chair or deputy as prescribed in paragraph 5 of the current procedure.
5. Members were in favour of the JSC continuing to assess complaints against members of the Executive but not members of the shadow Executive or Committee Chairs.
6. The next steps for proposed revision of Appendix 29 is consideration at the Constitution Working Group prior to the presentation of a report requesting amendments to Full Council.
7. The Constitution Working Group has recently finished considering the Council Procedure Rules and dates for consideration of Appendix 29 can now be identified.

8. Members of JSC are invited to make any further comments on the procedure.
9. The amendments presented to the Constitution Working Group for consideration will encompass a) the comments of JSC and b) the advice of officers taking into account industry practice and resource implications.

## **Implications**

10. **Financial** There are financial implication to processing all code of conduct complaints. It is a legislative requirement that there are arrangements in place but the nature of such arrangements are discretionary. The procedure adopted by CYC should be proportionate to the aim of upholding high standards of conduct but also deliver value for money.
11. **Human Resources (HR)** The proposed amendments set out in this report would have a marginal impact on staff resources through a reduction in committee meetings.
12. **Equalities** The arrangements required by law to deal with complaints of breach of the Member Code of Conduct must be accessible and non discriminatory to those with protected characteristics as defined within the Equality Act 2010. In addition, the Council in seeking to uphold high standards of conduct must discharge its overarching duty (the Public Sector Equality Duty) to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations under that Act.
13. **Legal** As detailed within the report and appendices.

## **Recommendation:**

14. To note the update and provide further comment if required.  
Reason: To keep the committee updated.

## Contact Details

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report:** Bryn Roberts

Director of Governance & Monitoring  
Officer

**Report  
Approved**

 Y

**Date** 1 May 2024

**Specialist Implications Officer(s):**

**Wards Affected:**

**All**

 X

**For further information please contact the author of the report**

## Appendices

- Appendix 1 Report to JSC of 21 November 2023 including:
  - Comparator arrangements
  - Lexis Plus Model arrangements
  - Discussion Draft (mark-up)
  - Discussion Draft (clean)

**Background Papers:**

- CYC webpage Councillor Conduct  
<https://www.york.gov.uk/CouncillorConduct>
- LGA Guidance on Code of Conduct Complaint Handling Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association