

## **Joint Standards Committee**

- To:** Cllrs Rowley BEM (Chair), Fisher, Lomas, Pavlovic and Runciman (CYC Members)
- Cllrs Waudby (Vice-Chair), Rawlings and Chambers (Parish Council Members)
- Mr J Leigh and Ms R Mazza (Independent Persons)
- Date:** Wednesday, 6 March 2024
- Time:** 4.00 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### **AGENDA**

- 1. 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 the attached sheet for further guidance for Members.]

- 2. Exclusion of Press and Public**  
To consider the exclusion of the press and public from the meeting during consideration of the following:

Annex A (ii) and Annex B (ii) to Agenda Item 9 on the grounds that it contains information which is likely to reveal the identity of individuals. This information is classed as exempt under paragraph 2 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

- 3. Minutes** (Pages 3 - 6)  
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 31 January 2024.
- 4. Minutes of Sub-Committees** (Pages 7 - 10)  
To approve and sign the minutes of the following meetings of the Joint Standards Sub-Committees:
- Assessments Sub-Committee, 30 January 2024.
  - Assessments Sub-Committee, 21 February 2024.
- 5. Urgent Business**  
Any other business which the Chair decides is urgent under the Local Government Act 1972.
- 6. Public Participation**  
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings.** The deadline for registering at this meeting is **5:00pm on Monday 04 March 2024.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

- 7. Review of Work Plan** (Pages 11 - 12)  
To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.
- 8. Annual Report for 2023/2024** (Pages 13 - 20)  
Members are invited to consider the Joint Standards Committee Draft Annual Report.
- 9. Monitoring Report on Complaints Received** (Pages 21 - 36)  
To receive a routine update report on recent standards complaints.

Democracy Officer:

Jane Meller

Contact Details:

Telephone: (01904) 555209

Email: [jane.meller@york.gov.uk](mailto:jane.meller@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

**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) <b>OR</b> 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) <b>OR</b> 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.

City of York Council

Minutes

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Meeting	Joint Standards Committee
Date	31 January 2024
Present	Councillors Rowley (Chair), Fisher, Pavlovic, Runciman and Whitcroft (Substitute for Cllr Lomas) (CYC Members)  Parish Councillors Rawlings and Chambers  Mr J Leigh (Independent Person)
Apologies	Councillor Lomas and Parish Councillor Waudby  Ms R Mazza (Independent Person)
Officers Present	Lindsay Tomlinson, Head of Democratic Governance and Deputy Monitoring Officer

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## 27. **Declarations of Interest (4.02 pm)**

Members were asked to declare any personal interests not included on the Register of Interests, or any prejudicial interests or disclosable pecuniary interests which they might have in respect of business on the agenda.

In relation to item 9 (Monitoring Report in respect of Complaints Received) Cllr Fisher noted, for transparency reasons, that he was the subject of one of the closed code of conduct complaints.

During item 7 (Parish Council Engagement), Cllr Pavlovic noted that he was the Chair of the Parish Council Liaison meetings.

## 28. **Exclusion of Press and Public (4.04 pm)**

Resolved: That the press and public be excluded from the meeting during consideration of the exempt versions of Annexes A and B to Agenda Item 9 (Monitoring Report in Respect of Complaints Received), on the grounds that they contain information likely to reveal the identity of individuals, which is classed as

exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

**29. Minutes (4.04 pm)**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 21 November 2023 be approved as a correct record.

**30. Minutes of Sub-Committees (4.05 pm)**

Resolved: That the minutes of the following sub-committee meetings be approved as a correct record:

- Joint Standards Assessments Sub-Committee, 30 November 2023.
- Joint Standards Hearings Sub-Committee, 18 December 2023.

**31. Public Participation (4.06 pm)**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn, a resident, spoke on the Member training programme and Item 7, Parish Council Engagement. She suggested a citywide community governance review and enquired if non-statutory services provided by CYC to parish councils could be recharged to the parish councils.

Cllr M Warters was unable to attend the meeting and had submitted a written representation, after the deadline. The Chair informed Members that he had taken the decision not to accept the submission for the purpose of public participation, however, as it referred to a matter for consideration during the private session of the meeting, the Chair distributed it to Committee Members to enable them to review it as that point.

[4.21 – 4.31pm, the meeting was adjourned]

**32. Parish Council Engagement (4.31 pm)**

The Head of Democratic Governance presented the report on Parish Council Engagement. She noted that there was ongoing



work to do in relation to the code of conduct and confirmed that there were good working relationships with Parish Clerks.

Members commented on a number of aspects of the report and parish council governance including parished and non-parished ward engagement, ward teams and the democratic deficit of ward committees.

Resolved:

- i. That the report be noted.
- ii. An item be added to the work plan to further examine best practice in parish councils and how to improve / formalise ward committees.

Reason: To ensure a consistent application of standards across wards and parishes.

### **33. Review of Work Plan (4.42 pm)**

Members considered the committee's work plan for the current municipal year.

Resolved: That the work plan be approved subject to the following additions:

1. Member Training Update. (06 March 2024)
2. Review of Citywide Democratic Engagement of Parished and Non-Parished areas. (08 April 2024)

Reason: To ensure that the committee has a planned programme of work in place.

### **34. Monitoring Report on Complaints Received (4.51 pm)**

Members considered a report which provided an update on current business as regards complaints.

Resolved: That the report be noted.

Reason: To ensure that the committee is aware of current levels of activity.

Cllr M Rowley BEM, Chair

The meeting started at 4.02 pm and finished at 5.25 pm.

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City of York Council

Committee Minutes

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Meeting Joint Standards Committee - Assessments  
Sub-Committee

Date 30 January 2024

Present Cllrs Fisher and Rowley (City Council  
Members)  
Cllr Chambers (Parish Council Member)  
Joe Leigh (Independent Member).

Officers in Attendance: Lindsay Tomlinson (Deputy Monitoring Officer)

**16. APPOINTMENT OF CHAIR (2:05 PM)**

Resolved: That Councillor Fisher be elected as Chair of the meeting.

**17. DECLARATIONS OF INTEREST (2:05 PM)**

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.

No interests were declared, but for the sake of transparency, Cllr Rowley noted that he was a school governor for an unrelated Multi-Academy Trust (MAT) within the city.

**18. EXCLUSION OF PRESS AND PUBLIC (2:06 PM)**

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Item 4 (Code of Conduct Complaint received in respect of City of York Councillors), 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.]

**19. CODE OF CONDUCT COMPLAINT RECEIVED IN RESPECT OF CITY OF YORK COUNCILLORS (2:06 PM)**

**Members considered a report which set out three complaints alleging breach of the Code of Conduct received in respect of three City of York councillors. Details of the complaints were presented in the private report referred to in Minute 18 above.**

Members were asked to decide whether to:

- 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.**

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

**Resolved: That Option B (iii) was recommended in respect of all complaints.**

**Reason:** The Sub-Committee considers that this matter is capable of being a breach of the Code of Conduct and that an investigation is required.

Cllr Tony Fisher, Chair

[The meeting started at 2.05 pm and finished at 2.40 pm].

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Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	21 February 2024
Present	Cllrs Rowley and Runciman (City Council Members) Cllr Rawlings (Parish Council Member) Joe Leigh (Independent Member).
In Attendance	Frances Harrison (Deputy Monitoring Officer)

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**20. Appointment of Chair (12:02pm)**

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

**21. Declarations of Interest (12:02pm)**

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.

**22. Exclusion of Press and Public (12:03pm)**

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Item 4 (Code of Conduct Complaint received in respect of a City of York Councillor), on the grounds that it contains 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.]

**23. Code of Conduct Complaint received in respect of a City of York Councillor (12:04pm)**

Members considered a report which set out a Code of Conduct complaint received in respect of a City of York Councillor. Details of the complaint were presented in the private report referred to in Minute 22 above.

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 Sub-Committee considers that this matter is not a breach of the Code of Conduct because the behaviour complained about is not capable of constituting disrespect.

Cllr Rawlings, Chair

[The meeting started at 12.02 pm and finished at 12.14 pm].

### Work Plan for Joint Standards Committee 2024

<b>Meeting Date</b> (4.00pm start time)	<b>Items</b>	<b>Notes</b>
6 March 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Draft Annual Report for Municipal Year 2023-2024</li> <li>• <del>Member Training Update</del></li> <li>• Review of Work Plan</li> </ul>	Standard Item
8 April 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Member Training Update</li> <li>• Review of Citywide Democratic Engagement of Parished and Non Parished areas</li> <li>• Review of Work Plan</li> </ul>	Standard Item

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**Joint Standards Committee****6 March 2024**

Report of the Monitoring Officer

**Annual Report for 2023/2024****Summary**

1. This report provides the Joint Standards Committee with a draft Annual Report for 2023/2024.

**Background**

2. It is good practice for the Committee to prepare an Annual Report at the start of each municipal year, setting out work undertaken by the Joint Standards Committee during the previous year.
3. The report can be presented to Full Council at the meeting on 21 March 2024, subject to finalisation. Papers for March Council will be published on 13 March 2024. As there is no full Council meeting in April, and the Annual Council meeting in May has a standard agenda, the next opportunity would be June 2024.
4. The breakdown of complaints received during the municipal year has been calculated to date. A full year comparison is not yet available due the timing of the report, but the figures are sufficient to demonstrate trends. Complaints will continue to be recorded.
5. A draft of the annual report is attached at Annex A.

**Implications****6. Financial**

Not applicable to this report.

**7. Human Resources (HR)**

Not applicable to this report.

## 8. Equalities

The Equality Act 2010 places specific duties on Local Authorities, and Members, including Members of the Joint Standards Committee who play a vital role in ensuring that equality issues are integral to the aims and performance of a Local Authority. Providing an Annual Report of work undertaken by the Committee, providing an overview of the Code of Conduct complaints received and reviewing the procedures in place for such complaints ensures that all Members adhere to the principles of the Act.

## 9. Legal

As detailed within the report.

## 10. Crime and Disorder, Information Technology and Property

Not applicable to this report.

## Recommendations

11. Members are recommended to note the report and provide their views on the draft Report, ahead of it being presented to Full Council later in the year.

## Contact Details

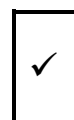
**Author:**

Frances Harrison  
Deputy Monitoring Officer  
frances.harrison@york.gov.uk  
Tel: 01904 551030

**Chief Officer Responsible for the report:**

Bryn Roberts  
Director of Governance & Monitoring Officer  
Tel: 01904 555385

**Report Approved**



**Date:** 26/02/2024

**Specialist Implications Officer(s):** None

**Wards Affected:** All

**Annexes:**

Annex A, Draft Annual Report 2023/24

**Background Papers:**

City of York Council Constitution

**6 March 2023**

**Annual report for 2023/2024**

**Foreword from the Chair of the Joint Standards Committee**

**[To be inserted]**

**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 Mark Waudby as the Vice Chair.

City of York Council:

- Councillor Martin Rowley BEM
- Councillor Tony Fisher
- Councillor Katie Lomas
- Councillor Michael Pavlovic
- Councillor Carol Runciman

Parish Councils

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

Independent Persons

- Mr Joe Leigh

- Ms Rose Mazza

## Complaints

The Council received the following Code of Conduct complaints in the Municipal year May 2023 to May 2024:

Total number of complaints made: 21

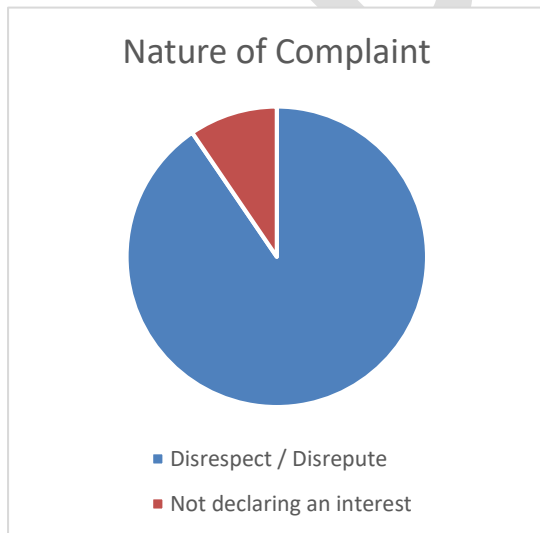
Of those, number closed: 13

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) in the municipal year 22/23 and 23/34 to allow for comparison.

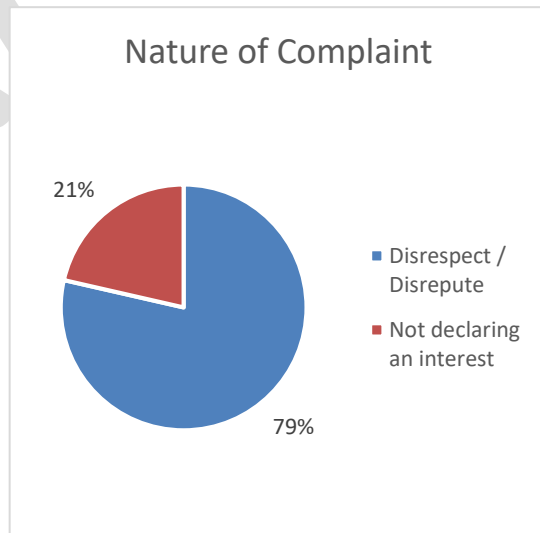
**Figure 1**  
**Nature of complaints 23/24**

19/21 disrespect/disrepute  
2/21 not declaring an interest



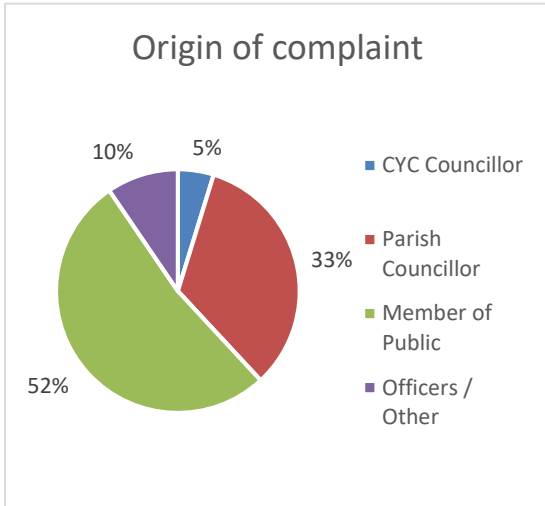
**Figure 2**  
**Nature of complaints 22/23**

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



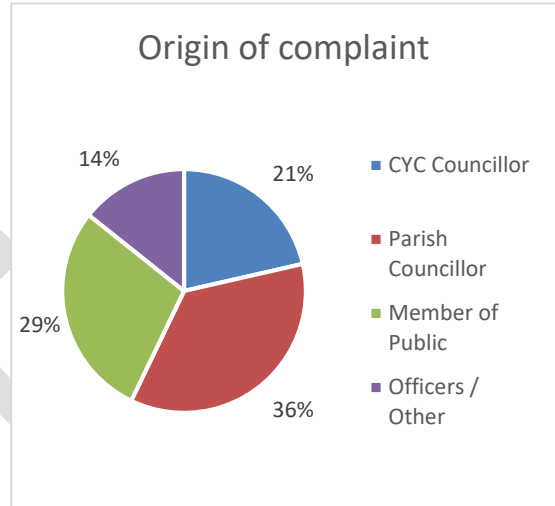
**Figure 3**  
**Origin of complaint 2023/24**

CYC Councillor 1/21  
Parish Councillor 7/21  
Member of the Public 11/21  
Officer/Other 2/21



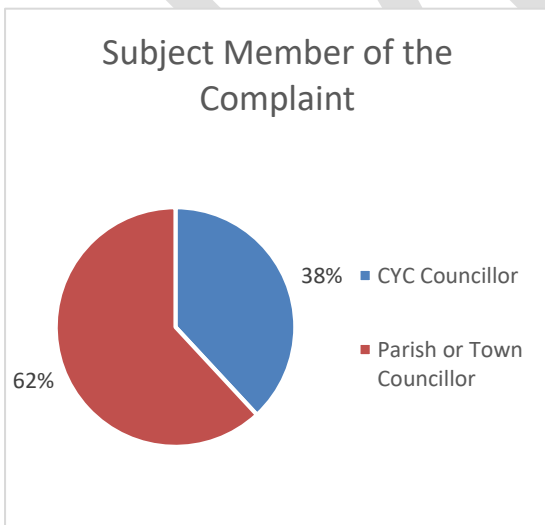
**Figure 4**  
**Origin of complaint 2022/23**

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



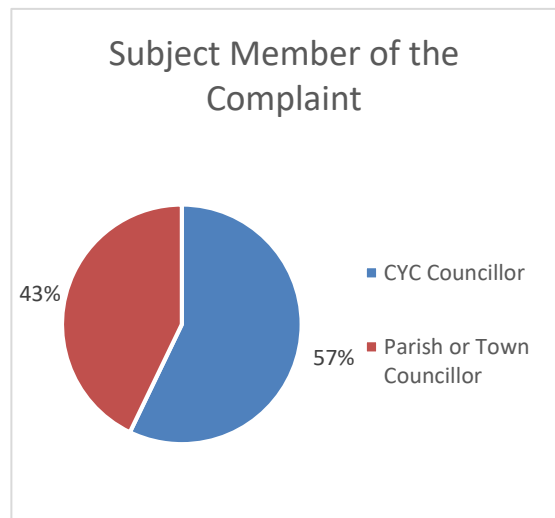
**Figure 5**  
**Subject Member of complaint 2023/24**

CYC Councillor 8/21  
Parish Councillor 13/21



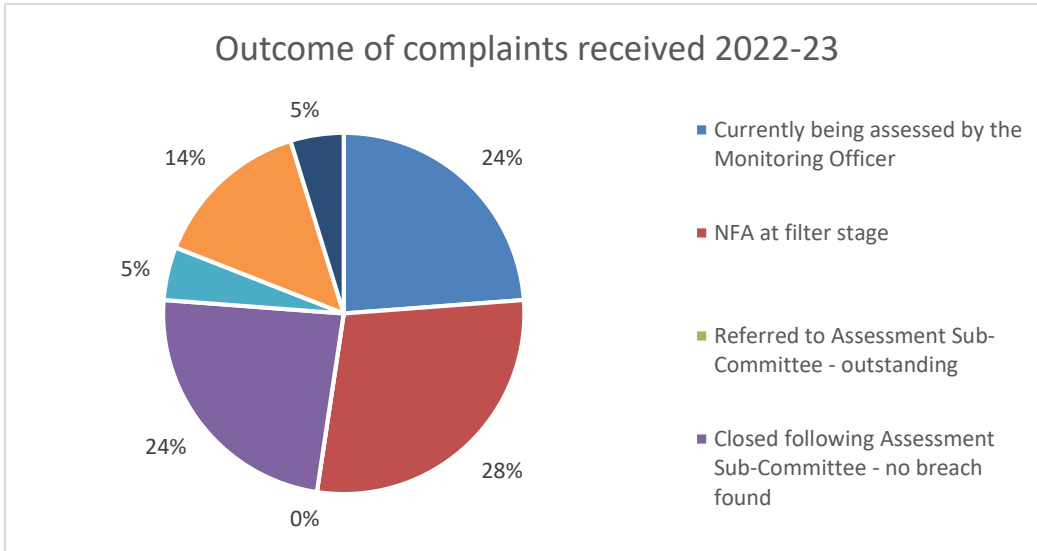
**Figure 6**  
**Subject Member of complaint 2022/23**

CYC Councillor 8/14  
Parish Councillor 6/14



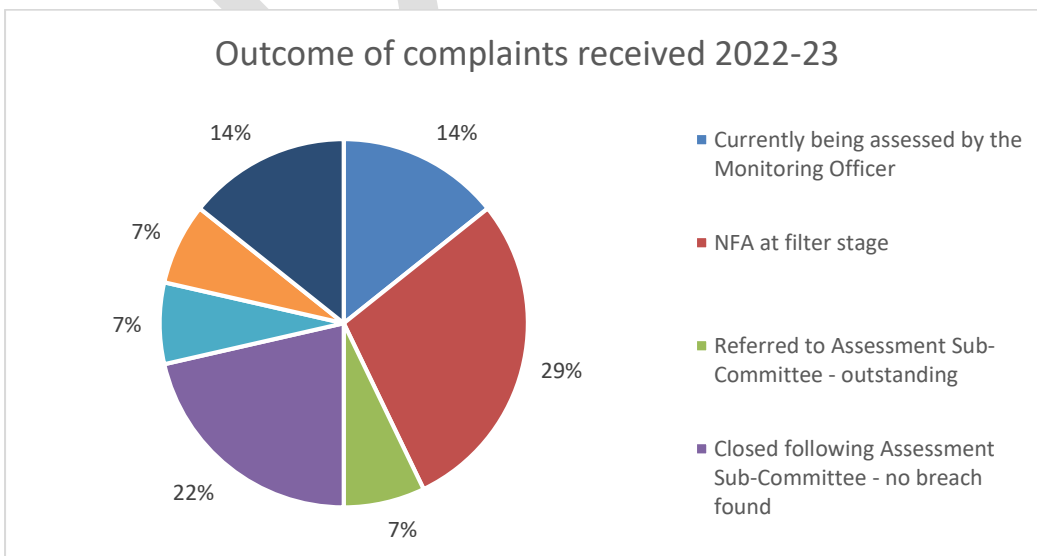
**Figure 7 - Outcome of complaints received 2023-24**

Currently being assessed by the Monitoring Officer 5/21  
 NFA at filter stage 6/21  
 Referred to Assessment Sub-Committee – outstanding 0/21  
 Closed following Assessment Sub-Committee - no breach found 5/21  
 Informal resolution 1/21  
 Progressed to investigation - investigation ongoing 3/21  
 Closed following investigation - breach found 1/21



**Figure 8 - 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 1/14  
 Closed following investigation - no breach found 2/14



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 which currently forms Appendix 29 of the Council's Constitution. Reflections of the Committee's experience of using that procedure during the past two municipal years informed a review carried out in November 2023.

The objectives in reviewing the procedure in summary were to:

- Maintain adherence with statutory requirements, fairness and transparency;
- Reduce word count, remove duplication and increase clarity;
- Ensure equality of treatment and access (e.g. the case handling procedure should not discriminate against those unable to submit a written complaint);
- Balance member involvement and oversight with efficiency and trust in the Monitoring Officer and Independent Persons to discharge their statutory obligations;
- Set clear expectations around what is and is not capable of constituting a breach;
- Retain discretion for each case to be considered on its own merits;
- Maximise efficiency of committee work.

Because the Case Handling Procedure is part of the Constitution, any amendments must be made by full Council. The revisions recommended by the Joint Standards Committee will next be considered by the Constitution Working Group.

It is recognised that in light of the Council's difficult financial situation, the important work of upholding standards and providing a mechanism to deal with complaints of breach of the member code of conduct must be done with maximum efficiency and at a cost proportionate to what can realistically be achieved with the limited range of sanctions available.

## **Independent Persons**

One of the Council's Independent Persons, Mr Richard Gadd resigned. The Committee wish to express their gratitude to him for his service.

A recruitment exercise took place and Ms Rose Mazza was successfully recruited and appointed formally by Full Council in November 2023. Rose is warmly welcomed as an Independent Person alongside Mr Leigh who is thanked for his continued commitment and diligence in discharging the role.

## **Civility in Public Life**

The Committee has noted the ongoing work of the Local Government Association on Civility in Public Life<sup>i</sup>. Through its work on dealing with complaints against members the Committee has noted the difficulties of identifying the limits of constructive debate in physical and online spaces – “debate not hate”.

A mutual respect between citizens and holders of public office is essential to local democracy. The committee is keen to ensure that Members continue to be held to account for breaches of the Code of Conduct but also that they are adequately protected from the potential for abuse. Positive citizen engagement can be encouraged by Member's use of specially designed infographics and by sign up to the LGA's public statement. <https://www.local.gov.uk/about/campaigns/debate-not-hate/debate-not-hate-sign-our-public-statement>

## **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. The Committee received a report on the 2023 Member Induction Programme and fed back their views on how the offer for member training generally and specifically around standards could be further improved.

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





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**Joint Standards Committee****6 March 2024**

Report of the Deputy Monitoring Officer

**Monitoring Report in respect of Complaints Received****Summary**

1. This report is to update the Committee on the position regarding ongoing complaints.

**Background**

2. The Joint Standards Committee is responsible for promoting a culture of openness, accountability, probity and the maintenance of high standards of conduct by members. In order to do this, it reviews all code of conduct complaints. This enables, amongst other things:
  - Monitoring overall numbers of complaints allowing comparison with similar authorities
  - Monitoring trends of increasing/decreasing levels of complaints and identifying links to key events or triggers
  - Identifying common types of complaints which may illustrate a need for enhanced training and information
  - Assessing the efficacy of sanctions imposed by linking an increase/decrease in complaints regarding a particular member or from a particular locus to intervention or sanctions previously imposed.
  - Assessing the efficacy of the complaints procedure and identifying possible improvements.

**Commentary on Case Logs****Open cases**

3. Case reference 2023/13 has been investigated by a CYC lawyer and a report has been prepared. A hearing will be convened under the Case Handling Procedure to determine the matter. It is

proposed that to promote the efficient use of time and resources that this case is considered at hearing together with 2023/14 below.

4. Case reference 2023/14 has been assessed by the Monitoring Officer in consultation with the Independent Person and it has progressed to investigation. An investigating officer has been appointed. An investigation plan is in place however a draft report has been delayed by competing work demands. The committee granted an extension of time to complete the report. This is now expected by 15 March 2024 meaning that the sub-committee hearing for this case and reference 13 above can take place in April 2024.
5. Case reference 2023/21 falls under paragraph 5 of the complaints handling process and was considered by a JSC Assessment Sub Committee on 30 January 2024. The Committee decided to refer the matter for investigation which it indicated should be external. The Deputy Monitoring Officer has obtained quotations for that work. This proposed expenditure will need to be approved by cost control. If the cost of an external investigation is not authorised the matter will be investigated by a CYC lawyer.
6. Case reference 2023/24 has been assessed by the Deputy Monitoring Officer. The Independent Person made a recommendation to investigate based on the seriousness of the allegation and insufficiency of evidence. The Deputy Monitoring Officer, taking into account historical information, wider known circumstances and the public interest, (including value for money), has determined that the matter should be resolved informally by a letter of advice.
7. Case references 2023/25 to 28 have been assessed by the Deputy Monitoring Officer as being in scope and the Independent Person has been invited to give a recommendation. The complaints are interrelated and should be considered together.

#### **Cases closed since last JSC**

8. Case reference 2023/23 fell under paragraph 5 of the complaints handling process and was considered by a JSC Assessment Sub Committee on 21 February 2024. The Sub Committee assessed the complaint as not in scope.

## Implications

### 9. Financial

Not applicable to this report.

### 10. Human Resources (HR)

Not applicable to this report.

### 11. Equalities

Maintaining standards across the City through the Code of Conduct ensures that an ethical framework can be adhered to, including ensuring that equality issues form an integral part of that framework.

### 12. Legal

As detailed within the report.

### 13. Crime and Disorder, Information Technology and Property

Not applicable to this report.

## Recommendations

14. That the Joint Standards Committee notes the report, in order to ensure that the Committee is aware of the current levels of activity and is able to provide oversight of the complaints procedure.

## Author & Officer Responsible for the report:

Frances Harrison  
Deputy Monitoring Officer  
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Report Approved



Date: 26/02/2024

**Wards Affected:** All

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

**Background Papers:**

- Annex A (i) Table showing open complaints received.
- Annex A (ii) Table showing open complaints receive (confidential)
- Annex B (i) Table showing recently closed complaints.
- Annex B (ii) Table showing recent complaints (confidential)

### Open Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/13 (LT)	CYC	York residents	23/08/23	The complainant alleges the Councillor's behaviour is disrespectful, distressing and not in line with the code. Example of behaviour provided. The complainant also alleges the Councillor wrongly shared an address of an ongoing enforcement case, breaching data protection.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought. Complaint assessed and will progress to investigation. Parties notified. Investigating Officer identified.</p> <p>Investigation completed and will be referred to a Hearing Committee.</p>
2023/14 (LT)	City	Residents	16/10/23	2 complaints received against the Councillor's behaviour. The complainants allege the behaviour is in breach of the member/officer protocol in that the Councillor failed to treat officers with respect, dignity and courtesy.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought. Complaints assessed and will both progress to investigation. Parties notified. Investigating Officer identified.</p> <p>Investigation ongoing.</p>
2023/21 (LT)	CYC	York residents	26/11/23	The complainants allege that the behaviour of the 3 Councillor's is not in line with the code. Multiple examples of these allegations over a period of time have been provided by all complainants.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>Assessment Sub Committee arranged for 30<sup>th</sup> January 2024.</p>

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					The Assessment Sub Committee assessed the complaint and recommended to progress to investigation. Parties notified. Investigating officer to be identified.
2023/23 (FH)	City	York resident	15/01/24	The complainant alleges the Councillor failed to respond, failed to rectify the alleged disability discrimination they had suffered and that was disrespectful under the Code.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>The Assessment Sub Committee assessed the complaint and determined it was not in scope and would not progress to investigation. Closed.</p>
2023/24 (LT)	Parish	Resident	08/02/24	The complainant alleges the Councillor's ongoing behaviour is in breach of the code. Multiple examples of the alleged disrespect provided as evidence to the complaint.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>During the assessment of the complaint, the Deputy Monitoring Officer took into consideration the historical background, wider known circumstances and the public interest (including value for money). The Deputy Monitoring Officer has determined that the matter should be resolved informally by a letter of advice.</p>
2023/25 (FH)	Parish	Parish	15/02/24	The complainant alleges the Councillor's behaviour at a Parish Council meeting was not in line with the code. Evidence of the alleged disrespect provided.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p>

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/26 (FH)	Parish	Parish	17/02/24	The complainant alleges the Cllr breached the code of conduct at a Parish Council meeting in January 2024 by allowing a draft letter to be included on the agenda outside the allowed 5 days' notice. The complainant also alleges this was submitted to confer an advantage and a pre-disclosed position of bias.	This complaint is currently being assessed by the Deputy Monitoring Officer.  Views of the IP sought.
2023/27 (FH)	Parish	Parish	17/02/24	The complainant alleges the Councillor breached the code of conduct at a Parish Council meeting in January 2024 by not declaring an interest for an item they voted on.	This complaint is currently being assessed by the Deputy Monitoring Officer.  Views of the IP sought.
2023/28 (FH)	Parish	York resident	17/02/24	The complainant alleges the Councillor breached the code of conduct at a Parish Council meeting in January 2024 by not declaring an interest for an item they voted on.	This complaint is currently being assessed by the Deputy Monitoring Officer.  Views of the IP sought.
2023/29					

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### Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/23 (FH)	City	York resident	15/01/24	The complainant alleges the Councillor failed to respond, failed to rectify the alleged disability discrimination they had suffered and that was disrespectful under the Code.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>The Assessment Sub Committee assessed the complaint and determined it was not in scope and would not progress to investigation. Closed.</p>

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