

## **Joint Standards Committee**

**To:** Councillors Martin Rowley BEM (Chair), Fisher, Lomas, Pavlovic and Runciman (CYC Members)

Councillors Waudby (Vice-Chair), Rawlings, and Chambers (Parish Council Members)

Mr J Leigh and Ms R Mazza (Independent Persons)

**Date:** Monday, 8 April 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 7 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 06 March 2024.

**4. Urgent Business**

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

**5. 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 Thursday, 04 April 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.

**6. Review of Work Plan** (Pages 7 - 8)

To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.

**7. Monitoring Report on Complaints Received** (Pages 9 - 24)

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**

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### 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	6 March 2024
Present	Councillors Rowley (Chair), Fisher, Lomas, and Runciman (CYC Members) Rawlings and Chambers (Parish Council Members)
	Mr J Leigh (Independent Person)
Apologies	Councillor Pavlovic, Parish Councillor Waudby
	Ms R Mazza (Independent Person)
Officer in Attendance	Frances Harrison (Deputy Monitoring Officer)

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### 35. **Declarations of Interest (4.10 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. None were declared.

### 36. **Exclusion of Press and Public (4.11 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.

### 37. **Minutes (4.11 pm)**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 31 January 2024 be approved and signed as a correct record.

**38. Minutes of Sub-Committees (4.12 pm)**

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

- Assessments Sub-Committee, 30 January 2024
- Assessments Sub-Committee, 21 February 2024

**39. Public Participation (4.13 pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**40. Review of Work Plan (4.13 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:

Meeting on 08 April 2024

- Member training update

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

**41. Annual Report for 2023/2024 (4.16 pm)**

Members received a report which asked them to consider the committee's draft Annual Report for the 2023-24 Municipal Year.

Members noted and welcomed the improvements that had been made to the presentation and content of report. Following a discussion on the proportion, number and types of complaints received, it was

Resolved: That the draft Annual Report be approved.

Reason: In order to provide a report to Council of the committee's work over the past Municipal Year.



**42. Monitoring Report on Complaints Received (4.24 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, Chair

The meeting started at 4.08 pm and finished at 5.24 pm.

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### Work Plan for Joint Standards Committee 2024/25

<b>Meeting Date</b> (4.00pm start time)	<b>Items</b>	<b>Notes</b>
8 April 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item
14 May 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Member Training Update</li> <li>• Review of Work Plan</li> </ul>	Standard Item
23 July 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item
17 September 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item

12 November 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item
21 January 2025	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item
18 March 2025	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item

Pending items for consideration:

- Review of Citywide Democratic Engagement of Parished and Non Parished areas
- Support for officers who make standards complaints



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**Joint Standards Committee****8 April 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 on the same hearing date as 2023/14 below.

4. Case reference 2023/14 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 on the same hearing date as 2023/14 above. The proposed hearing was scheduled for 4 April 2024 but has been postponed to 18 April 2024 due to staff availability.
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 references 2023/25 to 28 have been assessed by the Deputy Monitoring Officer as being in scope. The complaints are interrelated. The Independent Person has made a recommendation. Cases 27 & 28 concern the discrete issue of interests. No breach capable of constituting an offence was identified. It has been determined that this complaint can be resolved by way of informal resolution through a letter of advice.
7. Cases 25 & 26 have hallmarks of entrenched antipathy. An offer was made to attempt informal resolution through a meeting between the complainant and subject member, facilitated by the Independent Person and the Deputy Monitoring Officer. This was accepted by one party and rejected by the other. The matter therefore remains under review.

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

8. Case reference 2023/29 was assessed by the Deputy Monitoring Officer as not in scope. This is because the Councillor was not acting in an official capacity at the time of the incident complained of.
9. Case reference 2023/24 was assessed by the Deputy Monitoring Officer taking into consideration the historical background, wider known circumstances and the public interest (including value for

money). The Deputy Monitoring Officer determined that the matter should be resolved informally by a letter of advice.

### Implications

10. **Financial**  
Not applicable to this report.
11. **Human Resources (HR)**  
Not applicable to this report.
12. **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.
13. **Legal**  
As detailed within the report.
14. **Crime and Disorder, Information Technology and Property** Not applicable to this report.

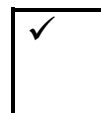
### Recommendations

15. 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  
frances.harrison@york.gov.uk

Report  
Approved



25 March  
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 received (confidential)

Annex B (i) Table showing recently closed complaints.

Annex B (ii) Table showing recent closed complaints (confidential)



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> <p>The Assessment Sub Committee assessed the complaint and recommended to progress to</p>

Open Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					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.	This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.  Views of the IP sought.  The Assessment Sub Committee assessed the complaint and determined it was not in scope and would not progress to investigation. Closed.
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.	This complaint is currently being assessed by the Deputy Monitoring Officer.  Views of the IP sought.
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.

**Open Complaints Log - Public**

<b>Case ref</b>	<b>City or Parish</b>	<b>Complainant</b>	<b>Date Received</b>	<b>Nature of Complaint</b>	<b>Status / updates</b>
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.

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Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/29	City	City	27/02/24	The complainant alleges the Councillor breached the Code of Conduct by attending and being photographed at a political event in a role which is non-political.	The complaint was reviewed by the Deputy Monitoring Officer and it was deemed out of scope. This is because the Councillor was not acting in an official capacity and was undertaking a separate role as a member of a political party in their own time.
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> <p>Parties notified, complaint closed.</p>

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of the Local Government Act 1972.

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