

Joint Standards Committee

- To:** Cllrs Rowley (Chair), Douglas, Baker, Carr and Fisher (CYC Members)
- Cllrs Rawlings (Vice-Chair), Chambers (Parish Council Member) and Waudby (Parish Council Members)
- Ms Davies and Mr Laverick (Independent Persons)
- Date:** Tuesday, 6 July 2021
- Time:** 4.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider the exclusion of the public and press from the meeting during consideration of Annexes A and B to Agenda Item 11 (Monitoring Report in respect of Complaints received), 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 Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006.

- 3. Minutes** (Pages 1 - 4)
To approve the minutes of the meeting of the Joint Standards Committee held on 23 June 2021.

- 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 have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Friday, 2 July 2021.

To register to speak please visit 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.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 6. Annual Report for Municipal Year 2020-2021** (Pages 5 - 10)
The Committee will consider a report which will provide it with a finalised draft Annual Report for 2020/2021.

7. Update on the Recruitment of Independent Persons (Pages 11 - 14)

The Committee will consider a report which will provide it with an update on the recruitment process for Independent Persons for the Committee.

8. Review of York's Parish Charter (Pages 15 - 26)

The Committee will consider a paper which reports back on a review of the charter between City of York Council and the 31 parish and town councils within the York local authority area, as represented by the York Branch of the Yorkshire Local Councils Associations (YLCA). A revised version of the charter is set out for comment.

9. Model Code of Conduct for Elected Members (Pages 27 - 46)

The Committee will consider a report which seeks the views of Members on the LGA Model Code of Conduct after taking part in a workshop on 23 June 2021.

10. Review of Work Plan (Pages 47 - 48)

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

11. Monitoring Report on Complaints Received (Pages 49 - 84)

To receive a routine update report on recent standards complaints.

Democracy Officer:

Name: Fiona Young

Contact Details:

Telephone – (01904) 552030

Email – fiona.young@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 (Polish)
własnym języku.**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Minutes

| | |
|-----------|---|
| Meeting | Joint Standards Committee |
| Date | 23 June 2021 |
| Present | Councillors Rowley (in the Chair for Items 3-9), Baker, Carr, Douglas and Fisher Cllrs Rawlings, Chambers and Waudby (Parish Council Members) |
| Apologies | Ms Davies and Mr Laverick (Independent Persons) |

1. **Declarations of Interest**

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.

2. **Appointment of Chair**

Parish Cllr Rawlings nominated Cllr Rowley to be appointed as Chair. The nomination was seconded by Cllr Douglas and it was unanimously

Resolved: That Cllr Rowley be appointed as Chair of the committee for the 2021/22 Municipal Year.

3. **Appointment of Vice Chair**

Cllr Fisher nominated Parish Cllr Rawlings to be appointed as Vice Chair. The nomination was seconded by Parish Cllr Waudby and it was unanimously

Resolved: That Parish Cllr Rawlings be appointed as Vice Chair of the committee for the 2021/22 Municipal Year.

4. **Introduction of Paul Hoey and Natalie Ainscough from Hoey Ainscough Associates Ltd.**

Paul Hoey and Natalie Ainscough of Hoey Ainscough Associates Ltd., who were in attendance to deliver a workshop

for Members on the Model Code of Conduct once the formal business of the meeting was concluded, introduced themselves.

5. Welcome to the Chair of Audit & Governance Committee

The Chair welcomed Cllr Pavlovic, Chair of Audit & Governance Committee, to the meeting.

6. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 31 March be approved as a correct record, to be signed by the Chair at a later date, subject to amendment of the bullet point under Minute 85 to read as follows:

- *“Provide evidence of the payment of any expenses during the trip (i.e. room service, drinks etc.)”*

7. Minutes of Sub-Committees

Resolved: (i) That the minutes of the meetings of the Assessments Sub Committee held on 15 April 2021 and 23 April 2021 be approved as a correct record, to be signed by the Chair at a later date.

(ii) That the minutes of the Assessments Sub-Committee held on 29 April 2021 be approved as a correct record, to be signed by the Chair at a later date, subject to the amendment of the Reason under Minute 16 to read as follows:

“The sub-committee considers that an investigation is warranted in this case.”

8. Public Participation

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

Gwen Swinburn spoke in relation to a Code of Conduct complaint that she had submitted, objecting to the manner in which it had been dealt with by the Monitoring Officer.

Cllr Warters raised concerns about the handling of a series of Code of Conduct complaints, noting that little progress had been made since 2016 in improving the standards process.

9. Model Code of Conduct

Members received a report which provided an update on the Model Code of Conduct.

The formal meeting then concluded and Members attended a private, informal workshop on the Model Code.

Cllr M Rowley, Chair

The meeting started at 4.00 pm and finished at 4.22 pm.

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6 July 2021

Joint Standards Committee

Report of the Monitoring Officer

Draft Annual report for 2020/2021

Summary

This report provides the Joint Standards Committee with a finalised draft Annual Report for 2020/2021.

Background

It is good practice for the Monitoring Officer 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. The first draft of the annual report was discussed at the meeting of the Committee in March 2021 and Members resolved that any requests for additions to the draft report would be sent to the Chair, Vice Chair and Monitoring Officer.

The final breakdown of complaints received during the municipal year has now been calculated and the draft report is attached to this report at Annex A.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

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.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

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.

Author:

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the report:

Janie Berry

Director of Governance &

Monitoring Officer

Tel: 01904 555385

**Report
Approved**

Date

28 June 2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- **Annex A – Draft Annual Report 2020/2021**



Draft Annual report for 2020/2021

Foreword from the Chair of the Joint Standards Committee

TBC

The Coronavirus pandemic affected the first scheduled meeting of the municipal year. However, since July 2020 remote meetings have been taking place throughout the rest of 2020 and into 2021.

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 Parish Councillor Stuart Rawlings as the Vice Chair.

City of York Council:

- Councillor Martin Rowley
- Councillor Claire Douglas
- Councillor Rosie Baker
- Councillor David Carr
- Councillor Tony Fisher

Parish Councils

- Councillor Stuart Rawlings
- Councillor Christopher Chambers
- Councillor Sian Wiseman

Earswick Parish Council tendered their resignation as Members of the Joint Standards Committee during this municipal year and the Committee would like to thank Parish Councillor Sian Wiseman and Earswick Parish Council for their support over the last few years.

At the request of the Monitoring Officer, the Yorkshire Local Councils Association conducted a ballot across Parish and Town Councils in the

City of York area and the Joint Standards Committee would like to welcome Parish Councillor Mark Waudby of Rawcliffe Parish Council to the Joint Standards Committee from March 2021.

Independent Persons

- Angharad Davies
- David Laverick

Complaints

During the municipal year 2020-2021, the Council received 26 complaints.

Of these, 12 complaints related to 16 City of York Councillors and 14 complaints related to 15 Parish Councillors.

2 complaints were upheld by the investigating officer and the findings accepted by the Monitoring Officer, a further 2 complaints were upheld by the investigating officer and are due to be referred to a Joint Standards Committee Hearing Panel in due course;

5 complaints were not upheld by the investigating officer and the findings accepted by the monitoring officer; and

9 complaints did not meet the published criteria for investigation.

5 matters are being investigated and are yet to be concluded, in addition, there are a further 4 matters that are currently being investigated by an external investigating officer which relates to a previous municipal year.

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

At the beginning of this municipal year, the Local Government Association conducted a consultation exercise in relation to a Model Code of Conduct for Members which they had produced. The Monitoring Officer, on behalf of the Joint Standards Committee participated in this exercise and work is ongoing to look to implement the

Model Code and consider any guidance which is published in the coming months. Key areas raised by the Committee included social media, bullying and harassment, including ensuring that all protected characteristics were included within the definition found in the Model Code and also gifts and hospitality.

In December 2020 the LGA approved a final Model Code of Conduct, which was circulated to the Joint Standards Committee in January 2021. Members decided that the Model Code should remain as a standard item at Joint Standards Committee meetings in order that any guidance issued in the future by the LGA can be considered and that the Council's Code of Conduct meets any requirements set out within the Model Code.

Dispensation of the 6 Month Rule during Lockdown

The Committee noted a dispensation given by the Monitoring Officer of the 6 month rule for City of York Councillors in relation to attendance at meetings in light of the Coronavirus Pandemic and the provision of remote meetings.

The Committee also noted a further dispensation which allowed Members to take part in a specially convened Customer and Corporate Services Scrutiny Management Committee Meeting in September 2020. The dispensation allowed the Meeting Members who also were Planning and Area Planning Committee Members to take part in the Meeting without future risk of pre-determination.

Member Development

The Joint Standards Committee considered a report advising on Planning and Pre-Determination, which was noted, and it was agreed that this advice would form part of a larger review around Member Development, which is ongoing. The Joint Standards Committee are seeking the views of Group Leaders before further consideration of Member Development takes place in the next municipal year.

Parish Council Membership

As briefly mentioned, as a result of Earswick Parish Council's resignation, a ballot took place to fill the vacancy on the Joint Standards Committee. Parish Councillor Mark Waudby of Rawcliffe Parish Council has now filled the vacancy.

Work is ongoing around supporting the work of Parish Councils, which will include consideration of whether the work around Member Development can include Parish Councils. A report around the Parish Charter will be presented to the Joint Standards Committee early in the next municipal year, in order to improve relations and strengthen the working relationship between the Council and Parish Council's across the City.

Review of the Constitution

A review of the Council's Constitution is currently taking place and as part of this review, the Joint Standards Committee have considered a draft International Travel Protocol. Work is ongoing around finalising this draft.

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6 July 2021

Joint Standards Committee

Report of the Monitoring Officer

Update on recruitment of Independent Persons

Summary

This report provides the Joint Standards Committee with an update on the recruitment process for Independent Persons for the Committee.

Background

City of York Council is required by law to appoint at least one Independent person whose views must be sought before it makes a decision following an investigation into a complaint that the Code of Conduct may have been breached. Under the Joint Standards Committee's procedures the Independent persons are also consulted whenever a complaint is received and their views taken into account in determining whether a complaint should be investigated. The Independent Persons are also invited to participate in meetings of the Committee and Sub Committees.

On the Committee's recommendation the Council has appointed two Independent Persons. Whilst this allows for any occasion when one of them may feel that they have a conflict of interest, there is still scope for additional resilience if a third Independent Person could also be appointed.

Mr David Laverick has provided invaluable assistance over a longer period of time and his term of office as an Independent Person is now overdue. Ms Angharad Davies has indicated that she does not wish to extend her term of office to a further 4 years, again Ms Davies has provided much needed support and assistance during her appointment.

A process of identifying a successor is now underway. That process includes:

- An advertisement on the Council's website in the jobs section.
- A press release has been requested.
- An email to all Members advising them of the vacancy.

The closing date for the role is 11 July 2021, with a provisional date for interviews set for week commencing 26 July 2021. The final decision will rest with Full Council, but the process adopted previously of a panel comprising Members of the Committee interviewing applicants and making a recommendation to Full Council worked well. If Members are minded to support that process then it is suggested that a Panel consisting of the Chair and Vice Chair of Joint Standards Committee, the Monitoring Officer and Deputy Monitoring Officer is proposed (subject to their being no conflict with applicants and the Panel).

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

The Equality Act 2010 places specific duties on Local Authorities, and Members, including Members of the Joint Standards Committee and Independent Members who play a vital role in ensuring that equality issues are integral to the aims and performance of a Local Authority.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members are recommended to:

1. Thank Mr Laverack and Ms Davies for their continuing contribution to the work of the Committee.
2. Agree the appointment of an interview Panel.

Author:

Rachel Antonelli
Senior Solicitor & Interim
Deputy Monitoring Officer
Tel: 01904 551043

Chief Officer Responsible for the report: Janie Berry

Director of Governance &
Monitoring Officer
Tel: 01904 555385

**Report
Approved**

Date 28 June
2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

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Joint Standards Committee

6 July 2021

Report of the Assistant Director (Communities and Culture)

Review of York's Parish Charter**Summary**

1. This paper reports back on a review of the charter between City of York Council and the 31 parish and town councils within the York local authority area, as represented by the York Branch of the Yorkshire Local Councils Associations (YLCA). A revised version of the charter is set out for comment (See Annex).

Recommendations

2. The Committee is asked to comment on the draft revised charter and, subject to any proposed amendments, recommend it to the Council's Executive and to the York Branch of the YLCA for signature.

Reason: To advance joint working between City of York Council and York's parish councils.

Background

3. There are two tiers of local government operating in the outer wards of the City of York local authority area. Those parts of the City of York which were outside of the pre-1996 non-metropolitan district of York have parish councils, of which there are 31 in total. One of the parish councils (Haxby) takes the style of Town. In order to advance joint working between the two tiers of local government – and to recognise the legal and other relationships between the two – a Parish Charter was produced setting-out an agreed way of working.
4. The Charter was last reviewed in 2016. The 2016 Charter states that the document should be reviewed every three years, meaning the review is now overdue. The current review of the Charter has been co-ordinated by the York Parish Council Liaison Group which meets with the aim of improving working relations between the parish councils and City of York Council. The Liaison Group comprises six parish councillors (who are appointed by the York

Branch of the YLCA) and City of York Council is represented by the Executive Member for Culture, Leisure and Communities, the Assistant Director (Communities and Culture) and the Head of Communities and Equalities. The York Branch of the YLCA comprises representatives from the 31 parishes, which are all member councils of the YLCA, which in turn is a county association of the National Association of Local Councils.

Consultation

5. In addition to discussion at the York Parish Council Liaison Group the Charter has been consulted on at an open meeting for all parish councils held at the Mansion House in January 2020.

Proposals

6. The proposed revised draft is attached at Annex 1.

Options

7. The principal options open to the Committee are:

Option 1: Recommend the draft Charter for signing by City of York Council and the York Branch of the YLCA.

Option 2: Suggest amendments to the draft charter.

Analysis

8. Option 1 will reinforce existing joint working, taking into consideration the contributions of consultees. Option 2 provides an opportunity to make amendments to the text in Option 1.

Council Plan

9. Parish councils are the first tier of local government in the neighbourhoods they serve and (to quote the motto of YLCA) “closest to the people”. In the parished wards of the city, the Parish Charter is fundamental to advancing the Council Plan. In particular, relations with parish councils are a key component of the Council Plan’s priority for the City of York to be “a council that listens to residents”.

Implications

10. There are no additional **Financial, Equalities, Human Resources, Legal, Information Technology, Property, Crime and Disorder or Other** implications arising from the report.

Risk Management

11. In compliance with the Council's risk management strategy the main risks that have been identified associated with the proposals contained in this report are those which could lead to the inability to meet business objectives and to deliver services, leading to damage to the Council's reputation and failure to meet stakeholders' expectations. The level of risk is assessed as "Low". This is acceptable but means that regular monitoring is required of the operation of the new arrangements.

Annex: The draft revised Parish Charter

Contact Details

| | | | |
|--|---|---|-------------|
| Author: | Chief Officer responsible: | | |
| Charlie Croft Assistant Director (Communities and Culture) | Charlie Croft Assistant Director (Communities, and Culture) | | |
| | Report Approved | ✓ | Date |
| Specialist Implications Officers: | | | |
| Wards Affected: Bishopthorpe, Copmanthorpe, Fulford & Heslington, Haxby & Wigginton, Heworth Without, Huntington & New Earswick, Osbalwick & Derwent, Rawcliffe & Clifton Without, Rural West, Strensall, and Wheldrake | | | |
| For further information please contact the author of the report | | | |

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Charter between City of York Council and York Local (Parish and Town) Councils

Dated: XXX

The Objectives

1. The main objectives of this Charter are to:
 - Set out how the parties aim to work together and to continue existing best practice
 - Continually review and establish improved ways of working
 - Confirm the principles of democratic local government
 - Continually review and improve the system of local democracy
 - Encourage greater public participation in the system
 - Promote sustainable social, economic and environmental development
 - Advance the provisions of the Equality Act 2010 including the Public Sector Equality Duty
 - Encourage the sharing of information and data to improve outcomes for residents

Local Governance

2. City of York Council and the Local Councils are committed to the principles of democratic local government. They will continue efforts to improve the system of local democracy and to see greater participation in and appreciation of this system.
3. City of York Council acknowledges and recognises that parish and town councils are the grass roots level of local government. By working with Local Councils, City of York Council aims to act in partnership with local communities, while balancing the needs of the wider locality.
4. Local Councils offer a means of shaping the decisions that affect their communities. They offer a means of revitalising or sustaining local communities. In turn, Local Councils recognise the strategic role of the principal authority and the equitable distribution of services which it has to achieve.

5. City of York Council will work with Local Councils to promote sustainable social, economic and environmental development in the area of the City of York.
6. Arrangements for engagement of Local Councils in City of York Council's governance arrangements and for liaison between councils will be as follows:
 - City of York Council will maintain its close working relationship with the York Branch of the Yorkshire Local Councils Association.
 - City of York Council will identify one of its **officers to be responsible for the liaison work with Local Councils (the Liaison Officer – see Appendix 2). The Liaison Officer** will report to Members on **matters that are relevant** to this charter.
 - Local Councils will invite, as appropriate, Members and Officers of City of York Council to their meetings giving adequate notice to facilitate attendance.
7. In order to strengthen the relationship between Ward Members and Local Councillors, the agenda for Local Council meetings should include an item "To receive a report from a City of York councillor". This will enable a Ward Member to update the Local Council on events locally and provide an opportunity for questions to be raised.
8. **Ward members will make every effort to attend Local Council meetings at regular intervals.**

Communications

9. City of York Council will ensure that the Clerk of the relevant Local Council receives copies of any newsletters which it circulates in the parish of the Local Council and will ensure that the Clerk is sent an invitation to attend any public meeting organised by City of York Council in the parish.
10. City of York Council and Local Councils will acknowledge and respond to correspondence between the respective organisations. Further to this, City of York Council will respond to communications in line with current customer care standards:
 - Written correspondence including electronic correspondence to City of York Council will be either acknowledged or responded to fully within 5 working days. If information is not readily available the Local Council will be kept informed of

progress at intervals not exceeding 5 working days until either a full response is available or there is no other solution.

- For ongoing projects the Parish Council will receive a monthly update prior to the Parish Council meeting. Should this not happen the matter should be referred to the Liaison Officer.
11. Planning application consultations have their own period of time (currently twenty-one days) for Local Councils to respond. However, in recognition of Local Councils' meeting schedules, planning officers will make every effort to accommodate Local Councils' comments in a mutually agreeable timescale.
 12. In accordance with The Neighbourhood Plan (General) Regulations 2012, the Neighbourhood Plans adopted will be used when determining planning applications within the identified Neighbourhood Plan areas. Additionally planning officers will take into account Village Design Statements and Parish Plans except where these are in conflict with the Local Plan.
 13. **Parish Councils will be given advance warning of any works to be taking place in the Parish. This will include a copy of the highway works** weekly bulletin being made available to Local Councils with respect to works being carried out within the parished area.

Consultation

14. City of York Council will aim to give Local Councils the opportunity to comment before making a decision which affects the local community. Specifically, City of York Council posts agendas of meetings and decision sessions on its website, giving five clear days' notice. A facility is provided for Local Councils to receive electronic notifications of agendas and supporting papers.
15. If consultation does not take place, a written explanation will be given on request to the Liaison Officer.
16. To help achieve the objectives laid down in this Charter, liaison and consultation (both formal and informal) will be further developed at Local Council level through regular meetings or specific consultative groups and at officer level, individually or through working parties and groups, as resources permit.
17. Local Councils will send, where possible electronically, a copy of the minutes of their meetings to the relevant Community Involvement Officer and to the Designated Officer at City of York Council. Copies

of the agenda and minutes will also be sent to all City Ward Councillors elected for the respective area.

18. Officers and Members of the City of York Council will be given an opportunity to speak at Local Council meetings on matters of mutual interest by prior arrangement and at the discretion of the Local Council.

Practical Support

19. City of York Council will, at its discretion, offer Local Councils access to support services, to enable them to deal with planning applications and to take advantage of facilities such as professional services, specialist knowledge, printing and purchasing, at a mutually agreed price.
20. The awareness needs for City of York Councillors and Officers to understand the roles and procedures for Local Councils will be carried out by Yorkshire Local Councils Association on behalf of Local Councils.

Standards Committee

21. Both City of York Council and the Local Councils have adopted Codes of Conduct, with Local Councils adapting the model provided by the National Association of Local Councils (NALC). Local Councils will work with City of York Council's Joint Standards Committee to promote and maintain high standards of ethical conduct. Three councillors from Local Councils, who are not city councillors, will be appointed to the Joint Standards Committee. A Local Council Member must be present when ethical standards matters relating to Local Councils or their members are being considered.

Financial arrangements

22. Elections – Where Local Council elections take place at the same time and venue as elections for City of York Council, the City Council will meet the full costs including any additional costs attributable solely to the Parish election. Financial arrangements for the carrying out of parish polls and the like will be made by City of York Council in consultation with the Local Councils with a view to limiting the costs of holding such events.
23. Arrangements for remedy of “Double Taxation” – If a service is provided by the Local Council rather than City of York Council and City of York Council charges taxpayers in the parish for equivalent

services which it provides elsewhere then this may be a case of Double Taxation. City of York Council wants to ensure that residents of York do not have to pay twice for the same service. However, the existence of concurrent functions does not in itself mean that double taxation is occurring. Any Local Council that believes a service that it is providing creates Double Taxation is invited to put the case for remedy to City of York Council. A written proposal should be submitted in the first instance to the Head of Communities and Equalities for assessment and consideration.

24. With regard to section 106 and infrastructure levy arrangements, Local Councils may apprise the Liaison Officer of their priorities and plans for improving or providing public amenities in the form of playing fields, children's playgrounds, allotment facilities, village halls, toilets, shelters and the like, so that these priorities may be taken account of in the planning process. Where City of York Council is holding unallocated section 106 funding Local Councils may submit requests, via the Liaison Officer, in order to facilitate appropriate qualifying projects.

Complaints Procedure

25. In the event of a Local Council being dissatisfied with the actions of City of York Council, the Local Council shall use the City of York Council's feedback and complaints procedure and, if the matter is unresolved, contact the Liaison Officer.
26. In the event of City of York Council being dissatisfied with the actions of a Local Council then a letter should be sent to the Clerk of the individual Local Council requesting further information or a meeting to discuss the issue.

Implementation and Review

27. Operation of the charter will be monitored through quarterly liaison meetings between City of York Council and representatives of the Yorkshire Local Councils Association. These meetings will cover any issues arising regarding the relationship between the two parties.
28. This Charter Agreement shall be revised as and when appropriate by agreement between the parties to ensure its effectiveness. Formal review will take place at no longer than three yearly intervals.
29. City of York Council staff will be briefed on their responsibilities as detailed in this Charter and such responsibilities will be included in

the Induction programme for all staff. Staff will be expected to comply with the charter at all times and this will be ensured through line management arrangements.

Attestation

30. To signify agreement of the parties to this Charter it was signed by:

.....
Elected Member of City of York Council having responsibility for
Community Engagement
and

.....
as Chairman of the York Branch of the Yorkshire Local Councils
Associations

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Appendix 1

The following are the Local (Parish and Town) Councils being parties to this agreement.

1. Acaster Malbis
2. Askham Bryan
3. Askham Richard
4. Bishopthorpe
5. Clifton Without
6. Copmanthorpe
7. Deighton
8. Dunnington
9. Earswick
10. Elvington
11. Fulford
12. Haxby Town Council
13. Heslington
14. Hessay
15. Heworth Without
16. Holtby
17. Huntington
18. Kexby
19. Murton
20. Naburn
21. Nether Poppleton
22. New Earswick
23. Osbaldwick
24. Rawcliffe
25. Rufforth with Knapton
26. Skelton
27. Stockton-on-the-Forest
28. Strensall with Towthorpe
29. Upper Poppleton
30. Wheldrake
31. Wigginton

Appendix 2

The City of York Council Liaison Officer is: Assistant Director (Customer and Communities)

Appendix 3

City of York Council management structure – to be inserted

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Joint Standards Committee**6 July 2021**

Report of the Monitoring Officer

Model Code of Conduct**Summary**

This report seeks the views of Members on the LGA Model Code of Conduct after taking part in a workshop on 23 June 2021.

Background

A workshop style meeting took place after the last Joint Standards Committee Meeting which took place on 23 June 2021, which included an input from Paul Hoey and Natalie Ainscough from Hoey Ainscough. The Chair and Vice Chair of the Audit and Governance Committee also attended the Meeting.

New Model Code of Conduct for Members

A copy of the Model Code of Conduct is attached at Annex 1.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

The Equality Act 2010 places specific duties on Local Authorities. Having a clear and concise Code of Conduct which clearly prohibits unlawful discrimination gives the public confidence in Members and the Council as a whole.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members are asked to determine whether to accept the Model Code of Conduct in its proposed form, or whether any amendments/additions are needed to ensure that the Code fits the needs of City of York Council, before the final draft of the Model Code of Conduct is considered by Full Council.

Author:

Rachel Antonelli
Senior Solicitor & Interim
Deputy Monitoring Officer
Tel: 01904 551043

Chief Officer Responsible for the

report: Janie Berry
Director of Governance &
Monitoring Officer
Tel: 01904 555385

**Report
Approved**

Date 28 June
2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- **Annex A –Model Code of Conduct**



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute**As a councillor:****5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position**As a councillor:****6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities**As a councillor:****7.1 I do not misuse council resources.****7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices**Appendix A – The Seven Principles of Public Life**

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- your own financial interest or well-being;
 - a financial interest or well-being of a relative, close associate; or
 - a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

| Subject | Description |
|--|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.] |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract made between the councillor or his/her spouse or civil partner or the person with whom the |

| | |
|----------------------------|---|
| | <p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land and Property | <p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p> |
| Licenses | <p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p> |
| Corporate tenancies | <p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p> |
| Securities | <p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p> |

| | |
|--|---|
| | spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |
|--|---|

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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Work Plan for Joint Standards Committee 2021-22

| Meeting Date (4.00pm start time) | Items | Notes |
|---|--|----------------|
| Wednesday 23 June 2021 | <ul style="list-style-type: none"> • Appointment of Chair and Vice Chair • Workshop around Model Code of Conduct | |
| Tuesday 6 July 2021 | <ul style="list-style-type: none"> • Annual Report for Municipal Year 2020-2021 • Update on recruitment of Independent Persons • Review of York's Parish Charter • Model Code of Conduct for Elected Members • Review of Work Plan • Monitoring report in respect of complaints received | Standard item |
| Wednesday 22 September 2021 | <ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan | Standard Items |
| Wednesday 26 January 2022 | <ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan | Standard Items |
| Wednesday 20 April 2022 | <ul style="list-style-type: none"> • Monitoring report in respect of complaints received | Standard Items |

- | | | |
|--|---|--|
| | <ul style="list-style-type: none">• Review of Work Plan | |
|--|---|--|



Joint Standards Committee**6 July 2021**

Report of the Monitoring Officer

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

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

Background

The table attached at Annex A provides information about ongoing complaints and the table attached at Annex B provides the list of closed complaints.

Case references 739, 740, 741 and 2020/06 are now being investigated by an external investigating officer.

Case references 2020/04, 2020/15, 2020/18, 2020/19 and 2021/03 have all now been investigated and the Monitoring Officer has determined that the findings of the investigating officer are upheld, no breach having been found.

Case reference 2020/10 has been referred back to the investigating officer for further investigation as requested by a Sub Committee of the Joint Standards Committee. Case references 2020/12, 2020/20, 2021/08 and 2021/09 are all still under investigation.

2020/13 has been investigated and the Monitoring Officer accepts the investigating officer's findings that there has been a breach of the Code of Conduct. The Monitoring Officer has proposed resolving the matter by way of local resolution and this matter is ongoing.

The draft report of the investigating officer has now been received for case reference 2020/17 which is under review by the Monitoring Officer.

Case references 2020/14 and 2021/04 are being passed to a Joint Standards Committee Hearing Panel which will be convened once the pre hearing checklists have been received from the parties and considered by the Monitoring Officer.

Case references 2021/04, 2021/05 and 2021/10 have been assessed and no further action is to be taken, therefore, these matters are now closed.

Case reference 2021/06 is currently being assessed.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

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.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

1. 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:

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the report:

Janie Berry

Director of Governance &

Monitoring Officer

Tel: 01904 555385

**Report
Approved**

Date

28 June 2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- **Annex A – Table showing open complaints received.**
- **Annex B – Table showing closed complaints received.**

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Annex A

| Case ref | City or Parish | Complainant | Date Received | Nature of Complaint | Status | Updates |
|----------|----------------|-------------------|---------------|---|--|---|
| 739 | Parish | Parish Councillor | 15/11/19 | Allegations that the subject member behaved aggressively towards the complainant. | External investigating officer has now been appointed. | <p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> <p>External investigating officer has now been appointed.</p> |
| 740 | Parish | Parish Councillor | 13/11/19 | Allegations that the subject member behaved aggressively towards a Clerk. | External investigating officer has now been appointed. | <p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> |

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| | | | | | | External investigating officer has now been appointed. |
| 741 | Parish | Parish Councillor | 15/11/19 | Allegations that the subject member verbally attacked the Chair and the Clerk and sent threatening emails. | External investigating officer has now been appointed. | <p>The complaint is on hold pending the outcome of investigations into the conduct by another party. The 3rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.</p> <p>Assessment Sub Committee to be formed.</p> <p>Sub-Committee determined that investigation is required – sourcing an external investigating officer.</p> <p>External investigating officer has now been appointed.</p> |
| 2020/04 | Parish | Parish Councillor | 08/07/20 | The complainant has put in 3 complaints about the behaviour of another Parish Councillor towards them. | Closed | <p>The case has been passed to an investigating officer to investigate.</p> <p>Parties have been interviewed and draft report is currently being finalised.</p> <p>Draft report now sent to the parties, they have until 19.03.21 to respond. Complainant has responded, awaiting comments from Subject PC.</p> |

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| | | | | | | <p>No comments received so draft report passed to MO.</p> <p>Draft report passed to Monitoring Officer who agrees with conclusion in that the complaint is not upheld. Parties contacted on 7 April 2021 and notified of outcome. Closed.</p> |
| 2020/10 | City | Residents | 12/07/20 - 24/07/20 | Numerous complaints were received with regards to the Councillor's comments and behaviour on social media. | Sub-Committee determined that further investigation is required – passed back to investigating officer. | <p>This complaint is currently being investigated.</p> <p>Draft report now finalised and sent to subject Councillor for comment.</p> <p>Comments received, sub committee to be reconvened to review findings.</p> <p>Sub-Committee determined that further investigation is required – passed back to investigating officer.</p> |
| 2020/12 | CYC | Resident | 11/09/20 / 16/09/20 (officially) | The complaint is in relation to the resident's planning application. The complainant claims the Councillor supported a council officer rather than providing a fair and neutral opinion as a Councillor and was inextricably linked to personal interests in relation to a committee meeting. | This complaint is currently being investigated. | <p>The subject matter of this complaint has been investigated by a 3rd party, that has now concluded, therefore, this can now proceed.</p> <p>Investigation ongoing.</p> |
| 2020/13 | CYC | Parish | 05/11/20 | The complaint is in relation to an email sent by the Councillor – the | MO considering local resolution | This complaint has been passed to an investigating officer. |

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| | | | | complainant believes this is an offensive email in breach of the code of conduct. | | <p>Draft report prepared and to be sent to parties w/c 15.03.21 for comment.</p> <p>Draft report finalised and breach found. MO assessing whether local resolution is suitable.</p> <p>Breach to be dealt with through local resolution – parties informed.</p> |
| 2020/14 | Parish | Resident | 18/11/20 | The complainant would like a Parish Councillor investigated as personal animosity has been preventing the PC to serve the parishioners. | Breach found, being referred for hearing. | <p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Draft report to be distributed to parties w/c 15.03.21.</p> <p>Parties have responded, draft report to be passed to MO for consideration.</p> <p>Referred for hearing, checklist sent out to parties.</p> |
| 2020/15 | Parish | Parish | 18/11/20 | The complainant claims a Parish Councillor does not abide by the Code of Conduct in his behaviour towards the PC or to the residents that he should represent. The complainant states it is bullying and harassment. | Closed | <p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Draft report to be distributed to parties w/c 15.03.21.</p> |

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| | | | | | | <p>Parties have responded, draft report to be passed to MO for consideration.</p> <p>Draft report passed to MO who agrees with the conclusion in that the complaint is not upheld and no breach was found. Parties contacted on 22 April 2021 and notified of outcome. Closed.</p> |
| 2020/17 | Parish | Parish | 01/12/20 | The complainant claims the Councillor had an emotional outburst at an online parish council meeting which is claimed to have publicly impugned the integrity of the complainant. | Investigation now completed, breach in part found. With MO to determine next steps. | <p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Investigation ongoing.</p> <p>Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then.</p> <p>Investigation now completed, breach in part found. With MO to determine next steps.</p> |
| 2020/18 | CYC | CYC | 08/12/20 | The complainant claims the Councillor's attitude was unprofessional, undermining and intimidating, both to the complainant and other members of the committee during a meeting. | Closed. | <p>This complaint is currently under investigation.</p> <p>Draft report sent to parties, comments now received.</p> |

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| | | | | | | <p>Complainant would like their opportunity to raise concerns around the investigation.</p> <p>Complaints procedure considered, but no mechanism for this. Draft report considered by MO and findings accepted, parties notified. Closed.</p> |
| 2020/19 | Parish | Parish | 10/12/20 | The complainant claims the Councillor was discriminatory against them in relation to co-option and at a public meeting. | Investigating officer found no breach found. MO has reviewed the draft report and upholds the investigating officer's findings. Closed. | <p>This complaint has been assessed and is due to be allocated to an investigating officer.</p> <p>Investigation ongoing.</p> <p>Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then.</p> <p>Investigating officer found no breach found. MO has reviewed the draft report and upholds the investigating officer's findings. Closed.</p> |
| 2020/20 | CYC | CYC | 13/12/20 | The complainant claims the councillors breached the code of conduct. It is alleged the councillors made potentially libellous allegations against the complainant and others, and it is alleged they have set out a series of untruths about City of York | This complaint is currently being investigated. | <p>Assessment can now be completed as IP view now received.</p> <p>Investigation ongoing.</p> |

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| | | | | Council within a newsletter sent out. | | |
| 2021/01 | CYC | York Residents | 03/01/21 | The complainant alleges the Cllr chose to be “aggressive, narrow minded and discriminative” against him and his business, “rather than take a pragmatic, reasonable approach to this incident”. | Breach found, MO upholds the finding. Local resolution offered but not accepted. Hearing to be arranged. | Assessment of complaint currently taking place. Passed for investigation. Draft report sent to parties, asked for comments by 19.03.21. No comments so passed draft report to MO. Breach found, MO upholds the finding. Local resolution offered but not accepted. Hearing to be arranged. |
| 2021/03 | Parish | Parish | 29/01/21 | The complainant has put in a formal complaint with regards to the councillor’s behaviour. The complainant has requested an old complaint be revisited. | No breach found. Decision of investigating officer upheld by MO. Closed. | Investigation ongoing. Meeting arranged with Investigating Officer on 20 April 2021 when she returns from leave. Update will be provided then. No breach found. Decision of investigating officer upheld by MO. Closed. |
| 2021/04 | CYC | CYC | 04/03/21 | During a Council Planning Meeting, the Councillor publicly criticised Planning Officers in a disrespectful manner in a clear breach of Member Standards. | Closed | Currently being assessed, awaiting IP view. IP chased but no response yet. |

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| | | | | | | Complaint closed. Complaint appears to be politically motivated and in addition, as there is another route for this complaint to be dealt with, in accordance with the protocol on Officer/Member relations, it is not felt that the public interest would be served by progressing this matter further. |
| 2021/05 | CYC | York resident | 11/03/21 | The complainant alleges that the Cllr portrayed a biased view of a scheme during a Planning Committee Meeting, as well as attempting to influence a Planning Officer. | Closed. | Currently being assessed, IP view now received, with MO for determination. The complaint was assessed and IP view obtained. Complaint not progressing. Reason: whilst the complainant and the Councillor do not share the same views on the merits of the application, this does not justify a Code of Conduct complaint progressing any further. |
| 2021/06 | Parish Councillor | Parish Councillor | 11/02/20 | The complainant alleges that the Cllr behaved in an intimidatory and bullying manner. | External investigating officer has now been appointed. | This complaint is now being looked into as the criminal proceedings have now concluded (in 2021). The 3 rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified. Assessment Sub Committee to be formed. |

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| | | | | | | External investigating officer has now been appointed. |
| 2021/07 | Parish Councillor | York Resident | 20/03/21 | The complaint alleges the Parish Council did not allow residents to join a virtual PC meeting as the meeting time was changed without making residents aware. | Closed. | IP views being sought. The complaint was assessed and IP view obtained. Complaint not progressing. Reason: complaint does not fall within remit of Standards/Code of Conduct issue and does not raise issues in relation to a particular Parish Councillor, suggested complainant raises the issue with the Parish Council Clerk. |
| 2021/08 | Parish Councillor | Parish Councillor | 06/04/21 | This is an additional complaint in respect of the Parish Council meeting in February 2021 in which the Chairman and to some extent the Council have acted "unlawfully" in respect to actions taken at the meeting. | This complaint is currently being investigated. | Matter currently under investigation. |
| 2021/09 | Parish Councillor | York Resident | 06/04/21 | This complaint is in addition to 2020/19. This complaint pertains to the actions taken during the February 2021 Parish Council meeting in which the complainant feels further adds to the issues raised in the original complaint in respect to the conduct of the councillor. | This complaint is currently being investigated. | Matter currently under investigation. |
| 2021/10 | CYC | York resident | 17/06/2021 | The complaint is in relation to a Tweet sent by the Cllr online. The complainant implies the Cllr has a | Closed | Currently being assessed by MO. |

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| | | | | prejudicial interest against taxis and does not see how the Cllr can continue as an Executive Member or remain on a Committee when it is dealing with issues related to taxi licensing. | | Closed - the reason for this decision is that the contents of the complaint are not covered by the Code, and after reviewing the Bio on the Cllrs Twitter account, it has been made clear that statements are made in a personal capacity. Code of Conduct complaints must relate to conduct in the course of acting as a Councillor. |
| 2021/11 | Parish | Parish | 23/06/2021 | The complaint relates to allegations of threats and false statements amongst Parish Councillors. | This complaint is currently being assessed. | Currently being assessed by MO. |

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Annex B

| Case ref | City or Parish | Complainant | Date Received | Nature of Complaint | Status | Updates |
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| 723 | Parish | Former Parish Council Clerk | 24/6/19 | The complainant alleges that the subject members have behaved in a manner that is disrespectful. | Closed – the Monitoring Officer has considered the Investigation Officer’s report and agrees with her findings of no breach of the Code of Conduct. | Closed – the Monitoring Officer has considered the Investigation Officer’s report and agrees with her findings of no breach of the Code of Conduct. The investigation was initially on hold as it was related to another complaint. |
| 2020/01 | Parish | Resident | 05/02/20 | The complainant alleges the Parish Councillor was supporting a planning application on a personal level and was not acting impartially. The complainant claims the Councillor did not acknowledge their objections. | Closed - after investigation, the Monitoring Officer advised this matter will not be taken further. | The Chairman of the PC has contacted the Monitoring Officer to discuss this matter. A Parish Councillor has resigned from their post following the incidents with the Parish Councillor. Response sent to the complainant on 28/04/20. Chair of PC also sent a copy. This matter will not be taken further. |
| 2020/02 | City | Resident | 10/04/20 | The complainant put in a complaint with regards to how a Councillor spoke to him online on Twitter. | Closed – the Monitoring Officer advised the complainant that this complaint does not merit further investigation as it appears that the thread consists of a series of comments between the complainant and the Councillor in which they were both providing views on whether a | |

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| | | | | | previous comment made on Twitter was defamatory. | |
| 2020/03 | City | Councillor | 26/06/20 | The complainant alleges a Councillor had a personal and prejudicial interest in the matter of the decision to grant and fund early retirement of a Chief Officer. | Closed – the complaint was assessed and the views of an Independent Person were sought. Complaint did not progress to an investigation and the complaint was dismissed. | |
| 2020/05 | City | City | 11/07/20 | The complainant has submitted a formal complaint with regards to 4 CYC Councillors not submitting a Declaration of Interest at a Planning Committee meeting on 9 th July 2020. It is claimed one Councillor in particular attended with a predetermined and biased mind-set. | Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further as the points raised do not amount to a breach of the code of conduct. | |
| 2020/06 | City | Resident | 14/07/20 | The complaint concerns a Councillor's participation at the Staffing and Urgency Committee that discussed the early retirement of a Chief Officer and the lack of Declaration of Interest. | Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further. | Subject matter of complaint has already been subject of an investigation or other action relating to the Code of Conduct or subject of an investigation by other regulatory authorities. |
| 2020/07 | Parish | Parish | 16/07/20 | The complainants have put in a joint complaint about their fellow Councillor. The complaint focuses on the Councillor's attendance at meetings, his general tone of communication and behaviour amongst other things. | Closed as subject Parish Councillor has resigned. | This complaint is currently being investigated. Closed as subject Parish Councillor has resigned. |
| 2020/08 | Parish | Resident | 23/07/20 | The formal complaint submitted is with regards to the integrity, | Closed as subject Parish Councillor has resigned. | This complaint is currently being investigated. |

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| | | | | honesty and bullying behaviour of the Councillor. | | Closed as subject Parish Councillor has resigned. |
| 2020/09 | Parish | Parish | 24/07/20 | The complainant has put in a formal complaint with regards to the Councillor behaving in a 'disrespectful and intimidatory' manner. The complainant has given multiple examples of the behaviour. | Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further. The documents provided did not provide sufficient evidence of disrespectful and intimidatory behaviour. Comments made amount to freedom of speech and does not extend beyond that. | Closed |
| 2020/11 | Parish | Parish Councillor | 27/08/20 | The complainant has put in a formal complaint with regards to a Councillor's behaviour at council meetings. The complainant has given multiple examples of the behaviour. This is a counter complaint to 2020/09. | Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further. The evidence provided did not provide sufficient evidence of behaviour amounting to a breach of the Code. Comments made would amount to freedom of speech and did not extend beyond that. | Closed |
| 2020/16 | Parish | Parish | 25/11/20 | The complainant claims the councillors displayed bullying behaviour at meetings and over email. The complainant advised | Closed | This complaint has been assessed and is due to be allocated to an investigating officer. |

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| | | | | the councillor's behaviour towards the PC has been unreasonable and unprofessional. Multiple examples of behaviour provided. | | Complaint withdrawn at request of complainant. |
| 2021/02 | CYC | York Resident | 16/01/21 | The complainant alleges that proper process was not followed at a Committee meeting and sufficient information was not provided to attendees at the meeting to make an informed judgement. | Closed – the complaint was assessed and the views of an Independent Person sought. It was determined the complaint would not be taken further as the allegations do not breach the code of conduct. | |

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of the Local Government Act 1972.

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