

Public Report

Report of the Monitoring Officer

Code of Conduct Complaint received in respect of a City of York Councillor

Summary

1. To consider a Complaint in respect of the Code of Conduct received in respect of a City of York Councillor to determine if they should be investigated in accordance with the procedure for handling received Code of Conduct Complaints.

Background

2. The Monitoring Officer has received a complaint in respect of a City of York Councillor and it is necessary for the same to be considered in accordance with the Council's published procedure for the handling of the complaint received in respect of alleged breach of the Code of Conduct.
3. The Monitoring Officer has requested a meeting of the Sub Committee of the Joint Standards Committee to determine if the complaint received should be investigated.

Role of the Sub Committee

4. The Procedure for the handling of a complaint states the following at Section 4:
 - a. *Occasionally, the Monitoring Officer may decide that the decision as to whether a complaint should be investigated should be made by members of the Joint Standards Committee. In this case a small Sub Committee of 2 Members of the Joint Standards Committee which consists of City and Parish Councillors will meet to consider your complaint. At least 1 Independent Person will be present or*

will be consulted ahead of the Sub Committee considering your complaint.

b. Examples of matters which the Sub Committee will consider include multiple complaints made about the same Councillor, counter complaints made by Councillors about each other, vexatious or repeated complaints or where special procedures may need to be implemented to classify complaints.

5. The options available to the Sub Committee are as follows:

- Rule that the complaint in respect of the City of York Councillor does not fall within the remit of the Code of Conduct. This will mean that no further action is taken and the matter is brought to a close. There are no rights of appeal to this decision; OR
- Rule that the complaint should progress to an investigation. This will mean that the Monitoring Officer will appoint an Investigating Officer in accordance with the Procedure for the handling of complaint.

Implications

Financial

6. Not applicable to this report.

Human Resources (HR)

7. Not applicable to this report.

Equalities

8. The City of York Councillor who is the subject matter of this complaint has been offered the support of an Independent Person as part of this process.

Legal

9. The Monitoring Officer is required to consider all formal complaints received in respect of the Code of Conduct in line with the published Procedure for managing Code of Conduct Complaints.

Crime and Disorder, Information Technology and Property

10. Not applicable to this report.

Recommendations

11. The options available to the Sub Committee are as follows:

- Rule that the complaint in respect of the City of York Councillor do not fall within the remit of the Code of Conduct. This will mean that no further action is taken and the matter is brought to a close. There are no rights of appeal to this decision; OR
- Rule that the complaint should progress to an investigation. This will mean that the Monitoring Officer will appoint an Investigating Officer in accordance with the Procedure for the handling of complaint.

Author & Chief Officer responsible for the report:

Janie Berry

Director of Governance &
Monitoring Officer

01904 555385

Report
Approved



Date 15/10/2020

Specialist Implications Officer(s): none

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- City of York Council Code of Conduct and Procedure for Handling of Complaints
- City of York Council Constitution