

Joint Standards Assessments Sub-Committee

15 December 2021

Public Report

Report of the Monitoring Officer

Code of Conduct Complaint received in respect of a Parish/Town Councillor

Summary

1. To review the draft report of the Investigating Officer as a result of a Code of Conduct complaint made in respect of a Parish/Town Councillor.

Recommendations

2. The options available to the Sub-Committee are as follows:
 - 1) Rule that the draft report is not complete and that further investigation needs to take place. This will mean that the draft report will be returned to the Investigating Officer with a recommendation as to areas for further investigation.
 - 2) Rule that the report is complete and the finding is accepted. The Sub-Committee will need to determine next steps, which may include a recommendation that the case be referred for a hearing.
 - 3) Rule that the report is complete but the finding is not accepted. 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.

Background

3. The Monitoring Officer received complaints in respect of a Parish/Town Councillor and it is necessary for this to be considered in accordance with the Council's published procedure for handling such complaints received in respect of the alleged breaches of the Code of Conduct.

4. The Joint Standards Committee Assessment Sub-Committee met on 29 April 2021 in order to consider the complaints and decided that the complaints should progress to investigation. The Sub-Committee decided that an external Investigating Officer was to be appointed. As a result of this, the Monitoring Officer appointed an external Investigating Officer in accordance with the procedure. The reason for this was because the Sub-Committee considered that further information was required before a decision could be made in the case.

Current Position

5. An external Investigating Officer was appointed who conducted an investigation. The Investigating Officer found that the Town/Parish Councillor had breached the Code of Conduct.

Options

6. The Sub-Committee must now consider the following options:
 - a. The report is not complete and that further investigation needs to take place.
 - b. The report is complete and the finding is accepted.
 - c. The report is complete but the finding is not accepted.

Implications

Financial

7. Not applicable to this report.

Human Resources (HR)

8. Not applicable to this report.

Equalities

9. The Councillor has been offered the support of an Independent Person as part of this process.

Legal

10. 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 (IT) and Property

11. Not applicable to this report.

Other

12. Not applicable to this report.

Contact Details

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Report **Date** 7 December 2021
Approved

Wards Affected: All

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