

Joint Standards Assessments Sub-Committee

30th March 2023

Report of the Deputy Monitoring Officer

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

Summary

1. To consider the investigation report relating to two complaints of breach of the Code of Conduct received in respect of a City of York Councillor and determine next steps.

Recommendations

2. The options available to the Sub-Committee are as follows:
 - a. rule that there has been no breach of the Code;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter to the JSC for determination

Option A is recommended in respect of each complaint.

In either case there are no rights of appeal to this decision.

Background

3. On 23 May 2022, two complainants lodged Code of Conduct complaints with the Council's Monitoring Officer relating to comments made in public.
4. The. Complainants allege the following parts of the Councillor Code of Conduct have been breached:
 - a. Failure to treat others with respect.

- b. Bringing the council into disrepute.
- c. Using, or attempting to use, their position improperly to the advantage or disadvantage of their self or anyone else.

Procedure

- 5. The former Monitoring Officer (“MO”) applied an initial filter and referred the matter for investigation. Cathryn Moore, Corporate Business Partner, Legal Services, was appointed by the Deputy Monitoring Officer to complete the investigation.
- 6. Under the Case Handling Procedure set out in Appendix 29 of the Constitution (the “Procedure”), cases of complaints by or against a member of the Executive or Shadow Executive or a committee chair or deputy, must be referred to a JSC Sub Committee. This provision applies.
- 7. Pursuant to paragraph 25 of the Procedure, where the investigation has not been personally conducted by the MO, the final decision as to the findings of the report will be made by the MO
- 8. The current Monitoring Officer has reviewed the investigation report and adopts the findings which are that there has been no breach of the Code of Conduct.
- 9. If the Committee disagrees with this finding then it may refer the matter to a hearing panel which must convene within 2 months, or seek to resolve the matter informally. Possible informal resolutions are outlined in paragraph 14 of the Procedure, namely, apology, mediation meeting, notification to Group leader, training or something else.
- 10. The Investigation Report appears at Annex 1.

Options

- 11. The Sub-Committee must now consider the following options:
 - a. rule that there has been no breach of the Code;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter to the JSC for determination

Implications

Financial

12. There will be costs incurred in the event that the matter progresses to a hearing panel.

Human Resources (HR)

13. Not applicable to this report.

Equalities

14. Councillors are offered the support of an Independent Person as part of the Complaints Handling Procedure.

Legal

15. 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

16. Not applicable to this report.

Other

17. Not applicable to this report.

Contact Details

Author and Officer

Responsible for the report:

Frances Harrison

Deputy Monitoring Officer

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Report
Approved



Date 20th March 2023

Wards Affected: All

All



For further information please contact the author of the report

Background Papers:

- City of York Council Member Code of Conduct
- City of York Council Code of Conduct and Procedure for Handling of Complaints
- City of York Council Constitution
- <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respect>

Annexes:

- Annex 1 – Investigation Report