

Joint Standards Assessments Sub-Committee

9 August 2022

Public Report

Report of the Deputy 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 next steps.

Recommendations

2. The options available to the Sub-Committee are as follows:
 - a) 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.
 - b) Rule that the report is complete and the finding is 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.
 - c) Rule that the report is complete but the finding is not accepted. This will mean that the Sub-Committee may recommend that the case be referred for a hearing.

Background

3. The Monitoring Officer received a complaint in respect of a City of York Councillor and it is necessary for this to be considered in accordance with the Council's published procedure for handling the complaint received in respect of the alleged breach of the Code of Conduct.

4. On 13th January 2022, the Joint Standards Assessments Sub-Committee considered the Complaint and also the Procedure for handling of complaints. The Sub-Committee determined that the Complaint should progress to an investigation and the Deputy Monitoring Officer appointed an External Investigating Officer in accordance with the Committee decision.

Current Position

5. An Investigating Officer was appointed who conducted an investigation. The Investigating Officer found that the Councillor did not breach the Code of Conduct.

Options

6. The Sub-Committee must now consider the following options:
 - a) The report is not complete and 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/Deputy 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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Chief Officer Responsible for the report:

**Janie Berry
Monitoring Officer**

Report **Date** 20th July 2022
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