

**Joint Standards Assessments Sub-Committee**

**9 August 2022**

**Public Report**

Report of the Monitoring Officer

**Code of Conduct Complaint received in respect of City of York Councillors**

**Summary**

1. To consider a Complaint in respect of the Code of Conduct received in respect of 3 City of York Councillors and 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. On 6<sup>th</sup> October 2021 the Monitoring Officer received a complaint alleging that 3 City Councillors had breached the Code of Conduct.

4. On 9<sup>th</sup> December 2021, 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 Monitoring Officer appointed an External Investigating Officer in accordance with the Committee decision.
5. The complainant alleges that the Councillors have been disrespectful.

#### Current Position

6. The External Investigator has concluded that a complaint against one City of York Councillor is not upheld.
7. The External Investigator has concluded that the complaints are upheld in respect of the remaining two City of York Councillors.

#### **Options**

8. 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.
9. The Joint Standards Assessment Sub Committee must also consider whether this matter should be referred to a Joint Standards Hearing Panel for final determination.

#### **Implications**

##### **Financial**

10. Not applicable to this report, however it should be noted that costs have been incurred by the virtue of the appointment of an External Investigator.

##### **Human Resources (HR)**

11. Not applicable to this report.

### **Equalities**

12. The Councillors have been offered the support of an Independent Person as part of this process.

### **Legal**

13. 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**

14. Not applicable to this report.

### **Other**

15. Not applicable to this report.

## **Contact Details**

**Author and Chief Officer  
Responsible for the report:**

**Janie Berry  
Director of Governance &  
Monitoring Officer**

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**Report**  **Date** 14<sup>th</sup> 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
- Joint Standards Assessment Sub Committee Agenda, Reports and Minutes held on 9th December 2021