

CITY OF YORK COUNCIL
Joint Standards Committee
Hearings Sub Committee – 2 September 2022
Code of Conduct Complaints Relating To City of York
Council and Haxby Town Council

DECISION NOTICE

In Attendance:

Hearing Panel:

Parish Councillor S Rawlings (Chair)
Councillor M Rowley BEM
Councillor M Pavlovic

Advisors to the Hearing Panel:

Alex Oram, Independent Person
Janie Berry, Monitoring Officer, City of York Council
Frances Harrison, Deputy Monitoring Officer

Investigating Officer:

Stephen Pearson, externally appointed Investigating Officer

Complainant and Subject Member:

Councillor M Guilford, Haxby Town Council (complainant)
Councillor E Pearson, City of York Council and Haxby Town
Council (subject member)

Councillor Guilford attended the hearing.
Councillor E Pearson sent his apologies and did not attend the
hearing though he did provide a written position statement for
the Panel's consideration.

Witness:

Councillor T Carmichael, Haxby Town Council – called at the
request of the Panel.

Background

The Hearing Panel, a sub-committee of the Joint Standards Committee, was constituted in accordance with procedures approved by the City of York Council's Joint Standards Committee to consider one complaint in relation to the conduct of Councillor E Pearson of City of York Council and Haxby Town Council.

The Hearing Panel noted that the complaint was submitted on 23rd October 2021.

The Hearing Panel had the benefit of an Investigating Officer report prepared by Stephen Pearson, an externally appointed Investigator.

The Hearing Panel did hear from one witness, called at the request of the Panel, and also took into careful consideration all written material and statements provided either in support of or to counter the complaint.

The Hearing Panel considered the allegations in light of the Joint Standards Committee published criteria for the assessment of complaints.

The Panel noted that Councillor E Pearson had been offered the support of Alex Oram, Independent Person.

Evidence and Finding of Fact

The Panel was concerned with one complaint received from Councillor Guilford in respect of Councillor E Pearson of City of York Council and of Haxby Town Council. At the time of making the complaint, Councillor Guilford was the Chair of Haxby Town Council. Councillor E Pearson is the Ward Councillor for Haxby and is also a Haxby Town Councillor. Councillor E Pearson was elected to City of York Council in May 2019 and was co-opted to Haxby Town Council in December 2020.

The Panel carefully considered the wording of the City of York Council Code of Conduct which was in place at the time of this complaint.

The Panel carefully considered the wording of the Haxby Town Council Code of Conduct which was in place at the time of this complaint.

The Panel is satisfied that the Investigating Officer gave ample opportunities to Councillor E Pearson to provide evidence and respond to the draft investigation report prior to its completion.

The Panel has carefully considered the written material provided by Councillor E Pearson and noted that Councillor E Pearson wished to contest a number of issues in the Investigation Report and the Investigating Officers findings.

The Panel took time to hear from Councillor Guilford and Councillor Carmichael.

The Panel was disappointed that Councillor E Pearson did not fully engage with the investigation procedures supporting the Code of Conduct.

Conclusions

The Panel were distressed to hear the evidence from Councillor Guildford from when he chaired meetings of Haxby Town Council and has every sympathy and notes that Councillor E Pearson did little to make Councillor Guildford's job any easier.

The Panel has significant concerns and notes that unfortunately circumstances at Haxby Town Council, including the absence of the former clerk, meant that the investigating officer was unable to obtain their views and unfortunately there was insufficient evidence for the Panel to confidently state that Councillor E Pearson's behaviour was confirmed and as such the Panel is unable to say there has been a breach and has to find that the complaint is not proven.

The Panel has been invited to consider whether Councillor E Pearson sought improperly confer an advantage on a person (constituting a breach within paragraph 3.1 of the Haxby Town council Code and also paragraph 3(8) of the City of York Code of Conduct), (being his mother, who was also elected to the Haxby Town Council) by making inappropriate threats to support her political ambitions. The Panel noted that the complaint was received on 23rd October 2021 however Ruth Pearson was not elected to Haxby Town Council until 25th

November 2021. As Councillor Ruth Pearson was not a Haxby Town Council at the time the complaint was received the Panel has come to the conclusion that this element of the complaint is out of scope. However, the Panel is of the view that had this been in scope it would have constituted a serious breach of the Code of Conduct.

However the Panel is mindful that Haxby Town Council is working to implement a significant Governance Action Plan previously recommended by the Joint Standards Committee. The Panel strongly urges Councillor E Pearson to fully participate and engage in this vital work.

The Panel's decision is final.

Parish Councillor S Rawlings
Councillor M Rowley BEM
Councillor M Pavlovic