

Joint Standards Committee

- To:** Councillors Rowley BEM (Chair), Douglas, Baker, Carr and Fisher (CYC Members)
- Cllrs Rawlings (Vice-Chair), Chambers and Waudby (Parish Council Members)
- Ms Davies and Mr Laverick (Independent Persons)
- Date:** Wednesday, 31 March 2021
- Time:** 4.00 pm
- Venue:** Remote Meeting

AGENDA

1. Declarations of Interest

Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of Annex B to Agenda item 11 (Monitoring Report in Respect of Complaints Received), on the grounds that it contains information which is likely to reveal the identity of individuals. This information is classed as exempt under Paragraph 2 of Part 1 of Schedule 12 A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006.

3. Minutes

(Pages 1 - 6)

To approve the minutes of the meeting of the Joint Standards Committee held on 20 January 2021.

4. Urgent Business

Any other business which the Chair decides is urgent under the Local Government Act 1972.

5. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is at **5.00pm on Monday, 29 March 2021.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting please contact Democratic Services. Contact details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

6. Draft Annual Report for 2020/21 (Pages 7 - 12)

This report provides an update on the Committee's draft Annual Report for the 2020/21 Municipal Year.

- 7. Update on Model Code of Conduct** (Pages 13 - 48)
This report provides an update on the Model Code of Conduct published by the Local Government Association.
- 8. Member Development** (Pages 49 - 50)
This report provides an update on Member Development and canvassing the views of Council Members on training and development.
- 9. Update on International Travel Protocol** (Pages 51 - 54)
This report updates the Committee on the draft International Travel Protocol discussed at the last meeting.
- 10. Review of Work Plan 2021/22** (Pages 55 - 58)
To consider the Committee's work plan for the coming year and decide whether any amendments or additions are required.
- 11. Monitoring Report in Respect of Complaints Received** (Pages 59 - 76)
This report updates the Committee on the position regarding ongoing complaints.

Democracy Officer:
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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

**Ta informacja może być dostarczona w twoim
własnym języku. (Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Minutes

Meeting	Joint Standards Committee
Date	20 January 2021
Present	Councillors Rowley (Chair), Fisher, Baker, Carr and Douglas
	Parish Councillors Chambers and Rawlings (Vice-Chair)
	Ms Davies and Mr Laverick (Independent Persons)

66. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, or any prejudicial interests or disclosable pecuniary interests which they might have in respect of business on the agenda. None were declared.

67. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annex B to Agenda Item 13 (Monitoring Report in Respect of Complaints Received), on the grounds that it contains information likely to reveal the identity of individuals, which is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

68. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 30 September 2020 be approved as a correct record, to be signed by the Chair at a later date.

69. Minutes of Sub-Committees

Resolved: That the minutes of the meeting of the Joint Standards Assessment Sub-Committee held on 26

October 2020 be approved as a correct record, to be signed by the Chair at a later date.

70. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke in relation to Agenda Item 13, expressing concerns about a number of complaints she had made and stating that these had not been adequately dealt with by the Monitoring Officer.

71. Draft Annual Report

Members considered a report which provided an update on the committee's draft Annual Report for 2019/20.

As agreed at the last meeting of the Committee, on 30 September 2020, a draft Annual Report had been prepared for Members' consideration; this was attached as Annex A to the report.

- Resolved: (i) That the draft Annual Report at Annex A be approved for submission to a future meeting of Full Council, subject to amendments to:
- include Parish Cllr Wiseman's first name in the first paragraph and the second bullet-pointed list under 'Membership of the Committee';
 - include the total number of complaints received in the first paragraph under 'Complaints';
 - remove the superfluous 'e' from the first paragraph on the final page.
- (ii) That preparation of the next Annual Report be included in the committee's work plan, with members to send any suggestions for inclusion in the Report to the Chair and Vice Chair.

Reason: To enable the committee to meet its obligation to report annually to Council.

72. Update on Model Code of Conduct

Members considered a report which provided an update on the Model Code of Conduct.

The final Model Code of Conduct approved by the Local Government Association (LGA) in December 2020 was attached as Annex A to the report. The next step was for the LGA to issue guidance based on key areas suggested during the consultation process.

The Monitoring Officer confirmed that no guidance was currently available on how and when the Code would be implemented and suggested that this be kept as a 'floating' item on the work plan pending receipt of additional information from the LGA.

Resolved: That the update from the LGA be noted and a further update be brought to the committee in due course.

73. Member Development

Members considered a report which invited them to discuss Member Development as part of review being carried out on the training provided to City of York Council Members.

Members discussed the training topics suggested in the report, namely; Licensing, Planning, Standards, Information Governance, Safeguarding and Corporate Parenting. They drew attention to other potential topics and areas of concern, including chairing skills, computer systems, casework, the quality of induction training for new Members, the regularity of refresher training and the need to maintain accurate training records.

Resolved: (i) That the Chair and Vice-Chair compile a list of 4-5 questions aimed at canvassing the opinions of Council Members on Member Development and Training, including potential platforms for delivery and areas in which training could be mandatory.

(ii) That the questions be circulated to committee members for comment before they are shared with Group Leaders as part of the review.

(iii) That an update report be brought to a future meeting.

Reason: To help improve the training and development provided to Council Members.

74. Update on International Travel Protocol

Members considered a report which provided an update on the International Travel Protocol, as requested at the last meeting, on 30 September 2020.

Members' views were sought on an updated version of the draft Protocol, attached at Annex A to the report, before its presentation to Audit & Governance Committee and then Full Council.

During their discussion, Members pointed out a typographical error in the first paragraph and commented that the Protocol should:

- clarify the payment of expenses during any trip (room service, drinks etc.);
- aim to minimise travel by air, given the council's commitment to carbon reduction;
- be clear that international travel will only be funded in exceptional circumstances.

Resolved: (i) That the report be noted and the protocol be amended to take account of Members' comments.

(ii) That the final version of the draft Protocol be brought to the next meeting, on 31 March.

Reason: To ensure that the committee's views are taken into account.

75. Update on Parish Council Membership

Members received a report which updated them on the steps taken to fill the current Parish vacancy on the committee.

The Yorkshire Local Councils Association was conducting the ballot on behalf of the council. The closing date for nominations from parish and town councils was 22 January 2021. If a ballot was required, this would take place in February.

The Monitoring Officer and Deputy Monitoring Officer confirmed that they would be happy to attend parish council meetings in order to build links and assist in interpreting codes of conduct.

Resolved: That the update on the steps being taken in order to ensure that full membership of the Joint Standards Committee is maintained be noted.

76. Review of Work Plan for 2020/21

Members considered the committee's work plan for the current municipal year.

Resolved: That the work plan be approved subject to the following additions to the meeting on 31 March 2021:

- Member Development
- Draft Annual Report 2020/21
- International Travel Protocol

Reason: To ensure that the committee has a planned programme of work in place.

77. Monitoring Report in respect of Complaints Received

Members considered a report which provided an update on the current position of ongoing complaints.

An anonymised list of complaints was attached as Annex A to the report. Further details of these were provided in an exempt list at Annex B. Discussion of the latter took place in private session.

Members noted the high proportion of complaints on the list made by parish councillors against one another and discussed how this might be addressed. Officers confirmed that such complaints were not consistent with the primary purpose of the Code of Conduct. With regard to comments made under Public Participation, officers stated that the complaints referred to had been dealt with and moved to the closed list that was available to Members on request.

Resolved: (i) That the report be noted.

- (ii) That future reports to the committee include a list of closed cases for the past 12 months, to be updated on a rolling basis.

Reason: To ensure that the committee maintains an overview of complaints cases that have been dealt with.

Cllr M Rowley, Chair

The meeting started at 4.00 pm and finished at 5.56 pm.



Joint Standards Committee**31 March 2021**

Report of the Monitoring Officer

Draft Annual report for 2020/2021**Summary**

This report provides the Joint Standards Committee with an update on the draft Annual Report for 2020/2021.

Background

It is good practice for the Monitoring Officer to prepare an Annual Report at the start of each municipal year, setting out work undertaken by the Joint Standards Committee during the previous year.

The Monitoring Officer is currently preparing a draft report which is attached to this report at Annex A. It is hoped that a final draft can be prepared and circulated to Members in readiness for the next meeting of the Joint Standards Committee.

The Annual Report will provide include a breakdown of complaints received during the municipal year, as well as work undertaken by the Committee throughout the year.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

The Equality Act 2010 places specific duties on Local Authorities, and Members, including Members of the Joint Standards Committee who play a vital role in ensuring that equality issues are integral to the aims

and performance of a Local Authority. Providing an Annual Report of work undertaken by the Committee, providing an overview of the Code of Conduct complaints received and reviewing the procedures in place for such complaints ensures that all Members adhere to the principles of the Act.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members are recommended to note the report and provide their views on the draft Report, ahead of it being presented to Full Council later in the year.

Author:

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the report:

Janie Berry

Director of Governance &
Monitoring Officer

Tel: 01904 555385

Report
Approved

Date 22 March
2021

Specialist Implications Officer(s):

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- Annex A – Draft Annual Report 2020/2021



Draft Annual report for 2020/2021

Foreword from the Chair of the Joint Standards Committee

[XXX]

The Coronavirus pandemic affected the first scheduled meeting of the municipal year. However, since July 2020 remote meetings have been taking place throughout the rest of 2020 and into 2021.

Membership of the Committee

The Committee would like to thank all of its Members for supporting and attending the meetings during this year. The Committee appointed Councillor Martin Rowley as the Chair and Parish Councillor Stuart Rawlings as the Vice Chair.

City of York Council:

- Councillor Martin Rowley
- Councillor Claire Douglas
- Councillor Rosie Baker
- Councillor David Carr
- Councillor Tony Fisher

Parish Councils

- Councillor Stuart Rawlings
- Councillor Christopher Chambers
- Councillor Sian Wiseman

Earswick Parish Council tendered their resignation as Members of the Joint Standards Committee during this municipal year and the Committee would like to thank Parish Councillor Sian Wiseman and Earswick Parish Council for their support over the last few years.

At the request of the Monitoring Officer, the Yorkshire Local Councils Association conducted a ballot across Parish and Town Councils in the City of York area and the Joint Standards Committee would like to welcome Parish Councillor Mark Waudby of Rawcliffe Parish Council to the Joint Standards Committee from March 2021.

Independent Persons

- Angharad Davies
- David Laverick

Complaints

During the municipal year 2020-2021, the Council received XX complaints.

Of these XX complaints related to XX City of York Councillors and XX complaints related to XX Parish Councillors.

XX complaints were upheld;

XX complaints were not upheld; and

XX complaints did not meet the published criteria for investigation, XX of these complaints were determined by a sub-committee formed by the Joint Standards Committee.

XX complaints are yet to be concluded, this is due to XX.

All of the complaints received have been reported to meetings of the Joint Standards Committee throughout the year.

Other work

Model Code of Conduct for Members

At the beginning of this municipal year, the Local Government Association conducted a consultation exercise in relation to a Model Code of Conduct for Members which they had produced. The Monitoring Officer, on behalf of the Joint Standards Committee participated in this exercise and work is ongoing to look to implement the Model Code and consider any guidance which is published in the coming months. Key areas raised by the Committee included social media, bullying and harassment, including ensuring that all protected characteristics were included within the definition found in the Model Code and also gifts and hospitality.

In December 2020 the LGA approved a final Model Code of Conduct, which was circulated to the Joint Standards Committee in January 2021. Members decided that the Model Code should remain as a standard item at Joint Standards Committee meetings in order that any guidance issued in the future by the LGA can be considered and that the Council's Code of Conduct meets any requirements set out within the Model Code.

Dispensation of the 6 Month Rule during Lockdown

The Committee noted a dispensation given by the Monitoring Officer of the 6 month rule for City of York Councillors in relation to attendance at meetings in light of the Coronavirus Pandemic and the provision of remote meetings.

The Committee also noted a further dispensation which allowed Members to take part in a specially convened Customer and Corporate Services Scrutiny Management Committee Meeting in September 2020. The dispensation allowed the

Meeting Members who also were Planning and Area Planning Committee Members to take part in the Meeting without future risk of pre-determination.

Member Development

The Joint Standards Committee considered a report advising on Planning and Pre-Determination, which was noted, and it was agreed that this advice would form part of a larger review around Member Development, which is ongoing. The Joint Standards Committee are seeking the views of Group Leaders before further consideration of Member Development takes place in the next municipal year.

Parish Council Membership

As briefly mentioned, as a result of Earswick Parish Council's resignation, a ballot took place to fill the vacancy on the Joint Standards Committee. Parish Councillor Mark Waudby of Rawcliffe Parish Council has now filled the vacancy.

Work is ongoing around supporting the work of Parish Councils, which will include consideration of whether the work around Member Development can include Parish Councils. A report around the Parish Charter will be presented to the Joint Standards Committee early in the next municipal year, in order to improve relations and strengthen the working relationship between the Council and Parish Council's across the City.

Review of the Constitution

A review of the Council's Constitution is currently taking place and as part of this review, the Joint Standards Committee have considered a draft International Travel Protocol. Work is ongoing around finalising this draft.

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Joint Standards Committee**31 March 2021**

Report of the Monitoring Officer

Update on Model Code of Conduct**Summary**

This report provides Members with an update on the Model Code of Conduct.

Background

Members will recall that the Local Government Association (LGA) published a Model Code of Conduct in December 2020. It appears that an updated version of the Model Code has been published in January 2021, this new version of the Model Code can be found at Annex A.

The Model Code is voluntary and Local Authorities are able to adopt the Model in its entirety or not at all, or adapt it to suit the needs of the local circumstances. Parish Councils may also wish to adopt the Model Code, and again, if they do wish to adopt it, they can adopt it in part or as set out within Annex A.

A copy of the current Code of Conduct, can be found at Annex B.

Members are asked to consider whether the new Model Code, or any part of it, should replace the current Code of Conduct, or, whether the Council's current Code of Conduct for Members should remain in place as it is.

The LGA has stated that it will review the Model Code annually, therefore, if Members do adopt the Model Code, they may wish to also review the adopted Code annually to ensure that it remains fit for purpose and up to date.

New Model Code of Conduct for Members

The Model Code sets out on page 1 a "Joint Statement". The City of York Council Code does not currently have an overarching statement by way of an introduction, therefore, Members may wish to adopt the wording of this statement in City of York Council's Code. The Model

Code also includes an introduction, which Members may also want to include. **Members are asked to consider whether the additional detail in these introductory parts of the Model Code are required for City of York Council's Code.**

On comparing the Model Code with the current Code of Conduct, there are areas of similarity, including:

- (1) Definitions – the wording within this part of the Model Code can be found within the Introduction and Definitions sections of the City of York Code. **Members are requested to consider whether to include the definitions in one section in the Council's Code or whether to adopt the wording in the Model Code.**
- (2) Purpose of the Code of Conduct – the wording within this part of the Model Code is again found within the Introduction section of the City of York Council Code, however, Members may feel that re-wording the York Code to reflect the Model Code may make it easier for Members and anyone reading it to understand and sets out clearer the purpose of the Code. **Members are asked to consider whether to adopt the purpose of the Code of Conduct in the Council's Code to along with the Definitions set out above to replace the current Introduction and Definitions sections.**
- (3) General Principles of Councillor Conduct – this section of the Model Code references the Seven Principles of Public Life. The Council's Code does set out these principles briefly within the Introduction, however, Members may wish to set out in its own section, the Seven Principles clearly and concisely as can be shown in the Model Code. **Members are requested to consider whether such additional requirements are necessary for the Council's Code.**
- (4) Application of the Code of Conduct – this section of the Model Code expands on the Council's Code within the Introduction section. The additional part which does not feature in York's Code is that it makes it clear that the Code applies as soon as a Member signs their declaration of acceptance of the Office of Councillor or attendance at their first meeting. Including this section may provide further clarity for Members. **It is recommended to Members that consideration is given to inclusion of this section in the Council's Code of Conduct.**
- (5) Standards of Councillor Conduct – this section of the Model Code sets out the minimum requirements of Member conduct and

includes guidance to help explain the reasons for the obligations and how they should be followed. The obligations are contained in the main in the Council's Code, however, the Model Code provides more detail around these obligations. The Council's Code includes respect, bullying, harassment and discrimination, impartiality, confidentiality and access to information, disrepute, use of position and use of resources. Members may wish to consider inclusion of the Model Code around compliance with the Code of Conduct and also Protecting Members Reputation and the reputation of the Local Authority. Members will recall that the LGA have advised that they will be issuing guidance in due course. This guidance has not yet been published and when the guidance is issued, this will provide further clarity, however, the inclusion of the Model wording may assist Members further at this time. **Members are requested to consider whether they wish to make any recommendations or changes to the general conduct provisions.**

(6) Gifts and Hospitality – this has been an area of discussion for Members and the Model Code requires Members not to accept any gifts or hospitality which could give rise to a real or substantive personal gain or a reasonable suspicion of influence by the Member. The Model Code also requires registration with the Monitoring Officer of any gift of hospitality of at least £50 within 28 days of receipt and the Model Code also includes a requirement to register any significant gift or hospitality which is offered but refused by the Member. In addition there is also guidance around gifts and hospitality in general terms too, which may aid Members when faced with such an offer. **Members are requested to consider whether they wish to incorporate any of these changes into the Council's Code of Conduct, and if they wish to make any amendments to the amount of any gift or hospitality.**

(7) Appendix A – sets out in full the Seven Principles of Public Life – **Members may wish to include the full wording of the principles into the Council's Code of Conduct.**

(8) Appendix B – Registering Interests – the Model Code sets out in more detail the process for Members to register interests, including Disclosable Pecuniary Interests, other Registerable Interests and Non Registerable Interests. **Members are requested to consider whether they wish to adopt the wording of the Model Code within the Council's Code.**

(9) Appendix C – The Committee on Standards in Public Life – this section references the report of the CSPL regarding Local Government Ethical Standards and sets out the CSPL’s best practice recommendations. Whilst this sets out examples of best practice, it is suggested that it is not necessary to include this Appendix in the Council’s Code of Conduct, which should focus on setting specific obligations by which Members should abide in a clear and concise way.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

The Equality Act 2010 places specific duties on Local Authorities. Having a clear and concise Code of Conduct which clearly prohibits unlawful discrimination gives the public confidence in Members and the Council as a whole.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

That the Joint Standards Committee reviews the Council’s Code of Conduct, in light of the new Model Code to determine whether it wishes to adopt the Model Code or if any amendments should be made to the current Code of Conduct in light of the new Model.

Author:

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Chief Officer Responsible for the report: Janie Berry

Director of Governance &

Monitoring Officer

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**Report
Approved**

Date 22 March
2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- **Annex A – Model Code of Conduct – January 2021**
- **Annex B – Code of Conduct**

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Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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Section 5A: Members' Code of Conduct

Part 1: General Provisions

Introduction

1. (1) This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of the City of York Council.
- (2) This Code also applies to any person appointed as a co-opted member of the City Council or any of its Committees when acting as such.
- (3) A person will be acting as a Councillor or as a co-opted member when:
 - Present at formal meetings of the Council.
 - Performing duties entrusted to them by the Council
 - Performing functions associated with the ordinary role of Councillor – such as undertaking casework for residents
 - Otherwise acting, claiming to act or giving the impression that they are acting as a Councillor

But a person will not be acting as a Councillor or as a co-opted member when acting as a trustee or director of another organisation even where the appointment to that role was made by the Council.

- (4) The Code has been adopted by the City Council and is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Definitions

2. (1) A “co-opted member”, is a person who is not an elected member of the authority but who –

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority and
- in either case is entitled to vote at any meeting of that Committee or sub-committee
- (2) "Meeting" means a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority or of the Executive or any committee of the Executive.
- (3) A "sensitive interest" is one where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees.

General Duties as to Conduct

3. (1) You must treat others with respect, including Council Officers and other elected Members.
- (2) You must not do anything which may cause the Council to breach any equality enactment.
- (3) You must not bully or harass any person (including specifically any Council employee) and you must not intimidate, or improperly influence, or attempt to intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this Code of Conduct.

NOTE: Bullying may be characterised as:

- Offensive, intimidating, malicious or insulting behaviour, or,
- An abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms and may relate to a variety of issues. For example, bullying and harassment may relate to:

- Age
- Disability
- Gender reassignment
- Race
- Religion
- Belief
- Sex
- Sexual orientation.

However, this list is not exhaustive and any form of bullying or harassment is prohibited by this Code of Conduct.

- (4) You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality.
- (5) You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - (a) You have the permission of a person authorised to give it; or
 - (b) You are required by law to disclose the information; or
 - (c) You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees

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- not to disclose the information to any other person; or
- (d) The disclosure is reasonable; and is in the public interest; and is made in good faith.
- (6) You must not prevent another person gaining access to information which that person is entitled by law.
 - (7) You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute.
 - (8) You must not use your position as a Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
 - (9) When you use or authorise the use by others of the resources of the Council you must:
 - (a) Abide by the Council's reasonable requirements; and
 - (b) Ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
 - (10) You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.
 - (11) You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected Members or co-opted Members and which the Council has specifically declared should fall within the provisions of this Code of Conduct. This includes the Protocol on Officer/Member Relations and the Code of Good Practice for Councillors involved in the Planning Process.

- (12) In the event of a complaint being made alleging a breach of this Code of Conduct, you must co-operate fully and honestly with any formal standards investigation carried out by the Council. You should not instigate complaints under this Code which are politically motivated, malicious or trivial in nature where further action would be disproportionate or not in the public interest.

Part 2: Interests**Disclosable Pecuniary Interests*****Registration of disclosable pecuniary interests***

4. (1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. These will be included in the register of interests which is published on the Council's website

Definition of disclosable pecuniary interests

- (2) A 'disclosable pecuniary interest' is an interest of a kind described in the first schedule to this Code. An interest is disclosable if the interest is of yours or of your partner. Your partner means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Non participation in items of business in the case of disclosable pecuniary interest

- (3) Where a matter arises at a meeting which relates to one of your disclosable pecuniary interests,
- (a) You may not participate in any discussion of the matter at the meeting.
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place.

Non participation in individual executive decision making in case of disclosable pecuniary interest

- (4) Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

Notification of Interests

5. (1) In addition to the disclosable pecuniary interests you must, notify the Monitoring Officer of any interests you have of a kind described in the second schedule. You must make that notification within 28 days of this Code coming into effect or of you becoming a Member or co-opted Member if that is later.
- (2) You must notify the Monitoring Officer of any changes to these interests or of any new interests within 28 days of becoming aware of them.

Disclosure of Interests

6. (1) You have a personal interest in any business of your authority where it relates to or is likely to affect you, a body named in the second schedule or any person with whom you have a close association.
- (2) If you are present at a meeting and you have a personal interest in any matter to be considered or being considered at the meeting:
 - (a) If the interest is not registered, you must disclose the interest to the meeting.
 - (b) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (3) If you have a personal interest and a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it would be likely to prejudice your judgement of

the public interest then you have a prejudicial interest. This is subject to the exceptions set out in paragraph 6.4.

- (4) You do not have a prejudicial interest in any business of the authority where that business:
- (a) Does not affect your financial position or the financial position of a person or body named in the second schedule;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in the second schedule; or
 - (c) relates to the functions of your authority in respect of;
 - (i) Housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) An allowance, payment or indemnity given to members;
 - (v) Any ceremonial honour given to members; and
 - (vi) Setting council tax or a precept under the Local Government Finance Act 1992.
- (5) A member with a prejudicial interest must leave the room

During the debate and voting on the matter in question.

Sensitive Interests

7. (1) If you have a sensitive interest which is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.
- (2) If you are required to declare a sensitive interest at a meeting you need only declare the fact of the interest and not the details of the interest itself.

Dispensations

8. (1) The Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he or she has a disclosable pecuniary interest or a prejudicial interest. The Council may grant such a dispensation if:
 - It believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
 - considers that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote relating to the business
 - It is in the interests of the inhabitants in the Council's area to allow the member to take part; or
 - It is otherwise appropriate to grant a dispensation.
- (2) The Council has granted the Monitoring Officer in consultation with the Chair of the Joint Standards Committee the power to grant dispensations. These can only be granted following a written request from the Member and the existence of and reason for the dispensation should be recorded in the minutes of the meeting.

First Schedule – Interests which are Disclosable Pecuniary Interests

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial</p>

	interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and (b) either— i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) of the Act;

“relevant person” means you or any your partner as defined in paragraph 4.2

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

Second Schedule – Other Interests

1. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
2. Any body —
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
3. Any person from whom you have received the offer of a gift or hospitality with an estimated value of more than £50 (whether or not you accept the offer) which is attributable to your position as an elected or co-opted member of the Council.



Joint Standards Committee**31 March 2021**

Report of the Monitoring Officer

Update on Member Development**Summary**

This report provides an update on Member Development.

Background

At the last Joint Standards Committee Meeting in January 2021, Members resolved that the Chair and Vice Chair would compile a list of questions aimed at canvassing the opinions of Council Members on Member Development and Training. The questions would then be circulated to Members for comment before they are shared with Group Leaders as part of the review.

The Chair and Vice Chair have compiled the following list:

1. Do Members have a preferred platform for training to be conducted? This can include face to face training, or online training.
2. What are Members thoughts on areas of training which should be mandatory and areas considered optional?
3. Who should monitor Members to ensure that they are attending any required training?
4. Who should provide the training?

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

Regular Member Development on a range of topics could include training around Equality Act implications for Members to ensure that they meet the aims of the statutory framework and ensure that Local Authority functions can be conducted with the Act as a key factor in their work.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members views are sought around the 4 questions around Training and Development.

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Chief Officer Responsible for the report: Janie Berry

Director of Governance &

Monitoring Officer

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**Report
Approved**

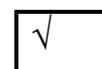


Date 22 March
2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All



For further information please contact the author of the report

Background Papers: None



Joint Standards Committee**31 March 2021**

Report of the Monitoring Officer

Update on Draft International Travel Protocol**Summary**

This report updates the Committee on the draft International Travel Protocol.

Background

The first draft of the International Travel Protocol was presented to the Joint Standards Committee in January 2021. Members made some amendments to the Protocol which are reflected in the document, which can be found at Annex A.

After consideration and comments of the Joint Standards Committee, the draft Protocol will be considered by Audit and Governance Committee as part of their review of the Council's constitution before being presented to Full Council at a future date.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

Decisions made under any changes to the Constitution as detailed within this report may be the subject of consideration of equalities implications by the Audit and Governance Committee as part of their review, before presentation to Full Council.

Legal

As detailed within the report.]

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

Members are recommended to note the report and provide their views on the draft Protocol document, complete with track changes as recommended at the January 2021 Joint Standards Committee Meeting, ahead of it being presented to Audit and Governance Committee and Full Council.

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**Report
Approved**

Date 22 March
2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- **Annex A – Draft International Travel Protocol**



Appendix ** DRAFT

Protocol for Members and Officers in respect of International Travel Applicable to both Councillors and Officers

All international travel journeys shall be undertaken for legitimate council business reasons only and will only be funded in exceptional circumstances.

- All travel arrangements will be confirmed as “economy class” or at the lowest costs to the public purse. Councillors and Officers would be able to upgrade their ticket but do so at their own personal expense.
- Councillors and Officers will provide the Council with confirmation that they there are no known medical reasons which could prevent them from undertaking international travel, flights etc.
- Subject to meeting health and any other requirements which may be deemed necessary in respect of the proposed travel arrangements and destination, the Council will provide appropriate insurance for the Councillor or Officer.

Air travel should be minimised in order to accord with the Council’s commitment to carbon reduction.

Actions to be taken prior to approval being granted

The Councillor or Officer will be required to (it is acknowledged that some of the details may be confidential):

- Clarify the purpose of the travel;
- Give details of the aims and objectives to be sought from this travel and how this would benefit City of York Council;
- Give reasons as to why this travel is essential and how the aims and objectives cannot be sought by other means e.g. virtual meeting
- Explain what the Councillor or Officer hopes to get out of the proposed trip.

Upon returning from an approved trip, the Councillor or Officer will be required to (it is acknowledged that some of the details may be confidential):

- Provide feedback from the authorised trip;
- Detail the achieved outcomes and how this will be actioned;
- Detail how City of York Council will benefit as a result of this authorised trip;
- Clarify, where requested, the payment of any expenses during the trip (i.e. room service, drinks, etc).

Applicable to Councillors only

Authorisation for expenditure for international travel shall be sought from the s151 Officer.

Applicable to Officers only

The Council's Corporate Management Team will authorise expenditure for international travel for officers following consultation with the s151 Officer.

Work Plan for Joint Standards Committee 2020-21

Meeting Date (4.00pm start time)	Items	Notes
Wednesday 22 July 2020	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Dispensation of the 6 month rule for City of York Councillors and attendance at meetings • LGA consultation on a Model Code of Conduct for Elected Members • Review of work plan 	Standard item
Wednesday 30 September 2020	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Report on Parish Council membership • Dispensation granted to City of York Council elected Members • Planning and pre-determination: advice for Council Members and the role of JSC in disseminating this • Update on whistleblowing policy • DBS checks and remit of JSC • International travel protocol • Report on how the JSC and CYC can better support Parish councils in their work. 	Standard item
20 January 2021	<ul style="list-style-type: none"> • Annual Report for Municipal Year 2019-2020 	

	<ul style="list-style-type: none"> • Update on Model Code of Conduct • Discussion on Member Development • Update on International Travel Protocol • Update on Parish Council Membership • Review of Work Plan for 2020/2021 • Monitoring report in respect of complaints received 	Standard item
31 March 2021	<ul style="list-style-type: none"> • Draft annual report for 2020-21 • Update on Model Code of Conduct • Member Development • Review of York's Parish Charter • Update on International Travel Protocol • Review of Work Plan • Monitoring report in respect of complaints received 	Standard item Standard item

Work Plan for Joint Standards Committee 2021-22

Meeting Date (4.00pm start time)	Items	Notes
TBC – June 2021	<ul style="list-style-type: none"> • Model Code of Conduct for Elected Members • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Items
TBC – September 2021	<ul style="list-style-type: none"> • Model Code of Conduct for Elected Members • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Items
TBC – November 2021	<ul style="list-style-type: none"> • Model Code of Conduct for Elected Members • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Items
TBC – January 2022	<ul style="list-style-type: none"> • Model Code of Conduct for Elected Members • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Items
TBC – March 2022	<ul style="list-style-type: none"> • Model Code of Conduct for Elected Members • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Items

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Joint Standards Committee**31 March 2021**

Report of the Monitoring Officer

Monitoring Report in respect of Complaints Received**Summary**

This report is to update the Committee on the position regarding ongoing complaints.

Background

The table attached at Annex A provides information about ongoing complaints.

Case references 739, 740 and 741 are now progressing as the outcome of investigations into the conduct by another party have now been concluded. A Joint Standards Assessment Sub Committee is due to be formed in order to conclude the assessment stage. Members of the Sub Committee will also be asked to consider reference 2021/06 which relates to the same Subject Member.

Case references 2020/04, 2020/13, 2020/14, 2020/15, 2020/18 and 2021/01 have all now been investigated and the draft report is with the parties, or comments from the parties are being considered before the draft report can be submitted to the Monitoring Officer. In the case of 2020/10, the draft report will be considered by the Joint Standards Assessment Sub Committee who determined that the matter be passed for investigation in 2020. Case 2020/18 will also be considered by a Sub Committee due to the comments raised by the complainant in the matter.

Case references 2020/12, 2020/17, 2020/19, 2020/20 and 2021/03 are all still under investigation.

Case reference 2021/02 and 2021/05 have been assessed and no further action is to be taken, therefore, these matters are now closed.

Case reference 2020/04 is currently being assessed.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

Maintaining standards across the City through the Code of Conduct ensures that an ethical framework can be adhered to, including ensuring that equality issues form an integral part of that framework.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

1. That the Joint Standards Committee notes the report, in order to ensure that the Committee is aware of the current levels of activity and is able to provide oversight of the complaints procedure.

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Report Approved

Date 22 March 2021

Specialist Implications Officer(s): None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- **Annex A – Table showing complaints received.**
- **Annex B - Exempt**

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Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status	Updates
739	Parish	Parish Councillor	15/11/19	Allegations that the subject member behaved aggressively towards the complainant.	The 3 rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.	The complaint is on hold pending the outcome of investigations into the conduct by another party.
740	Parish	Parish Councillor	13/11/19	Allegations that the subject member behaved aggressively towards a Clerk.	The 3 rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.	The complaint is on hold pending the outcome of investigations into the conduct by another party.
741	Parish	Parish Councillor	15/11/19	Allegations that the subject member verbally attacked the Chair and the Clerk and sent threatening emails.	The 3 rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.	The complaint is on hold pending the outcome of investigations into the conduct by another party.
2020/04	Parish	Parish Councillor	08/07/20	The complainant has put in 3 complaints about the behaviour of another Parish Councillor towards them.	This complaint is currently being investigated. Draft report now sent to the parties, they have until 19.03.21 to respond. Complainant has responded, awaiting comments from Subject PC.	Draft report is currently being finalised.
2020/07	Parish	Parish	16/07/20	The complainants have put in a joint complaint about their fellow Councillor. The complaint focuses on the Councillor's attendance at meetings, his general tone of communication and behaviour amongst other things.	This complaint is currently being investigated.	Closed as subject Parish Councillor has resigned.

2020/08	Parish	Resident	23/07/20	The formal complaint submitted is with regards to the integrity, honesty and bullying behaviour of the Councillor.	This complaint is currently being investigated.	Closed as subject Parish Councillor has resigned.
2020/09	Parish	Parish	24/07/20	The complainant has put in a formal complaint with regards to the Councillor behaving in a 'disrespectful and intimidatory' manner. The complainant has given multiple examples of the behaviour.	Closed - the complaint was assessed and the views of an Independent Person were sought. It was determined the complaint would not be taken further. The documents provided did not provide sufficient evidence of disrespectful and intimidatory behaviour. Comments made amount to freedom of speech and does not extend beyond that.	Closed
2020/10	City	Residents	12/07/20 - 24/07/20	Numerous complaints were received with regards to the Councillor's comments and behaviour on social media.	This complaint is currently being investigated. Draft report now finalised and sent to subject Councillor for comment. Comments received, sub committee to be reconvened to review findings.	Draft report is being finalised.
2020/12	CYC	Resident	11/09/20 / 16/09/20 (officially)	The complaint is in relation to the resident's planning application. The complainant claims the Councillor supported a council officer rather than providing a fair and neutral opinion as a Councillor and was inextricably linked to	This complaint is currently being investigated.	The subject matter of this complaint has been investigated by a 3 rd party, that has now concluded, therefore, this can now proceed.

				personal interests in relation to a committee meeting.		
2020/13	CYC	Parish	05/11/20	The complaint is in relation to an email sent by the Councillor – the complainant believes this is an offensive email in breach of the code of conduct.	This complaint is currently being investigated. Draft report prepared and to be sent to parties w/c 15.03.21 for comment.	This complaint has been passed to an investigating officer.
2020/14	Parish	Resident	18/11/20	The complainant would like a Parish Councillor investigated as personal animosity has been preventing the PC to serve the parishioners.	This complaint is currently being investigated. Draft report to be distributed to parties w/c 15.03.21.	This complaint has been assessed and is due to be allocated to an investigating officer.
2020/15	Parish	Parish	18/11/20	The complainant claims a Parish Councillor does not abide by the Code of Conduct in his behaviour towards the PC or to the residents that he should represent. The complainant states it is bullying and harassment.	This complaint is currently being investigated. Draft report to be distributed to parties w/c 15.03.21.	This complaint has been assessed and is due to be allocated to an investigating officer.
2020/16	Parish	Parish	25/11/20	The complainant claims the councillors displayed bullying behaviour at meetings and over email. The complainant advised the councillor's behaviour towards the PC has been unreasonable and unprofessional. Multiple examples of behaviour provided.	This complaint is currently being investigated. Complaint withdrawn at request of complainant.	This complaint has been assessed and is due to be allocated to an investigating officer.
2020/17	Parish	Parish	01/12/20	The complainant claims the Councillor had an emotional outburst at an online parish council meeting which is claimed	This complaint is currently being investigated.	This complaint has been assessed and is due to be allocated to an investigating officer.

				to have publicly impugned the integrity of the complainant.		
2020/18	CYC	CYC	08/12/20	The complainant claims the Councillor's attitude was unprofessional, undermining and intimidating, both to the complainant and other members of the committee during a meeting.	This complaint is currently being investigated. Draft report sent to parties, comments now received. Sub Committee to be formed to determine findings and next steps.	This complaint is currently under investigation.
2020/19	Parish	Parish	10/12/20	The complainant claims the Councillor was discriminatory against them in relation to co-option and at a public meeting.	This complaint is currently being investigated.	This complaint has been assessed and is due to be allocated to an investigating officer.
2020/20	CYC	CYC	13/12/20	The complainant claims the councillors breached the code of conduct. It is alleged the councillors made potentially libellous allegations against the complainant and others, and it is alleged they have set out a series of untruths about City of York Council within a newsletter sent out.	This complaint is currently being investigated.	Assessment can now be completed as IP view now received.
2021/01	CYC	York Residents	03/01/21	The complainant alleges the Cllr chose to be "aggressive, narrow minded and discriminative" against him and his business, "rather than take a pragmatic, reasonable approach to this incident".	This complaint is currently being investigated. Draft report sent to parties, asked for comments by 19.03.21.	Assessment of complaint currently taking place.
2021/02	CYC	York Resident	16/01/21	The complainant alleges that proper process was not followed	Closed – the complaint was assessed and the views of an	

				at a Committee meeting and sufficient information was not provided to attendees at the meeting to make an informed judgement.	Independent Person sought. It was determined the complaint would not be taken further as the allegations do not breach the code of conduct.	
2021/03	Parish	Parish	29/01/21	The complainant has put in a formal complaint with regards to the councillor's behaviour. The complainant has requested an old complaint be revisited.	This complaint is currently being investigated.	
2021/04	CYC	CYC	04/03/21	During a Council Planning Meeting, the Councillor publicly criticised Planning Officers in a disrespectful manner in a clear breach of Member Standards.	This complaint is currently being investigated. Currently being assessed, awaiting IP view.	
2021/05	CYC	York resident	11/03/21	The complainant alleges that the Cllr portrayed a biased view of a scheme during a Planning Committee Meeting, as well as attempting to influence a Planning Officer.	Currently being assessed, awaiting IP view.	
2021/06	Parish Councillor	Parish Councillor	11/02/20	The complainant alleges that the Cllr behaved in an intimidatory and bullying manner.	This complaint is currently being investigated. The 3 rd party investigation is now complete, therefore, the Code of Conduct complaint can now proceed. Parties to be notified.	
2021/07	Parish Councillor	York Resident	20/03/21	The complaint alleges the Parish Council did not allow residents to join a virtual PC meeting as the	This complaint is currently being investigated.	

				meeting time was changed without making residents aware.		
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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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