



Joint Standards Committee

To: Cllrs Rowley BEM (Chair), Fisher, Pavlovic, Runciman and Kent (CYC Members)

Cllrs Chambers and Waudby (Vice-Chair) (Parish Council Members)

Mr J Leigh and Ms R Mazza (Independent Persons)

Date: Tuesday, 17 September 2024

Time: 4.00 pm

Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

1. Declarations of Interest (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]

2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of exempt Annexes A(ii) and B (ii) to Agenda Item 8 (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 12A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006.

3. Minutes (Pages 3 - 6)

To approve and sign the minutes of the last Joint Standards Committee meeting held on 23 July 2024.

4. Minutes of Sub-Committees (Pages 7 - 10)

To approve and sign the minutes of the following meetings of the Joint Standards Sub-Committees:

- Assessment Sub-Committee, 23 July 2024

5. Urgent Business

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

6. 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 are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Friday, 13 September 2024.**

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 this agenda.

Webcasting of Public Meetings

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

7. Parish Council Visits

Chair and Vice-Chair to provide a verbal update on progress.

8. Review of Work Plan (Pages 11 - 12)

To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.

9. Monitoring Report on Complaints Received (Pages 13 - 30)

To receive a routine update report on recent standards complaints.

Democracy Officer:

Jane Meller

Contact Details:

Telephone: (01904) 555209

Email: jane.meller@york.gov.uk

For more information about any of the following please contact the Democratic Services 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.

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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)

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; 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. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council	Minutes
Meeting	Joint Standards Committee
Date	23 July 2024
Present	Councillors Rowley BEM (Chair), Fisher, Lomas (Substitute for Cllr Kent), Pavlovic, and Runciman (CYC Councillors) Councillor Waudby (Vice-Chair) and Chambers (Parish Council Members), Mr J Leigh and Ms R Mazza (Independent Persons)
Apologies	Councillor Kent
Officer Present	Frances Harrison, Deputy Monitoring Officer

Chair's Opening Remarks

The Chair put on record his, and the committee's, thanks to former Parish Councillor Rawlings for his long service to the committee and the sub-committees.

1. **Declarations of Interest (4.01 pm)**

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.

Cllr Fisher noted that he was a named party in the complaints received log. He left the meeting when the cases were discussed.

2. **Exclusion of Press and Public (4.02 pm)**

Resolved: That the press and public be excluded from the meeting during consideration of the exempt versions of Annexes A(ii) and B(ii) to Agenda Item 8 (Monitoring Report in Respect of Complaints Received), on the grounds that they contain 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.

3. Minutes (4.03 pm)

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 14 May 2024 be approved and signed as a correct record.

4. Public Participation (4.03 pm)

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

Diane Breen, spoke as a private individual, she raised concerns regarding how difficult it was for Parish Councils (PCs) to fill vacancies. She noted that some Parish Councils had made the financial decision to leave the Yorkshire Local Council Association (YLCA), notwithstanding their value to PCs. She highlighted the difficulties faced by PCs to train councillors in their responsibilities and standards, noting the training provided by CYC previously had been good.

5. Case Handling Procedure Update (4.08 pm)

The Deputy Monitoring Officer provided a verbal update to Members, explaining that due to the general election, the case handling procedure had not progressed through the Constitution Working Group. A further update would be brought once progress had been made.

6. Review of Work Plan (4.11 pm)

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

Resolved:

- i. That the work plan be approved subject to the following additions:

17 September 2024

- Training Update
- Parish Council visits

12 November 2024

- YLCA representative to attend

- ii. That the Chair write to former Parish Councillor Rawlings to formally thank him and acknowledge his service to the Committee.

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

7. Monitoring Report on Complaints Received (4.31 pm)

Members considered a report which provided an update on current business as regards complaints.

Resolved: That the report be noted.

Reason: To ensure that the committee is aware of current levels of activity.

Cllr M Rowley BEM, Chair

The meeting started at 4.00 pm and finished at 4.48 pm.

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City of York Council

Committee Minutes

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	23 July 2024
Present	Cllrs Fisher and Pavlovic (City Council Members) Cllr Chambers (Parish Council Member) Joe Leigh and Roseleen Mazza (Independent Members)
In Attendance	Frances Harrison (Deputy Monitoring Officer)

1. Appointment of Chair (4:51pm)

That Parish Councillor Chambers be appointed as Chair of the meeting.

2. Declarations of Interest (4:51pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registerable interests they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

3. Exclusion of Press and Public (4:51pm)

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Items 4 and 5 (two Code of Conduct Complaints received, each in respect of a City of York Councillor), on the grounds that they contain information relating to individuals and information likely to reveal the identity of individuals, which is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

[Note: following the above resolution, the Deputy Monitoring Officer confirmed that she had nothing further to add in respect of the public reports in the agenda papers, and the remainder of the meeting took place in private session.]

4. Code of Conduct Complaint received in respect of a City of York Councillor (4:52pm)

Members considered a report which set out a Code of Conduct complaint received in respect of a City Councillor. This matter was returned to subcommittee for rehearing following a complaint that the case handling procedure had not been applied fairly in the complainant's case by failing to make adjustments for their disability.

The subcommittee considered additional evidence in the form of a contemporaneous note containing details of the original complaint as verbally conveyed to the Deputy Monitoring Officer. The Committee was satisfied that this ensured the complainant suffered no disadvantage in the complaints handling process. The committee was further satisfied that hearing directly from the complainant in subcommittee was not an adjustment it was required to make where the case handling procedure did not ordinarily provide for oral submissions from complainants or subject members. Details of the complaint were presented in the private report.

Members were asked to decide whether to:

- A. Rule that the complaint was out of scope.
- B. Rule that the complaint was in scope and choose to (i) take no further action, (ii) seek to resolve the matter informally; or (iii) refer the matter for investigation.

Having considered all the information provided, and the advice of the Independent Person at the meeting, it was

Resolved: That Option A be approved.

Reason: The assessment sub-committee concluded that the matters complained of are not capable of constituting breaches of the Member Code of Conduct. There was no evidence of disrespect

within the meaning of the Code and the complaint was consequently not in scope.

The complainant alleged that the Member had breached the Code of Conduct by failing to respond to them, failing to rectify the alleged disability discrimination they had suffered and that this equated to disrespect for the purposes of the Code.

The Committee, having considered all of the evidence afresh, found no evidence that the subject member had failed to deal appropriately with the complainant's correspondence and had in no way failed to treat them with respect.

The Committee noted that the Deputy Monitoring Officer had made a reasonable adjustment to the Case Handling Procedure by receiving the complaint verbally.

5. Code of Conduct Complaint received in respect of a City of York Councillor (5:15pm)

Members considered a report which set out a Code of Conduct complaint received in respect of a City Councillor.

The complainant alleged that the member had breached the Code of Conduct through comments posted on social media which were said to: a) Fail to treat others with respect b) Attempted to bully and intimidate and c) Brought the council into disrepute.

Details of the complaint were presented in the private report.

Members were asked to decide whether to:

- A. Rule that the complaint was out of scope.
- B. Rule that the complaint was in scope and choose to (i) take no further action, (ii) seek to resolve the matter informally; or (iii) refer the matter for investigation.

Having considered all the information provided, and the advice of the Independent Persons at the meeting, it was

Resolved: That Option B(i) be approved.

Reason: The assessment sub-committee concluded that the comments posted by the subject member on social media fell within the acceptable parameters of political debate and consequently did not breach of the Member Code of Conduct. Accordingly, no further action would be taken in respect of the complaint.

Parish Councillor Chris Chambers, Chair
[The meeting started at 4.50 pm and finished at 5.30 pm].

Work Plan for Joint Standards Committee 2024/25

Meeting Date (4.00pm start time)	Items	Notes
17 September 2024	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan • Training update • Parish Council Visits 	Standard Item
12 November 2024	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan • YLCA Representative 	Standard Item
21 January 2025	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item
18 March 2025	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Work Plan 	Standard Item

Pending items for consideration:

- Review of Citywide Democratic Engagement of Parished and Non Parished areas
- Case Handling Procedures

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Joint Standards Committee**17 September 2024**

Report of the Deputy Monitoring Officer

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

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

Background

2. The Joint Standards Committee is responsible for promoting a culture of openness, accountability, probity and the maintenance of high standards of conduct by members. In order to do this, it reviews all code of conduct complaints. This enables, amongst other things:
 - Monitoring overall numbers of complaints allowing comparison with similar authorities
 - Monitoring trends of increasing/decreasing levels of complaints and identifying links to key events or triggers
 - Identifying common types of complaints which may illustrate a need for enhanced training and information
 - Assessing the efficacy of sanctions imposed by linking an increase/decrease in complaints regarding a particular member or from a particular locus to intervention or sanctions previously imposed.
 - Assessing the efficacy of the complaints procedure and identifying possible improvements.

Commentary on Case Logs**Open cases**

3. Case reference 2023/21 falls under paragraph 5 of the complaints handling process and was considered by a JSC Assessment Sub

Committee on 30th January 2024. The Committee decided to refer the matter for investigation which it indicated should be external. The cost of an external investigation was explored and found to be disproportionate. An investigation has been undertaken by two senior CYC lawyers and a draft report will now be shared with the parties and IP before the matter is determined by a JSC sub-committee.

4. Case references 2024/06 and 2024/09 are interrelated and have been assessed by the Deputy Monitoring Officer as in scope and requiring investigation. The views of the IP have been sought. An investigation is being carried out by CYC Legal Services.
5. Case reference 2024/12 is a new complaint which has been assessed by the Deputy Monitoring Officer and with the support of the IP has progressed to an investigation which is ongoing.
6. Case reference 2024/14 is a new complaint which is currently being assessed by the Deputy Monitoring Officer following receipt of additional information from the parties and views of the IP.

Cases closed since last JSC

7. Case reference 2024/01 was processed in accordance with paragraph 5 of the complaints handling process. It was referred to a second JSC Sub Committee for assessment on 23rd July 2024 which determined the complaint was not in scope.
8. Case reference 2024/10 was not capable of being progressed due to lack of information provided and lack of contact details through which to seek clarification. A learning point from this case is to ensure that sufficient prompts are included in the revised case handling procedure to secure adequate information from complainants however they choose to submit their complaint from a variety of accessible options.
9. Case reference 2024/08 was processed in accordance with paragraph 5 of the complaints handling process. It was referred to a JSC Sub Committee for assessment on 23rd July 2024 which determined the complaint was not in scope.
10. Case reference 2024/11 was assessed by the Deputy Monitoring Officer as being out of scope as the matters complained of are not seen to pass the threshold to constitute a breach of the code.

11. Case reference 2024/13 was assessed by the Deputy Monitoring Officer as being out of scope in line with paragraphs 10b, 10e and 10g of the case handling procedure.

Implications

12. **Financial** Not applicable to this report.
13. **Human Resources (HR)** Not applicable to this report.
14. **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.
15. **Legal** As detailed within the report.
16. **Crime and Disorder, Information Technology and Property** Not applicable to this report.

Recommendations

17. 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.

Author & Officer Responsible for the report:

Frances Harrison
Deputy Monitoring Officer
frances.harrison@york.gov.uk

Report
Approved



Date 9 September
2024

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- Annex A (i) - Table showing open complaints received.
- Annex A (ii) - Table showing open complaints received (confidential)

- Annex B (i) - Table showing recently closed complaints.
- Annex B (ii) - Table showing recent complaints (confidential)

Open Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/21 (LT)	CYC	York residents	26/11/23	The complainants allege that the behaviour of the 3 Councillor's is not in line with the code. Multiple examples of these allegations over a period of time have been provided by all complainants.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>Assessment Sub Committee arranged for 30th January 2024.</p> <p>The Assessment Sub Committee assessed the complaint and recommended to progress to investigation. Parties notified.</p> <p>An investigation has been completed and a draft report has been prepared. This will be shared with the parties and IP in accordance with the case handling procedure before a Sub Committee is asked to determine the outcome.</p>
2024/06	Parish	Parish	19/03/24	The complainant alleges the Councillors breached the code of conduct at a Council meeting, in that they brought their Councils into disrepute, failed to respect a fellow Councillor during a meeting, failed to declare an interest in procedures, attempted to make false minutes and made false statements during the meeting.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer as part of a series of complaints at the Council.</p> <p>Views of the IP sought.</p>

Open Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					The Deputy Monitoring Officer assessed the complaint and recommended to progress to investigation. Parties notified.
2024/09	Parish	Resident	12/06/24	The complainant alleges the Councillor breached the code of conduct by not treating others with respect, bullying others and breaching confidentiality in a public meeting.	This complaint is currently being assessed by the Deputy Monitoring Officer as part of a series of complaints at the Town Council.
		Parish	14/06/24	The complainant alleges the Councillor has repeatedly breached numerous elements of the code of conduct. Extensive evidence has been provided.	Views of the IP sought. The Deputy Monitoring Officer assessed the complaint and recommended to progress to investigation. Parties notified.
2024/12	CYC	Member of the public	24/07/24	The complainant alleges the Councillor breached the code of conduct by using offensive language in an email.	This complaint is currently being assessed by the Deputy Monitoring Officer. Views of the IP sought. The Deputy Monitoring Officer assessed the complaint and recommended to progress to investigation. Parties notified.
2024/14 (FH)	CYC	Member of the public	24/08/24	The complainant alleges the Councillor's behaviour towards them over an extended period of time has breached paragraphs 1 & 2 of the code of conduct.	This complaint is currently being assessed by the Deputy Monitoring Officer. Views of the IP sought.

Open Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2024/15					

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Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2024/10	Unknown	Unknown	05/07/24	The complainant alleges an unspecified meeting was run with no procedure and allowed anyone to speak.	This complaint was reviewed by the Deputy Monitoring Officer. As no details were provided on the meeting or Councillor(s) involved, and no contact details were received, the Deputy Monitoring Officer was unable to assess this complaint further. Closed.
2024/01 (FH)	City	York resident	15/01/24	The complainant alleges the Councillor failed to respond, failed to rectify the alleged disability discrimination they had suffered and that was disrespectful under the Code.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Assessment Sub-Committee for assessment.</p> <p>Views of the IP sought.</p> <p>The complaint was taken to an Assessment Sub-Committee on 23rd July 2024. In accordance with the published procedure for handling Code of Conduct complaints, the Assessment Sub-Committee concluded that the matters complained of are not capable of constituting a breach of the Member Code of Conduct as there was no evidence of disrespect within the meaning of the Code and the complaint was consequently not in scope. Complaint closed, parties notified.</p>
2024/11	Parish	Member of the public	23/07/24	The complainant alleges the Councillor breached the code of conduct by taking part in a discussion at a Parish	This complaint is currently being assessed by the Deputy Monitoring Officer.

Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
				Council meeting in which the Councillor may have had an interest. The complainant also alleges the Parish Council minutes were wrongfully amended.	<p>Views of the IP sought.</p> <p>A decision has been made to not refer the complaint to investigation as the matters complained of are not seen to pass the threshold to constitute a breach of the code. Parties notified. Complaint closed.</p>
2024/08	CYC	CYC	15/05/24	The complainant alleges the Councillor breached the code of conduct in a post made online whilst acting in their capacity as Councillor. The post is allegedly defamatory, fails to treat others with respect, is an attempt to bully and intimidate and brings the council into disrepute.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>The complaint was taken to an Assessment Sub-Committee on 23rd July 2024. In accordance with the published procedure for handling Code of Conduct complaints, the Assessment Sub-Committee concluded that the comments posted by the subject member on social media fell within the acceptable parameters of political debate and consequently did not breach of the Member Code of Conduct. No further action will be taken. Complaint closed, parties notified.</p>

Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2024/13	Parish	Member of the public	26/07/24	The complainant alleges the Councillor breached the code of conduct by breaching the complainant's confidentiality.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer.</p> <p>Views of the IP sought.</p> <p>Having considered the views of the Independent Person, the DMO decided that no further action should be taken. The DMO took the following into account when assessing the complaint:</p> <ul style="list-style-type: none"> • whether there are alternative, more appropriate, remedies that should be explored first (10b) • whether an investigation would be in the public interest (10e) and • whether the same complaint has been submitted and accepted previously (10g).

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of the Local Government Act 1972.

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