

## Joint Standards Committee Hearings Sub-Committee

Tuesday, 12 November 2024

### Decisions

#### Complaint Against a Member of a Council Covered by the Joint Standards Committee

City of York Council Constitution Appendix 29: Joint Standards Committee Procedures

#### Paragraph 34 Decision Notice (Hearing)

Dated: 18/11/2024

Date of Complaint	24/07/2023
Date of Initial Assessment by DMO	29/07/2023
Hearing Date	12/11/2024
Independent Person	Rose Mazza
<p><b>Panel</b></p> <p>The Panel comprised Councillor C Runciman (Chair), Councillor J Kent and Parish Councillor C Chambers. The Panel is not required to be politically balanced.</p> <p>The Independent Person's views were provided to the Panel and taken into account at all relevant times in the procedure. The Independent Person was not a voting member of the Panel.</p> <p><b>The Hearing</b></p> <p>The Panel resolved to exclude the Press and Public from the meeting due to the consideration of exempt information defined as "Information relating to any individual" and the public interest in maintaining the exemption outweighing the public interest in disclosing the information (namely confidence in complainants being able to raise matters of concern confidentially).</p> <p><b>The Complaint</b></p>	

On 24 July 2024 the Monitoring Officer received a complaint from an employee of a partner organisation alleging that Councillor Warters had breached the Code of Conduct by using offensive and inappropriate language in an email and by recommending a course of action to a member of the public for which there was no basis.

The complaint was investigated by a CYC lawyer and a report prepared and presented to the Hearing Panel. The subject member and complainant had opportunity to comment on the draft report and their views were considered by the investigating officer. The parties were also invited to attend the hearing panel but declined to do so.

The panel asked questions of the investigating officer and retired in private to consider the complaint.

### **Decision – Findings of fact on the balance of probability**

The Panel accepted the investigating officer's analysis of the facts and concluded as follows:

1. Cllr Warters was acting in his capacity as a city councillor in sending the email complained of.
2. Whilst Cllr Warters acted appropriately in advocating for a constituent and challenging what he identified as poor service from a partner organisation, his manner of so doing was disrespectful.
3. There was no evidence of a racially aggravated element to the original issue raised by the constituent and subsequently taken up by Councillor Warters on their behalf.
4. Panel Members did not consider that Cllr Warters seriously expected the constituent to reframe their original complaint as being racially aggravated following his intervention.
5. The tone and language Cllr Warters used and his flippancy in respect of racially motivated behaviour demonstrated a lack of awareness and sensitivity to the issue unbecoming of the role of a councillor.

### **Was there a breach?**

Members of the Panel considered the LGA guidance set out in the report and concluded that Cllr Warters breached the Code of Conduct in the

following respects:

- i. Breach of rule 1 in failing to treat the complainant with respect.
- ii. Breach of rule 2 in failing to promote equalities.
- iii. Breach of rule 5 in bringing the role of councillor into disrepute.

Members of the Panel found that Cllr Warters did not abuse his position (rule 6)

### **Decision – Sanction**

Where a Hearings Panel makes a finding of breach of the Code it may impose one or more of the sanctions listed in the case handling procedure (p726 Constitution) or impose no sanction.

The Panel considered the investigating officer's recommendation on sanctions and heard the Independent Persons' views.

In particular, it took into account the following factors:

- Cllr Warters is an experienced member of more than one local authority and can be taken to be familiar with the requirements of the Code of Conduct.
- Cllr Warters has not acknowledged any fault in his behaviour or made any commitment to avoiding similar breaches in the future.
- Cllr Warters' comments to the investigating officer (although made with appropriate courtesy and respect) were dismissive of the importance of upholding standards of conduct in general.

The Panel agreed that it was proportionate and appropriate to apply the following sanctions:

1. Formal censure.

### **The Independent Person**

For transparency, the Independent Persons' views were that there had been multiple breaches of the code and sanctions should be imposed.

- **There is no internal right of appeal against this decision.**
- **All parties will be notified of the Hearing Panel's decision.**
- **A decision notice will be published on the Council website within 5 working days of the Hearings Panel decision.**

Signed	Councillor C Runciman Chair of Hearings Panel