

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 2.30 pm on
Monday, 7th July, 2014 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor G W Dadd
B Griffiths

Councillor J N Smith

Independent Person

Mr K Bartlem

Parish Council Representative

Mr E Dennison

SHP.7 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor J N Smith be elected Chairman for duration of the meeting.

(Councillor J N Smith in the Chair)

SHP.8 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.3 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

SHP.9 **COMPLAINT ABOUT ENVIRONMENTAL HEALTH TEAM**

The subject of the decision:

The Corporate Director submitted a covering report regarding a complaint about Environmental Health.

The Panel heard from the complainant who had made the allegations, the District Council's Director of Environmental and Planning Services, Environmental Health Manager, Commercial Team Lead Officer and the Council's Legal Manager.

Alternative options considered:

Upholding the complaint.

The reason for the decision:

Having considered the Corporate Director's report and the accompanying documents, and having heard oral representations from the complainant, the Director of Environmental and Planning Services, Commercial Team Leader and the Council's Legal Manager the Panel made the following findings:-

The legality of the Remedial Action Notice had been the subject of the appeal to the Magistrates Court. The Panel was considering whether there had been maladministration in the lead up to and issue of the Notice and in the appeal procedure.

The Panel could not find any evidence of maladministration in the Notice Procedure. In particular it was satisfied that the Council was aware of the legal requirements and had taken advice from the Food Standards Agency, made adequate efforts to establish the facts and had given the complainant the opportunity to provide information about exemptions before issuing the Notice. There had been adequate warnings of the issue of the Notice.

There was evidence of failings in communication between the complainant and Council, particularly in the period leading up to the proposed meeting on 28 October 2013 and the Panel felt that the Council should have confirmed that it would not be attending, but this was not sufficient to be maladministration. There were other minor errors, such as referring to the complainant's operation as "caterer", but these did not cause injustice.

The Panel felt that the re-scheduling of the initial appeal hearing, although requested by the Council, was the decision of the Magistrates Court and it was the Court which had failed to notify the complainant. The Council was not at fault. The Council had accepted that it was at fault in not considering the complainant's information in the week prior to the final hearing. This had been dealt with by the Magistrates Court which had awarded costs to the complainant. Consequently, there was nothing for the Panel to do. The Panel could not identify any other failings related to the appeal process.

The Panel could not find sufficient evidence of falsehoods and the example provided could be seen as differences of interpretation. Whilst the Panel accepted that the complainant was unhappy and might be distressed by the actions of the Council, it could not find sufficient evidence of threatening and intimidation of the complainant and there was no evidence of a tone or behaviour that was in itself intimidating.

Consequently, subject to the limited extent outlined above, the Council had not been at fault during the process of investigation and the issuing of the Notice and the appeal.

THE DECISION:

That the complaints are not upheld.

The meeting closed at 5.55 pm

Chairman of the Panel