

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 1.30 pm on Wednesday,
3rd December, 2014 at Main Committee Room,
Civic Centre, Stone Cross, Northallerton

Present

Councillor R Kirk Councillor J N Smith
Mrs C Patmore

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.19 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor Kirk be elected Chairman for duration of the meeting.

(Councillor Kirk in the Chair)

SHP.20 **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.21 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.21 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

The subject of the decision:

The Corporate Director presented a report about allegations that a Parish Councillor failed to comply with the provisions of the Parish Council's Code of Member Conduct.

Neither the person who had made the allegations or the Councillor against whom the allegations had been made were present. The Panel was disappointed that neither person had attended because this made it more difficult to establish all of the facts.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report and the accompanying documents the Panel's findings were as follows:-

- The first allegation (as amended) was that the Councillor had used his position to improperly attempt to influence the outcome of a planning application.
- The Councillor lived at a property which was next door to the planning application site.
- The planning application was considered by the Parish Council in late 2013 and early 2014. The application was referred to in the minutes of two meetings. The minutes of one meeting referred to the application being dealt with "out of meeting". The planning application was recommended for refusal. It was not clear whether the Councillor was party to this decision.
- The minutes of the other meeting of the Parish Council recorded that the decision notice had been received and permission granted.
- The Councillor attended the two meetings, but the Panel had seen nothing to suggest that he did anything to influence the planning process. The complainant suggested that the Councillor may have been party to the "out of meeting" discussion, but there was no evidence to support this.
- The complainant had confirmed that the second allegation of failing to withdraw from meetings was not part of his complaint.
- The third allegation was that the Councillor intimidated the complainant, failed to treat him with respect and did not act impartially towards him. The Panel had listened to an audio recording of the relevant meeting of the Parish Council.
- The Panel considered that:
 - (a) the Councillor did not intimidate the complainant.
 - (b) the Councillor did not fail to treat the complainant with respect.
 - (c) the Councillor did not act impartially towards the complainant.
- The final allegation (as amended) was that the Councillor failed to register a disclosable pecuniary interest between 1 July 2012 and 29 May 2014.
- In his written representations the Councillor appeared to claim that he had no interest in the property where he lived. This was confirmed in his Declaration of Interest Form dated 29 May 2014. However, the Panel had seen an updated registration form dated 22 November 2014 which suggested that the Councillor rents the property.

- Having a tenancy of a property is sufficient to have a registrable interest. The Councillor had not denied renting the property between 1 July 2012 and 22 November 2014. Consequently, he was in breach of the Code of Conduct for that period. It was noted that in his written representations he claimed to have completed forms during the relevant period, but there was no evidence of this.

THE DECISION:

That:-

- (1) the Panel recommends to the Parish Council that:-
 - (a) it does not uphold the allegation in respect of the planning application;
 - (b) it does not uphold the allegation in respect of intimidation, a lack of respect and not acting impartially;
 - (c) it does uphold the allegation in respect of failing to register an interest, censures the Councillor and offers him advice/training on registration of interests.
- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 2.30 pm

Chairman of the Panel