

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 11.30 am on Thursday, 4th
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.25 **ELECTION OF CHAIRMAN**

THE DECISION:

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

(Councillor Kirk in the Chair)

SHP.26 **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.27 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.27 **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 attended because this made it more difficult to establish all 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 attempted to obtain an advantage in connection with a planning application through improper use of her position as a Councillor.
- The Councillor had a disclosable pecuniary interest in the property which was the subject of the planning application. This was confirmed by her Registration of Interests Form. The Parish Council considered a planning application in 2013 and early 2014 and it was specifically referred to in minutes of meetings in September 2013, January 2014 and March 2014.
- The minutes of the meeting of September 2013 did not state that the Councillor was present. The minutes of the meetings of January 2014 and March 2014 stated that the Councillor was present. At the January 2014 meeting the planning application was discussed. The minutes of the March 2014 meeting stated that comments had been sent without involvement from the Councillor.
- The Councillor had provided a signed statement from the Clerk to the Council and three existing and three former Councillors confirming that she had taken no part in discussions or decision making at meetings relating to the planning application.
- The Parish Council's Standing Orders did not prevent a Councillor being present at a meeting even if they had a disclosable pecuniary interest. Therefore the Councillor's presence in itself was not sufficient to be a breach of the Code of Conduct. There was no evidence that the Councillor was involved in discussion of the planning application. In those circumstances she had not been in breach of Paragraph 5 of the Code.
- The second allegation was that the Councillor had failed to withdraw from meetings where she had a disclosable pecuniary interest. The Parish Council's Code of Conduct (Paragraph 12) required withdrawal where the Council's Standing Orders required it. The Council's Standing Orders required withdrawal where the Code required an interest to be declared. The current Code of Conduct did not require an interest to be declared and therefore there was no requirement to withdraw.
- It follows that the Councillor could not be in breach of Paragraph 12 of the Code of Conduct.
- The third allegation (as amended) was that the Councillor failed to register an interest between 1 July 2012 and 3 June 2014. The Councillor had accepted that she had a disclosable pecuniary interest in the relevant land and this was confirmed in her most recent registration form.

- This interest should have been registered since 1 July 2012. In fact it was not registered until 3 June 2014. It followed that the Councillor was in breach of the Code of Conduct. In her written representations she had suggested that the omission was an oversight which had been rectified.
- The Panel accepted that this was an oversight.

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 withdrawing from meetings;
 - (c) it does uphold the allegation in respect of failure to register an interest, that it censures the Councillor, but that no further action is required.
- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 12.15 pm

Chairman of the Panel