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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 9 January 2018

Dear Councillor

NOTICE OF MEETING

Meeting **STANDARDS HEARINGS PANEL**

Date **Wednesday, 17 January 2018**

Time **9.30 am**

Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: Councillors
 Mrs C S Cookman Mr R C Pennington (Independent Person)
 G W Dadd Parish Councillor Mrs C Artingstoll
 N A Knapton

Other Members of the Council for information

AGENDA

Page No

1. ELECTION OF CHAIRMAN

2. APOLOGIES FOR ABSENCE

3. EXCLUSION OF THE PRESS AND PUBLIC

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting during consideration of item 4 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act.

4. ALLEGATIONS ABOUT DISTRICT COUNCIL MEMBERS

1 - 10

Report of the Monitoring Officer

5. MATTERS OF URGENCY

Any other business of which not less than 24 hours' prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

HAMBLETON DISTRICT COUNCIL

Report To: Standards Hearings Panel
17 January 2018

From: Monitoring Officer

Subject: **ALLEGATIONS ABOUT DISTRICT COUNCIL MEMBERS**

1.0 SUMMARY

1.1 This report is in connection with allegations made by [Complainant A, Complainant B and Complainant C] (“the Complainants”) who allege that Councillors Rooke and Webster of Hambleton District Council have failed to comply with the provisions of the District Council’s Code of Member Conduct.

2.0 THE ALLEGATIONS:

2.1 The procedure to be followed at the Panel is set out at Annex ‘A’.

2.2 It is alleged by the Complainants that during a Planning Committee meeting held on 9th November 2017 Councillor Rooke talked and laughed throughout a presentation, appeared to pass notes to another councillor, attempted covert communication with the Council’s Executive Director and made comments in respect of wildlife and ecological issues, and in doing so failed to treat those present at the meeting with respect and brought his Authority, or his office as a Member of the Authority, into disrepute.

2.3 It is alleged by the Complainants that during the same Planning Committee meeting held on 9th November 2017 Councillor Webster talked and laughed throughout a presentation, appeared to pass notes to another councillor, attempted covert communication with the Council’s Executive Director and made comments in respect of an objector’s submission and in relation to the Listed Building consultation process, and in doing so failed to treat those present at the meeting with respect and brought his Authority, or his office as a Member of the Authority into disrepute.

2.4 A copy of the allegations is attached at Annex ‘B’.

2.5 A copy of the District Council’s Code of Conduct is attached at Annex ‘C’.

2.6 Councillor Rooke has confirmed that he will be attending the hearing.

2.7 Councillor Webster has confirmed that he will be attending the hearing and will call Mick Jewitt, Deputy Chief Executive for Hambleton District Council, as a witness who will give his evidence in person.

2.8 The Complainants have confirmed they will be attending the hearing and will call three witnesses (witness 1, witness 2 and witness 3) who will give their evidence in person.

2.9 The Panel needs to determine whether Councillor Rooke and/or Councillor Webster have breached the Code of Conduct.

2.10 In considering the allegations the Panel must bear in mind that it can only deal with matters that clearly come within the requirements of the Code of Conduct as it relates to the actions of individual councillors. The Panel cannot consider general dissatisfaction with the actions

of the District Council. Neither can it consider the general competence of councillors or whether they are adequately representing their constituents.

3.0 NEXT STEPS:

3.1 The Panel is required to consider the allegations.

3.2 An explanation of the Panel's powers under the standards regime is set out at paragraph 3.3 below.

3.3 The Panel does not have any statutory powers to issue a sanction on Members. The powers of the Council to take action against individual Members are governed by existing common law principles about how Councils may control their Members. In practice these will be limited to those which are directed at securing the ability of the Council to effectively carry out its functions rather than "punishing" a Member. This might include, in respect of the Member complained about:-

- recommendations on changes to procedures if appropriate; and/or
- advising the Member as to how they might comply with the Code of Conduct in future; and/or
- recommending that the Member undertake training; and/or
- recommending that the Member be removed from some or all Outside Bodies; and/or
- recommending that the Council withdraws facilities (such as computer, access to web-site, e-mails, etc) from the Member; and/or
- recommending to the Council the exclusion of the Member from the Council's offices or premises.

4.0 RECOMMENDATION:

4.1 The Panel is asked to consider the allegations and to determine whether or not there has been a breach of the Code of Conduct.

GARY NELSON

Background papers: None
Author ref: LV
Contact: Laura Venn - Deputy Monitoring Officer
Tel: 01609 767004

PROCEDURE FOR THE CONDUCT OF STANDARDS HEARINGS PANEL HEARINGS
(CODE OF CONDUCT ALLEGATIONS)

1. Any documents to be relied upon by the parties will have to be supplied to the Council at least 10 days before the date of the hearing. They will be circulated to all parties with the Agenda.
2. The Agenda will contain a covering report from the Procedural Advisor to the Panel.
3. At the meeting of the Panel the Chairman of the Panel will make all formal introductions including:-
 - The introduction of all parties and their role in the hearing; explanation of the purpose of the hearing.
 - Statement of the allegation which is under consideration.
 - Explanation of the procedure that the hearing will follow.
4. The Panel will determine whether to exclude the press and public from the meeting.
5. Having clarified that all parties understand the procedure, the Chairman will ask the Panel's Procedural Advisor if he/she wishes to add to his/her report.
6. The Chairman will then ask the complainant to present his/her case including relevant witnesses. The Panel may decide not to hear from a witness if it considers that the evidence given or proposed to be given is not relevant to the matter in hand.
7. The Councillor complained about may then ask questions of the complainant and/or witnesses.
8. The Panel may ask questions of the complainant and/or witnesses.
9. The Councillor complained about will then present his/her case calling any relevant witnesses. The Panel may decide not to hear from a witness if it considers that the evidence given or proposed to be given is not relevant to the matter in hand.
10. The complainant may ask questions of the Councillor and/or his/her witnesses.
11. The Panel may ask questions of the Councillor and/or his/her witnesses.
12. The complainant followed by the Councillor complained about will be asked in turn to sum up their respective cases.
13. Both sides will leave the room and the Panel will consider the evidence and make a decision. The Panel may ask its Procedural Advisor to join it to provide procedural guidance.
14. All parties will be called back to be informed of the Panel's conclusion and the grounds upon which it has been made.
15. If the Councillor is a District Councillor that will be the conclusion of the matter and both parties will have the decision confirmed by letter. If the Councillor is a Parish Councillor the Panel's conclusion will be conveyed to the Parish Council.

The Monitoring Officer
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
North Yorkshire
DL6 2UU




4 December 2017

Dear Sir/Madam

RE: Joint Complaint against Members of the Planning Committee

This letter is intended to lodge formal complaints about the conduct of a number of members of Hambleton District Council Planning Committee at a meeting held on the 9th November 2017 at Solberge Hall to consider two planning applications in respect of Newby Wiske Hall.

The complaints are made jointly by 



. This complaint is intended to be a substitute for the individual complaints made previously by each of the above complainants which were withdrawn on the advice of Hambleton District Council, Legal Services and Democratic Services Departments in favour of this joint complaint.

The members of the Planning Committee complained about are Councillors Rooke and Webster and to a lesser extent the Chairman of the meeting Councillor Bardon.

The complaints cover a number of issues:

Firstly is the manner in which Cllrs Rooke and Webster behaved during the meeting.

We complain that, along with other people at the meeting, we were each appalled to see them talking, giggling and smirking through the presentations and appearing to pass each other notes. There was also an attempt by them at some form of covert communication between themselves and the Executive Director of HDC, Mick Jewitt who was sat in front of them.

This shows a high degree of contempt towards those people making the presentations as well as a complete lack of interest in the presentations being made and proceedings in general. This obvious lack of interest means that they were not paying attention to what was being said and therefore would not have been able to make a proper, informed evaluation and decision based on the information and evidence before them.

This demonstration of lack of interest/knowledge in the issue being discussed was further reinforced in a comment made by Cllr Webster when he described one of the

objectors' submissions as "*fanciful*". This was regarding a site handout produced by the Parish Council in relation to the decibel levels of the proposed equipment.

Cllr. Webster suggested that the figure quoted was one dreamed up by opponents of the application but this is entirely wrong and extremely misleading. The figure cited in the handout was taken from, and referenced to, the documentation submitted by SLR Consulting Ltd on behalf of the applicant. This document is *Newby Wiske Hall. Residential Centre for Young People. Noise Assessment* – document reference number 1823517 on the planning portal. The figures in question appear in Table 4 on page 8 and are reproduced below as a screen grab:

Basketball	98.1
Rock Climbing	86.8
Abseiling	83.8
Trapeze/Jacobs Ladder	99.6
Meeting Area	94.1

Noise and its effects formed a significant part of the debate surrounding the application. The fact that Cllr. Webster was either totally unaware of the origin of these figures or that he chose to misquote the figures in a deliberate attempt to mislead the Committee clearly demonstrates his lack of interest in the planning application or total contempt for the planning application process.

It is clear that either Cllr. Webster had made little or no significant attempt to inform himself of the relevant documentation and facts relating to this major planning application or that he used the information in a deliberate attempt to mislead.

We therefore suggest that Cllr Webster has not only been negligent in his assessment of the application and the documentation relating to it but that any decisions that he made and the manner in which he voted is fundamentally unsafe.

Secondly we wish to complain about the extremely off-hand manner in which Cllr Rooke dismissed any issues relating to wildlife and ecological issues. His comment that wildlife will "*find somewhere else to live*" shows an utter disregard towards any form of bio-diversity. This is very surprising considering that Hambleton District Council has had a *Biodiversity Action Plan* for at least 15 years and once again shows the lack of any sort of background knowledge against which to base his assessment of the matter in hand and therefore any decisions he came to are similarly unsafe.

Thirdly we wish to complain about Cllr. Webster's comment relating to the Listed Building consultation process. He clearly stated that as far as he was concerned Historic England had been consulted and they had no comment so the matter ended there. The Historic England response in fact clearly states '*We suggest that you seek the views of your specialist conservation adviser*'. This shows that Historic England have devolved the responsibility of assessing and caring for historic buildings of regional significance to a regional level where they are best understood within their

historic landscape. Cllr. Webster obviously failed to read the rest of the response from Historic England or if he has read the response he again attempted to mislead the Committee by misquoting its contents. In either case we complain that his misinformed or misleading comments suggest that his decisions on the case are unsafe.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We complain that the conduct of Cllrs. Rooke and Webster is in breach of a number of the provisions of the Member Code of Conduct Allegations Procedure. Their conduct failed to treat people at the meeting with respect. Their conduct at the meeting was a disgrace and must be considered to have brought the council and the whole of the Planning Committee into disrepute and is therefore damaging to the reputation of their office.

We wish to make it clear that this complaint is not a case of 'sour grapes' as we take no issue with those councillors who voted to support the application but who did so in a reasoned, professional and courteous manner.

[REDACTED]

We await hearing from you in due course.

Yours faithfully

[REDACTED]

CODE OF CONDUCT FOR THE MEMBERS OF HAMBLETON DISTRICT COUNCIL

Hambleton District Council ("the Authority") has adopted the following Code for the purposes of Section 27(2) of the Localism Act 2011 dealing with the conduct that is expected of Members of the Authority when they are acting in that capacity.

The Code is intended to be consistent with the following seven principles, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1. You must treat others with respect.
2. You must not intimidate or attempt to intimidate any person.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a Member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage and this includes discussing with other Members any matter in which you have a disclosable pecuniary interest.
6. If you are in receipt of any gift or hospitality which is attributable to your membership of the Authority and is of a value in excess of £25, or any offer of any such gift or hospitality, you must disclose this to the Monitoring Officer; and you must decline to accept any such gift or hospitality which could reasonably be perceived as creating an obligation upon the Authority, or upon yourself as a Member of the Authority.
7. You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
8. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - 8.1 You have the consent of a person authorised to give it; or
 - 8.2 You are required by law to do so; or
 - 8.3 The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - 8.4 The disclosure is reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Authority.
9. Where, as a Member of the Authority, you have been involved in making any decision which is subsequently subject to scrutiny within the Authority, you must not take part in the scrutiny process. In this paragraph, "scrutiny" means the formal examination by the Authority, a Committee of the Authority, or a group of people including Members of the Authority, of a policy or decision previously approved or taken by or on behalf of the Authority, in order to reach a view on its rectitude, efficacy, performance or value for money. For the purposes of this paragraph, you do not take part in a scrutiny process if you simply offer evidence or opinion to the scrutiny body, and do not participate in its decision.

- 10.1 Subject to paragraph 11, you must register in the Authority's Register of Members' Interests information regarding your personal interests. In this Code of Conduct "your personal interests" means any disclosable pecuniary interest as defined by statutory regulations in force from time to time.
- 10.2 You must register information regarding your personal interests by giving written notice to the Monitoring Officer, who maintains the Register; and you must give such notice in accordance with any statutory regulations.
11. Where you consider that disclosure of the details of any of your disclosable pecuniary interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may so inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the Register to the effect that you have a disclosable pecuniary interest, details of which are withheld under Section 32 of the Localism Act 2011.
12. You must comply with any Standing Order or Procedure Rules adopted by the Authority which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.