

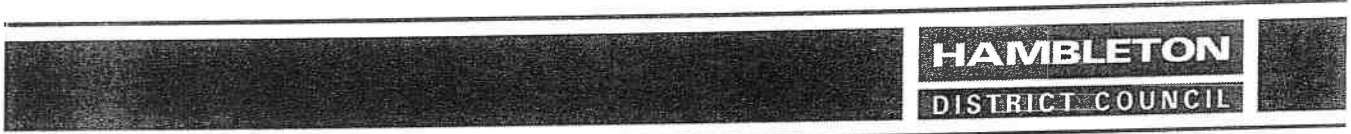
**AGENDA**

**Page No**

4(1) Allegations about District Council Members

1 - 8

This page is intentionally left blank



---

**AGENDA**

---

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 9 January 2018

Dear Councillor

**NOTICE OF MEETING**

Meeting	<b>STANDARDS HEARINGS PANEL</b>
Date	<b>Wednesday, 17 January 2018</b>
Time	<b>12.30 pm</b>
Venue	<b>Council Chamber, Civic Centre, Stone Cross, Northallerton</b>

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

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

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  

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.

1 - 6

## **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 the Complainant who alleges 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 Complainant that during a Planning Committee meeting held on 9<sup>th</sup> November 2017 Councillor Rooke and Councillor Webster talked and laughed during the presentation of an item, and in doing so failed to treat those present at the meeting with respect and brought their Authority, or their office as Members of the Authority, into disrepute.

2.3 A copy of the allegations is attached at Annex 'B'.

2.4 A copy of the District Council's Code of Conduct is attached at Annex 'C'.

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

2.6 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.

2.7 The Complainant has informed the Council that she will not be attending the hearing.

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

2.9 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

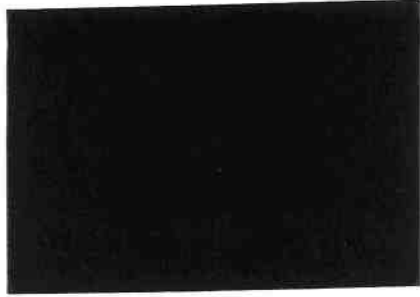
**PROCEDURE FOR THE CONDUCT OF STANDARDS HEARINGS PANEL HEARINGS**  
**(CODE OF CONDUCT ALLEGATIONS)**

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.

April 2017

9.11.17

Meeting HDC - P&L.  
Planning Process Behaviour  
Selborge Hall.  
Newby Wiske



29.11.17

Dear Sir Malcolm

P&L PLANS - HDC

I am writing to inform you the unreasonable behaviour of the councillors at the meeting of P&L & HDC. Selborge Hall Newby Wiske. Councillor Rook. Councillor Webster. 9.11.17.

I found them to be totally rude in talking & laughing during other people trying to speak. This was not acceptable during the meeting & very inconsiderate to the people of Newby Wiske and others trying to decide our future. The villagers were very upset the manner in which they behaved. Very inconsiderate and attitude. Their behaviour were like school children a disgrace in public.

These people are supposed to represent HDC. However I sincerely hope in the future this does not happen & my points are raised.

MAILED

Yours

REC'D 9 11 2017

TO

FROM

Sincerely





## 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.