

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 9.00 am on Monday,
26th September, 2016 at Main Committee Room,
Civic Centre, Stone Cross, Northallerton

Present

Councillor R A Baker
R Kirk

Councillor C Patmore

Independent Person

Mr R C Pennington

Parish Council Representative

Parish Councillor G Lidster

SHP.1 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor R A Baker be elected Chairman for duration of the meeting.

(Councillor R A Baker in the Chair)

SHP.2 **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.3 **ALLEGATIONS ABOUT A DISTRICT COUNCILLOR**

The subject of the decision:

The Deputy Monitoring Officer presented a report which had been submitted by the Monitoring Officer with regard to an allegation that a Hambleton District Councillor ("the District Councillor") had failed to comply with the provisions of the Council's Code of Member Conduct by conducting himself in a manner which could reasonably be regarded as bringing the authority or his office as a Member of the Authority into disrepute.

Alternative options considered:

The Panel concluded that the District Councillor had not breached the Code of Conduct and as a result no further action was necessary.

The reason for the decision:

Having considered the Monitoring Officer's report, the written and oral submissions of the complainant and the oral submissions of the District Councillor the Panel reached the following conclusions:

The Panel noted that the allegation was in relation to a conversation the District Councillor had in June. The Panel noted that the Code of Conduct for Members applies only where a Councillor is acting in their capacity as a Member of the Authority and does not apply when a Councillor is acting in a private capacity. The Panel found that both parties gave evidence that the District Councillor was in attendance at the premises where the conversation took place in a personal employment capacity. The Panel was satisfied that at all material times the District Councillor was acting in a private capacity as part of his employment and not as a Member of the Authority.

However, the Panel concluded that even if the District Councillor had been acting in his capacity as a Member at the time of the incident, there still had not been a breach of the Code of Conduct. The Panel considered evidence presented by the complainant which alleged the District Councillor entered into a conversation to gain information regarding a planning application. The Panel found that the conversation occurred between the District Councillor and two other people. The District Councillor provided his account of the conversation during the hearing. The complainant made representations about the contents of that conversation to the Panel although the other two people who were present during the conversation did not attend nor provide any evidence for consideration at the hearing. The Panel gave more weight to the District Councillor's version of events as it was a first-hand account and the Panel concluded on the balance of probabilities that it was an accurate description of the conversation which took place. The Panel concluded that the District Councillor had not entered into a conversation to gain information in respect of a planning application. The Panel found the District Councillor had during that conversation, when asked, answered questions about two planning applications but his answers were limited to information which was in the public domain.

THE DECISION:

It follows from the above that the allegation that the District Councillor brought the Authority or their office into disrepute is not upheld.

The meeting closed at 10.35 am

Chairman of the Panel