

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 9.30 am on
Monday, 12th February, 2018 at Meeting Room
1, Civic Centre, Stone Cross, Northallerton

Present

Councillor D M Blades
C Patmore

Councillor Mrs J Watson

Independent Person

Mr B Ferguson

Parish Council Representative

Parish Councillor G Lidster

SHP.33 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor C Patmore be elected Chairman for duration of the meeting.

(Councillor C Patmore in the Chair)

SHP.34 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

The Panel considered whether to exclude the press and public from the meeting during consideration of the items of business at minute no. SHP.35 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 Local Government Act 1972. The complainant was not present during the hearing and the Panel noted that there were matters contained in the written representations which were personal and not relevant to the Code of Conduct complaint. Therefore, the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Panel resolved that the press and public should be excluded pursuant to Section 100A(4) of the Local Government Act 1972.

SHP.35 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

The Panel noted that the complainant had informed the Council that he would not be attending the hearing and that he had not requested an adjournment. The Panel was satisfied that it had all relevant information before it, including that provided by the complainant, and that a fair hearing could take place. The Panel was also satisfied that it was in the public interest for the complaint to be dealt with in a timely manner and therefore the matter was dealt with in the complainant's absence.

The subject of the decision:

The Deputy Monitoring Officer presented a report in relation to allegations that a Parish Councillor (“the Parish Councillor”) had failed to comply with the provisions of the Parish Council’s Code of Member Conduct as he did not register a pecuniary interest (i.e. his periodic paid employment) in his register of member interests, nor did he give written notification of his paid employment to the District Council’s Monitoring Officer.

Alternative options considered:

The Panel considered whether or not there had been a breach of the Code of Member Conduct as alleged.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer’s report;
- the written submissions of complainant;
- the written and oral submissions of the Parish Councillor; and
- the Parish Council’s Code of Conduct.

The Panel considered evidence from the complainant alleging that the Parish Councillor had failed to comply with the provisions of the Parish Council’s Code of Member Conduct as he did not register a pecuniary interest (i.e. his periodic paid employment) in his register of member interests, nor did he give written notification of his paid employment to the District Council’s Monitoring Officer.

The Parish Councillor told the Panel that he retired in 2012 and had completed five freelance projects as an architect since his retirement. The Parish Councillor informed the Panel that his freelance work consisted of individual projects which were carried out on behalf of personal acquaintances and not through a business. The Parish Councillor informed the Panel that on each of the two occasions where he had acted as the applicant’s agent on planning applications which were being considered by the Parish Council, he had declared an interest and left the meeting during the discussion of those items.

The Parish Councillor informed the Panel that he was co-opted on to the Parish Council in February 2015 and had submitted a register of member of interests at that time. The Panel considered a copy of that register of interests provided by the Parish Councillor during the meeting. The Panel noted the form recorded that the Parish Councillor was retired although occasionally undertook freelance work. The Parish Councillor informed the Panel that it was an oversight on his part that he had failed to repeat this information on his register of interests form dated July 2015 (following his subsequent appointment to Parish Council after the May elections).

The Parish Councillor also informed the Panel that following this Code of Conduct complaint being brought to his attention he had submitted a new register of interests form in order to accurately record his employment circumstances. A copy of this form was produced and considered by the Panel.

The Panel concluded that the Parish Councillor’s register of member interests dated July 2015 was not accurate as it did not record the freelance work undertaken by the Parish Councillor. However, the Panel found that this failure was a genuine oversight by the Parish Councillor and noted that the Parish Councillor had since submitted an updated register of member interests which accurately reflected his employment.

THE DECISION:

It followed that, in the Panel's view, the Parish Councillor had breached the Code of Member Conduct by failing to record a pecuniary interest on his register of member interests and failing to give written notification of his paid employment to the District Council's Monitoring Officer.

The Panel accepted that this had been an oversight on the Parish Councillor's part, which had since been corrected such that it warranted no more than a recommendation that the Parish Council remind the Parish Councillor of his obligations concerning the register of member interests.

The Panel recommends to the Parish Council that:-

- (1) the complaint be upheld in relation to the allegations that the Parish Councillor had failed to comply with the provisions of the Parish Council's Code of Member Conduct as he did not register a pecuniary interest (i.e. his periodic paid employment) in his register of member interests, nor did he give written notification of his paid employment to the District Council's Monitoring Officer; and
- (2) the Parish Councillor be reminded of his obligation to record any disclosable pecuniary interests on his register of interests and give written notification of those interests the District Council's Monitoring Officer.

The meeting closed at 10.15 am

Chairman of the Panel