

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 11.00 am on Wednesday,
3rd December, 2014 at Main Committee Room, Civic
Centre, Stone Cross, Northallerton

Present

Councillor R Kirk
Mrs C Patmore

Councillor J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.16 **ELECTION OF CHAIRMAN**

THE DECISION:

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

(Councillor Kirk in the Chair)

SHP.17 **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.18 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.18 **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 had attended because this made it more difficult to establish all of 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 was improperly party to a procurement process which led to him obtaining grass-cutting contracts from the Parish Council. This is covered by Paragraph 5 of the Code of Member Conduct.
- The Councillor had been a Councillor for seven years. Consequently he could not have used his position as a Councillor to obtain the grass cutting contracts in 1999 and 2004.
- In respect of 2014, the Panel had seen no evidence that the Councillor used his position to influence which procurement process was adopted or to influence how that process was conducted. There was no evidence to suggest that he personally influenced the decision to award him the contract.
- The Panel did not therefore find the Councillor in breach of the Code of Conduct.
- The second allegation (as amended) was that the Councillor had failed to register disclosable pecuniary interests as required by Paragraph 10.1 of the Code of Conduct.
- The Councillor's current registration form confirmed that he had at least one disclosable pecuniary interest, namely the grass-cutting contract with the Parish Council. The Councillor had had a grass-cutting contract since before 1 July 2012 and therefore it should have been registered from that date. In fact it was not registered until 29 May 2014.
- Consequently the Councillor was in breach of the Code of Conduct from 1 July 2012 to 29 May 2014. The Councillor commented in his written representations that he always filled in forms received from the Clerk. It was not clear whether he received a form prior to 1 July 2012 or not. In any event it was the personal responsibility of Councillors to register interests.
- The Councillor has now registered the interest.

THE DECISION:

That:-

- (1) the Panel recommends to the Parish Council that:-
 - (a) the allegation in respect of the grass-cutting contracts be not upheld; and
 - (b) the allegation in respect of not registering an interest be upheld, that the Councillor be censured, but that no further action is required.
- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 11.45 am

Chairman of the Panel