

GENERAL PURPOSES COMMITTEE

DATE: Thursday, 18 March 2021

TIME: 5.30 pm

VENUE: Online only - Due to Covid-19, this meeting will be held remotely and will be livestreamed here: <https://bit.ly/HarrogateYouTube> (Copy and paste the link in your browser)

Notice is hereby given that the above meeting will take place for the purpose following and, by virtue of Section 100B(4)(b) of the Local Government Act 1972, any other matter(s) which the Chair considers should be dealt with at the meeting as a matter of urgency.

AGENDA

Item	Title	Page Number
1.	APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:	
2.	DECLARATIONS OF INTEREST: Members to advise of any declarations of interest.	
3.	MINUTES: of the meeting of the Committee held on 28 January 2021.	5 - 12
4.	EXEMPT INFORMATION: To determine whether to exclude the press and public during the consideration of any exempt information items.	
5.	PUBLIC ARRANGEMENTS - QUESTIONS: To consider any questions under Standing Order 27.	
<u>MATTERS TO BE REFERRED TO COUNCIL FOR CONSIDERATION</u>		
6.	NOTICE OF MOTION - REMOTE MEETINGS: The Head of Legal and Governance to submit a written report.	13 - 18
7.	MEMBER LEARNING AND DEVELOPMENT STRATEGY - YEAR 4: The Democratic Services Officer to submit a written report.	19 - 28

MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS

8. **OMBUDSMAN COMPLAINTS AND INVESTIGATIONS 2020/21:** 29 - 34
The Head of Legal and Governance to submit a written report.
9. **STANDARDS COMPLAINTS AND INVESTIGATIONS 2020/21:** 35 - 40
The Head of Legal and Governance to submit a written report.
10. **APPOINTMENT TO OUTSIDE BODY:**
To note the resignation of Councillor Zoe Metcalfe with effect from 18 March 2021 from the Harrogate and District Council for Voluntary Service and appoint a replacement representative. (Conservative Group nomination: Councillor Sam Gibbs; Liberal Democrat Group nomination: Councillor Chris Aldred).

MEMBERSHIP: Councillor Samantha Mearns (Chair). Councillor Matt Scott, Councillor Philip Broadbank, Councillor Nick Brown, Councillor Ed Darling, Councillor Tim Myatt, Councillor Pauline McHardy, Councillor Alex Raubitschek and Councillor Norman Waller.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Please contact Charles Casey - Democratic Services Officer, if you have any queries or need further information on this agenda - telephone or email Tel: (01423) 500600 Email: democraticservices@harrogate.gov.uk

**GENERAL PURPOSES COMMITTEE
HELD ON 28 JANUARY 2021
(FROM 5.30 PM – 7.32 PM)**

PRESENT: Councillor Samantha Mearns in the Chair. Councillors Nick Brown, Philip Broadbank, Ed Darling, Tim Myatt, Pauline McHardy, Alex Raubitschek, Matt Scott and Norman Waller.

Late Arrivals: None

Early Departures: Councillor Alex Raubitschek at 6.40 pm
Councillor Pauline McHardy at 7.20 pm

31/20 - APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:

There were no apologies for absence or notifications of substitutes.

(5.36 pm)

32/20 - DECLARATIONS OF INTEREST: There were no declarations of interest made at the meeting. With regards to item 37/20 Councillor Tim Myatt advised that he was the Cabinet Member for Planning but that this was not considered a disclosable interest and therefore he remained in the meeting for the item.

(5.36 pm)

33/20 – MINUTES: The Minutes of the meeting of the Committee held on 19 November 2020 were approved unanimously as a correct record.

(5.37 pm)

34/20 – EXEMPT INFORMATION: There was no exempt information.

(5.38 pm)

35/20 – PUBLIC ARRANGEMENTS – QUESTIONS: There were no public questions to consider under Standing Order 27.

(5.38 pm)

MATTERS TO BE REFERRED TO COUNCIL FOR CONSIDERATION

36/20 – STRAY EXCHANGE LAND AND BYELAW AMENDMENTS –

OUTCOME OF CONSULTATION: The Economy and Transport Officer (ETO) submitted a written report the purpose of which was to provide feedback on the outcome of the public consultation undertaken in relation to the proposals to exchange Stray land and to amend the Stray Byelaws to permit cycling on the Otley Road Cycle route. The report also sought approval from the General Purposes Committee to submit the proposed byelaw amendments to the Secretary of State, Ministry of Housing, Communities and Local Government (MHCLG) for approval.

The ETO began by giving a summary of the wider context of the proposed byelaw amendment. She explained that NYCC was leading on a NPIF funded scheme that would improve sustainable transport infrastructure in the West of Harrogate, including a new off-road cycle route along Otley Road. The proposed cycle route

GENERAL PURPOSES COMMITTEE

intended to use some existing verges and footpaths between Cold Bath Road and Beech Grove, which were designated as Stray land. At the meeting of the 15 July 2020 the Committee had given permission to consult the public on the proposed byelaw changes and on the 20 July 2020 Cabinet approved a consultation on the proposed exchange of land options. The subsequent consultation was carried out for twelve weeks between 17 August 2020 and the 9 November 2020. A copy of the online questionnaire was attached at Appendix A to the report, the questionnaire sought the public's views on the exchange of land and amendment of Byelaws that were required in order to enable NYCC to use the Stray land for the creation of the proposed off-road cycle route. The public were also made aware that the Stray Byelaws would be updated to be consistent with the model byelaws at the request of the Ministry of Housing Communities and Local Government. The new byelaws could be found in appendix C to the report.

The ETO explained that there were 443 responses to the consultation, 417 of these responses were from residents and the majority of the respondents agreed to exchange of the Stray land (56% agree, 39% disagree and 5% neither agree nor disagree) and that option 1 was the preferred location. The results also showed the majority of the respondents agreed to amending the Stray Byelaws to permit cycling on the proposed cycle route on Otley Road (59% agree compared to 38% disagree and 3% neither agree or disagree). The ETO advised that officers had conducted a detailed analysis of the responses and grouped the responses into themes as detailed in paragraph 5.11 of the report. A detailed response to each of the themes was outlined in appendices B1, 2 and 3 to the report.

The ETO then responded to questions from Members. In response to one question she explained that the results had not been broken down based on where residents lived as the Stray Act required any exchange proposals to be based on a benefit to the whole borough, not any localised part of it. This proposal was also part of a longer term aspiration to provide Harrogate with a cycle network that would connect the Town Centre with the west of Harrogate. Lastly she explained that this consultation was on the principle of exchanging the land and not about the design or location of the cycle route. She also confirmed that the Stray Defence Association had been sent a detailed letter concerning the proposals and the Association had responded. The ETO agreed to brief Councillor Nick Brown on the Association's response as well as the comments from the other organisations that responded.

RECOMMENDED:

That (1) the outcome of the public consultation outlined in the consultation response summary in Appendix B1, 2 & 3 be noted; and

(2) the proposed byelaw amendments be submitted to the Secretary of State (MHCLG) for approval.

(Seven Members voted for the motion and there was one abstention.)

(5.39 pm – 6.12 pm)

GENERAL PURPOSES COMMITTEE

37/20 – AMENDMENT TO THE CONSTITUTION TO INCLUDE REFERENCE TO THE IMPLEMENTATION AND ENFORCEMENT OF THE COMMUNITY INFRASTRUCTURE LEVY (CIL):

The S106 and CIL Delivery Officer, submitted a written report the purpose of which was to recommend amendments to the Constitution to include reference to the implementation of CIL and in particular to make arrangements for the authorisation of enforcement proceedings in respect of non-payment of CIL receipts and the service of Stop Notices against development works where CIL payments were outstanding.

The report outlined that CIL was a charge, expressed in pounds per square metre, levied on the net additional floor-space created by most new development and was calculated through a formula related to the scale and type of development proposed in the area. The Council approved the CIL Charging Schedule on 8th July 2020 and started implementing it on 1 October 2020. CIL was to be collected at commencement of development and the proceeds of the levy must be spent on local and sub-regional infrastructure needed to support new development in the area. The CIL Regulations 2010 (as amended) made provision for the effective collection of money (Part 8), and where necessary, enforcement of collection of money (Part 9). It was vital that the Council as a CIL charging and collecting authority follow the correct collection and enforcement process and as CIL was a separate legal entity and had a different national regulatory framework to other planning powers it was necessary to ensure that the Council's Constitution reflected this responsibility. The report outlined the process for CIL collection at paragraph 5.4 and paragraph 5.6 outlined the levels of penalties that could be imposed by the Council. The officer advised that where a development had commenced without payment of the CIL the Council would be able to issue a stop notice and as a final step the Council would be able to recover costs through the Courts. Lastly the officer highlighted Paragraph 5.10 of the report which contained a table that showed the amendments required to the Constitution to cover CIL implementation and enforcement duties.

In response to a question the S106 and CIL Officer confirmed that if a developer had not paid the levy the Council could issue a stop notice and as a last resort the Council could take court action.

RECOMMENDED:

That (1) the Constitution be amended as per the table in Para 5.10 below to make provision for the implementation of CIL and the decision making process relating to the commencement of legal proceedings in respect of non-payment of CIL receipts and the service of Stop Notices against development works where CIL payments are outstanding;

(2) all decisions relating to the CIL enforcement process be delegated to the Executive Officer Development Management and Building Control in consultation with Cabinet Member (Planning) and the Head of Legal and Governance; and

(3) authority be delegated to the Head of Legal and Governance to make the necessary changes to the Council's Constitution as per the table in Para 5.10 below.

(Eight Members voted for the motion and there was one abstention)

GENERAL PURPOSES COMMITTEE

(6.13 pm – 6.22 pm)

38/20 – UPDATE TO CONSTITUTION MEDIA PROTOCOL: The Communications and Engagement Manager (CEM) submitted a written report which sought approval of a proposed new Media Protocol (attached as appendix 1) as part of the Council's Constitution document (part B, section 11). The CEM advised that the existing media protocol had not been updated for some time and as such it no longer accurately reflected the approach to media relations or external communications.

The report outlined how the Council's Media Protocol set out the principles and processes for how the council used external communications and media relations to promote its work and the services it provided. It was written at a time when the Council did not benefit from the expertise of a central communications and engagement team. Previously, services had been expected to prepare their own communication materials for publication to the press. It was not certain when the protocol was last reviewed or updated, but it no longer reflected current working practices. All communication and marketing activity was carried out by the corporate communications and engagement team using a range of channels.

In response to a question the CEM and Head of Legal and Governance agreed to review the possibility of Ward Members being included in proactive Communication responses.

RECOMMENDED:

That the new media protocol be approved and the Head of Legal and Governance be authorised to update the constitution accordingly.

(Seven Members voted for the motion and there were two abstentions)

(6.23 pm – 6.30 pm)

39/20 – PROPOSED ADOPTION OF LGA MODEL CODE OF CONDUCT: The Head of Legal and Governance submitted a written report which sought to recommend the adoption of the Local Government Association's (LGA) Model Code of Conduct with local amendments.

The HoLG began by giving the background to the development of the Model Code and reasoning behind why it was recommended for adoption. In accordance with the provisions of the Localism Act 2011, the Council in 2011 adopted a Code of Conduct for Members and arrangements for dealing with complaints that Members had breached the Members' Code of Conduct. In January 2019 the Committee on Standards in Public Life published a report following its review of Local Government Ethical Standards. The report of the Committee on Standards in Public Life recognised that clear, relevant, and proportionate codes of conduct were central to maintaining ethical standards in public life. In order to ensure consistency of approach the Committee recommended that there should be a national Model Code

GENERAL PURPOSES COMMITTEE

of conduct, but that this should not be mandatory, and should be able to be adapted by individual authorities.

The Committee on Standards in Public Life's report was considered and recommended by the General Purposes Committee in March 2019. Following the report of the Committee on Standards in Public Life the LGA has now developed a Model Councillor Code of Conduct. It was a template for councils to consider adopting in whole and/or with local amendments.

The key elements of the LGA Model Code of Conduct were set out in paragraph 5.4 of the report and the Model Code, together with some minor and local amendments was set out in appendix 1 to the report. The red text found in appendix 1 set out the proposed local changes to the Model Code and reflected the existing arrangements in the Council's code of conduct. The HoLG advised that she had consulted the independent persons when preparing the proposed code and she confirmed they were happy with the Model Code and the proposed local amendments. Furthermore, the independent persons had requested inclusion of sections 6.1 to 6.3 of the existing code to which the HoLG had agreed.

The HoLG advised that wording in the proposed local amendments to the code made it clear and reflected the test, as set out in section 27(2) of the Localism Act 2011, that a relevant authority must adopt a code dealing with the conduct that is expected of its Members and co-opted Members when they are acting in that capacity as elected Member. She also explained that she had added a provision that barred Members from scrutinising a decision that they had a part in making. At paragraph 5.6 of the report it was highlighted that there were no changes to requirement regarding the disclosure of registerable and non-registerable interests. Paragraph 5.7 outlined that the National Committees' recommendation of changes to the sanctions for breaches of the code alongside the appeals process, was out of scope of the Model Code at the moment because it required legislative changes by Government. There was to be an annual review of the code and it was also recommended that Town and Parish Councils adopt the Model Scheme.

The HoLG then responded to Members' questions. She confirmed that the Committee were being asked to adopt the Model Code with or without the local amendments, the Council would then invite Parish Councils to also adopt the Model Code as amended. She also advised that there had been consultation by the LGA on the Model Code during its development and now it was it was being submitted before the Committee to consider. Parish Councils could be invited to adopt the Model Code and it was in their power to refuse or adopt with amendments. In response to a further questions the HoLG explained that if the Committee were minded to recommend approval of the Code to Council, the Code would not come into force until after the Committee Minute had been approved by Council in March. The HoLG confirmed that the Code would not be applied retrospectively.

RECOMMENDED:

That (1) the introduction of a Model Code of Conduct for all Councillors by the LGA be noted;

GENERAL PURPOSES COMMITTEE

(2) the Model Code be adopted subject to the local amendments shown in red in Appendix 1; and

(3) the Monitoring Officer contact all Parish Councils and request that they also adopt the Model Code.

(Seven Members voted for and one against the motion)

(6.30 pm – 7.16 pm)

40/20 – AMENDMENT TO MEMBERS' ALLOWANCES SCHEME –

REMUNERATION FOR MICROSOFT TEAMS DIAL-IN: The Democratic Services Officer submitted a written report which sought to gain approval of a proposed amendment to the Members' Allowance Scheme for consultation and recommendation to full Council for approval. The proposed amendment would give Members the ability to claim for costs incurred by use of the Microsoft Teams Dial-in option when dialling-in to council or committee meetings.

The proposed addition to the Members' Allowance Scheme enables the reimbursement of costs incurred by Members who are required to use this service in order to take part in a Committee or Council meeting and would otherwise be barred from taking part through technical issues such as a loss of internet connection. Reimbursement of dial-in costs applies only to those meetings listed in Appendix 1 to the Members' Allowance Scheme and the requirements for making an expenses claim were set out in paragraph 5.4 of the report.

RECOMMENDED (UNANIMOUSLY):

That the revised Members' Allowance Scheme contained within this report, described in paragraph 5.4, is recommended to Council for final approval.

(7.17 pm – 7.23 pm)

GENERAL PURPOSES COMMITTEE

GENERAL PURPOSES COMMITTEE HELD ON 28 JANUARY 2021 (FROM 5.30 PM – 7.32 PM)

PRESENT: Councillor Samantha Mearns in the Chair. Councillors Nick Brown, Philip Broadbank, Ed Darling, Tim Myatt, Pauline McHardy, Alex Raubitschek, Matt Scott and Norman Waller.

Late Arrivals: None

Early Departures: Councillor Alex Raubitschek at 6.40 pm
Councillor Pauline Mchardy at 7.20 pm

MATTERS DEALT WITH UNDER DELEGATED POWERS

41/20 – **POLLING STATION LOCATION CHANGES:** The Elections Manager (EM) submitted a written report which recommended proposed changes to twelve polling station locations. The recommendations in the report were there to ensure the voting procedures was as easy as possible and accessible for all voters across the District and to ensure that all polling stations were COVID-19 secure workplaces and safe for voters to confidently cast their vote in person.

The EM advised that due to the ongoing situation with the Coronavirus in the UK, the Government and the Electoral Commission have issued guidance on what is necessary to run safe and COVID-19 secure polls for the planned PFCC elections on 6 May 2021. The measures included similar practices that the public would have seen in shops and in public spaces such as the use of hand sanitizer, one-way systems and social distancing of staff. The Elections Team had therefore conducted a review of current polling station locations and identified 12 sites that needed to be reviewed. A number of the current sites were unsuitable as they didn't have warm running water for staff to be able to frequently wash their hands and some sites were simply unavailable due to the pandemic. In addition to that the EM advised she was attempting to move away from using schools to avoid further disruption to school years. The proposed changes were outlined in paragraph 2.1 of the report.

In response to a question the EM explained that two of the proposed changes were proposed to be permanent, The Hydro serving the ward of Harrogate New Park was to be moved to Jennyfields Evangelical Church on Grantley Drive. The Citizen's Advice Bureau in Harrogate Central had been identified as too small of a space to allow for social distancing of staff and electors. The Returning Officer is therefore proposing that the polling station should be permanently relocated at The Wesley Centre, this move was to be included in the recommendations found in paragraph 2.1. The EM confirmed that all Ward Members and County Councillors had been consulted on the proposed changes all but one had responded and all respondents were happy with the changes.

RESOLVED:

That (1) The Committee note the proposed changes:

GENERAL PURPOSES COMMITTEE

- (1) The polling station at All Saints Church School serving the ward of Spofforth and Lower Wharfedale to be moved to Sicklinghall Village Hall.
- (2) The polling station at North Rigton Primary School serving the ward of Washburn to be moved to St John's Church in North Rigton Village
- (3) The polling station at Baldersby Mission Room serving the ward of Wathvale to be moved to Rainton Village Hall
- (4) The polling station at Lofthouse Memorial Hall serving the ward of Pateley Bridge to be moved to Middlesmoor Village Hall
- (5) The polling station at St Mary's Church at Dunsforth, serving the ward of Ouseburn to be moved to Boroughbridge Methodist Church
- (6) The polling station at St Michael's all Angels Church at Wilsill serving the ward of Pateley Bridge to be moved to Broadbelt Hall at Glasshouses
- (7) The polling station at The Inn at South Stainley serving the ward of Fountains and Ripley to be moved to Markington Village Hall
- (8) The polling station at The Kitchen, Asenby Hall serving the ward of Wathvale to be moved to Rainton Village Hall
- (9) The polling station at Woodside at Carters Lane serving the ward of Washburn to be moved to Askwith Village Hall
- (10) The polling station at The Hydro serving the ward of Harrogate New Park to be moved to Jennyfield Evangelical Church on Grantley Drive
- (11) The polling station at Nun Monkton Primary School serving the ward of Ouseburn to be moved to Kirk Hammerton Village Hall
- (12) The polling station at St George's Social Club serving the ward of Harrogate St George's to be moved to St Marks Church Hall.
- (13) The polling station located at The Citizen's Advice Bureau in Harrogate Central be permanently relocated to the Wesley Centre.**

(2) the members of the Committee indicate their response to the proposals at 2.1 above.

(Unanimous)

(7.23 pm - 7.32 pm)

REPORT TO:	General Purposes Committee
DATE:	18 March 2021
SERVICE AREA:	Legal and Governance
REPORTING OFFICER:	Head of Legal and Governance <i>(Elizabeth Jackson – Democratic Services Manager)</i>
SUBJECT:	NOTICE OF MOTION – REMOTE MEETINGS
WARD/S AFFECTED:	ALL DISTRICT
FORWARD PLAN REF:	N/A

1.0 PURPOSE OF REPORT

At the meeting of Council held on 3 March 2021 a notice of motion was submitted in the names of Councillors Chris Aldred and Philip Broadbank, as detailed in section 5 below. In accordance with Standing Order 10 the General Purposes Committee is required to consider the notice of motion and provide a report back to the next ordinary meeting of Council, to be held on 21 April 2021.

2.0 RECOMMENDATIONS

That General Purposes Committee:

- 2.1 Consider whether to support the notice of motion and report back to Council on 21 April 2021. Should the notice of motion be supported an amendment would need to be made that any review report back to Council on 7 July.
- 2.2 In the event that the notice of motion is not supported the Committee consider the alternative options as set out at paragraphs 5.16 and 5.17.

3.0 RECOMMENDED REASON FOR DECISION

Council have referred this to the General Purposes Committee for consideration.

4.0 ALTERNATIVE OPTIONS CONSIDERED AND RECOMMENDED FOR REJECTION

There are no alternatives.

5.0 THE REPORT

- 5.1 At the meeting of Council held on 3 March 2021 a notice of motion was submitted in the names of Councillors Chris Aldred and Philip Broadbank, as detailed below.
- 5.2 “That this Council, due to the interest shown in the Live Streaming of its Meetings during the current Pandemic, asks the Overview & Scrutiny Commission to set up a Cross Party Working Group, to look at (1) improving the Presentation of and Public Access to Meetings as currently broadcast on the HBC You Tube Channel & (2) fully investigate Costings and Systems for the Streaming of Council meetings when they return to taking place physically - aiming for the Working Group to produce a report back to Full Council at the Annual Meeting of the Council in May.”

Proposed: Councillor Chris Aldred Seconded: Councillor Philip Broadbank

Remote Meetings

- 5.3 The Council commenced remote decision making meetings on Microsoft Teams in early May 2020 following the making of Regulations permitting such meetings in response to the coronavirus pandemic. In order to ensure public access the meetings were live-streamed on YouTube.
- 5.4 The meetings have worked well, with all Members able to access and take part in the meetings despite the ‘stay at home’ requirements of the pandemic. The Council has been able to deal with its business, decisions have been taken and approvals gained to enable major projects to progress.
- 5.5 Members of the public have been able to access and participate in meetings as they would for in-person meetings where there is public participation. These include the Opportunity to Speak Scheme at Planning Committee, public questions at Council, consideration of applications by the Licensing Sub-Committee and Standards Panel Hearings. The number of views of meetings on YouTube indicates that there is an increased public interest in viewing the proceedings of Committees.
- 5.6 The Regulations permitting remote meetings come to an end on 6 May 2021 and at the present time it is not clear whether remote meetings will be able to continue beyond that point, or whether it will be necessary to return to in-person meetings in the Civic Centre. The Government have indicated that they are trying to find a way to make the provisions permanent.
- 5.7 Should it be necessary for meetings to be held in-person after 7 May, preparations have begun to consider how this can be done safely and in accordance with workplace regulations which currently require 2 m social distancing. More information will be made available to Members nearer the time should this be necessary.
- 5.8 Concerns have been raised on occasion about presentational issues such as meeting participants leaving microphones on when not speaking thereby

causing interference, participants struggling to use the technology or participants not taking time to ensure they are set up correctly before joining a meeting. Training and reminders on these issues have taken place. Members will note that in the Member Learning and Development report also to be considered by General Purposes Committee, formal training from the Communications team on 'How to create a positive impression on Teams calls' is proposed.

Live streaming meetings

- 5.9 The live-streaming element for remote meetings has been achieved at no extra direct cost to the Council. The cameras and microphones are all built into the tablets and laptops which Members and officers already had. The software to transfer the Teams meeting on to YouTube is free to use and did not have to be purchased. The only cost is that of staff time. However, whilst meetings held in the Civic Centre only required the presence of one Democratic Services Officer; remote meetings which are live-streamed require three officers to support the meeting (one to clerk, one to 'facilitate' and provide technical assistance as and when required, and one to undertake the live streaming). Should live-streaming continue it will be necessary to consider the staffing resource available to support it.
- 5.10 Should meetings return to being in person then a view will need to be taken on whether such meetings should be live streamed and what technical solution should be procured to achieve this. In person meetings are not likely to use Microsoft Teams with the cameras and microphones on Member devices.

Post May 2021

- 5.11 It is proposed that, if permitted by regulations, remote meetings should continue until the summer. They are the safest option for Members and officers whilst there is increased risk from COVID-19, and have many advantages in terms of convenience and cost. Once workplace regulations change and it becomes possible to meet in person without undertaking additional safety measures Council and Committee meetings can return to the Civic Centre.
- 5.12 Subject to the regulations extending the ability to hold remote meetings post 7 May, it has been suggested that some of the smaller committees may wish to meet remotely from time to time, and this would be at the discretion of the Chair. Were this to happen, the meetings would need to be live streamed to enable public access. The view of Members seems to be that larger, more complex meetings such as Council and Planning Committee are better held in person. A view will need to be taken on whether such meetings should be live streamed from the Council Chamber. This should be possible with minimum investment now, given the expertise and software acquired by the Democratic Services team and ICT over the past year.

Notice of Motion

- 5.13 The General Purposes Committee is asked to consider whether it would like to ask the Overview and Scrutiny Commission to set up a cross-party working group to look at:
1. improving the presentation of meetings as broadcast;

2. improving public access to meetings as currently broadcast on the HBC YouTube Channel;
 3. fully investigate costings and systems for the streaming of Council meetings when they return to taking place physically.
- 5.14 Should the Committee be minded to accept the notice of motion, it must recommend this to Council, which can then ask the Commission to undertake the review. The General Purposes Committee does not have the power to ask the Overview and Scrutiny Commission to undertake a review directly.
- 5.15 In order for the Commission to undertake a review it must first meet and agree that it wishes to undertake the review. The next meeting of the Commission after Council on 21 April is 10 May. This would not leave adequate time for the Commission's working group to undertake a review and report back to the Annual Meeting on 24 May. Members are therefore asked to consider the practicality of what the notice of motion seeks and, if the Committee is minded to support to motion, whether to extend the timetable or look at an alternative way of Members being involved in a review and reporting back to Council in May.
- 5.16 The alternatives, therefore, are for:
- (1) for this Committee to support the Notice of Motion, and for Council on 21 April to request the Overview and Scrutiny Commission undertake a review. The Committee would also need to recommend that the timetable be extended and the report back be to Council on 7 July 2021, not the Annual Meeting, which would be too early.
 - (2) the Overview and Scrutiny Commission to consider at its meeting to be held on 12 April whether it wishes to form a working group of its own volition. The next Commission meeting will take place on 12 April, where it could resolve to undertake a review. Any working group could then report back to the Commission on 10 May, and the review outcome reported to Council at the Annual Meeting.
 - (3) for the General Purposes Committee to convene a cross party working group. Work could begin immediately. An additional meeting of the Committee would need to be convened in early May to consider the report of the working group and report to Council at the Annual Meeting.
 - (4) for this Committee to request that the Member ICT Working Group consider undertaking a review of technical aspects of remote meetings.
- 5.17 Should the Committee be minded to recommend a review take place under any of the options above, it will need to determine what matters it wished any Member working group to consider and report back on. The notice of motion specified three areas for review, listed at paragraph 5.13.
- 5.18 The Committee may decide not to support the notice of motion.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

7.0 CONCLUSIONS

General Purposes Committee is asked to consider its response to the Notice of Motion for report back to Council on 21 April 2021.

Background Papers –

OFFICER CONTACT: Please contact Elizabeth Jackson, Democratic Services Manager, if you require any further information on the contents of this report. The officer can be contacted at *Legal and Governance, PO Box 787, Harrogate, HG1 9RW* 01423 500600 or by e-mail at Elizabeth.jackson@harrogate.gov.uk

This page is intentionally left blank

REPORT TO:	General Purposes Committee
DATE:	18 March 2020
SERVICE AREA:	Legal and Governance
REPORTING OFFICER:	Democratic Services Officer (<i>Charles Casey</i>)
SUBJECT:	Member Learning and Development Strategy – Year 4
WARD/S AFFECTED:	ALL DISTRICT
FORWARD PLAN REF:	N/A

1.0 PURPOSE OF REPORT

- 1.1 To provide a summary on Year three (2020/21) of the Member Learning and Development Strategy and to gain approval for Year four (2021/22) of the Member Learning and Development Strategy.

2.0 RECOMMENDATION/S

- 2.1 That the Committee note the attendance figures for Year three of the Member Learning and Development Strategy.
- 2.2 That the Member Learning and Development Programme for 2021/22, Year four of the Member Learning and Development Strategy, be approved.
- 2.3 Consider whether future Member briefing and training sessions continue to be held remotely. (paragraph 5.4)
- 2.4 Consider that remote briefing and training sessions be recorded. (paragraph 5.4)
- 2.5 The holding of a Chair training session to be held in March/April be approved. Members consider whether such training should be mandatory. (paragraph 5.5)

3.0 RECOMMENDED REASON/S FOR DECISIONS

- 3.1 The Member Learning and Development Strategy was approved by Council in May 2018. As part of the Strategy it was agreed that the General

Purposes Committee would receive an annual report on attendance and feedback information. It was also agreed that that Council would approve the annual plan for Member learning and development.

It is good practice to have a Member Learning and Development Strategy as it allows Members to carry out their roles to the highest possible standard.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION

- 4.1 To not report back on year three of the Member Learning and Development Strategy. This has been rejected as it was part of the Strategy that was agreed by Council.

To not produce a Member Learning and Development Programme for Year four of the Strategy. This has been rejected as it was agreed by Council that a Member Learning and Development Programme would be produced for each of the four years covered by the Strategy.

5.0 THE REPORT

5.1 Background

In May 2018 the Member Learning and Development Strategy was approved by Council and aimed to provide an overall programme of training for elected members that would allow them to carry out their duties to the best of their abilities. The Strategy was planned in accordance with a four year cycle, with a plan for each municipal year being presented to Council in April. The years of the cycle had different themes; year one was essential training and years two and three were progression and development and year four will continue progression and development but also cover a few new topics.

5.2 Year Three

Appendix 1 to the report is the Member Learning and Development Programme that took place in 2020/21. Below is a summary of the year:

The 2020-21 year was largely dominated by Covid-19, all Members attend training on Remote Meetings and their was specific Remote Meetings Training for Chairs.

Committee Specific Training – Planning Committee:

Three planning briefings were held throughout the year along with the mandatory planning update training in November/December. All Members of the Planning Committee attended the mandatory training.

Committee Specific Training – Licensing Committee:

All Members of the Licensing Committee completed the mandatory training and were therefore eligible to serve on Licensing Sub-Committee Panels.

Prevent/Safeguarding/Emergency Handbook Training on 12 November 2020 - 21 Members attended a briefing on Prevent and Safeguarding issues and the new Members' Emergency Handbook.

Other Training Sessions:

A number of other briefings were held throughout the year. This list included; Sport and Leisure Review Briefing; Devolution and Re-Organisation Briefing; HCC Redevelopment; Local Plan Briefing; and a briefing on the Transforming Cities Fund Project.

5.3 Year Four

As stated in the Strategy, by years two and three Members are starting to embrace the culture of learning and would therefore have more of an input into the programme. In February 2021 an email was sent to all Members that requested details of any training events that they would like to see in the programme for 2021/22. Members seem content with the training that is to be provided and know that they can request training throughout the year if and when they require it. An email for requests was also sent to the Chief Executive, Directors and Heads of Service. The following requests were received:

5.3.1 LGA Model Code of Conduct Training – Officer Request:

The Head of Legal and Governance will invite all Members to a briefing/training session on the newly adopted Code of Conduct. This training will be mandatory and will be held in May.

5.3.2 ICT Training – Member Request:

Members will be invited to attend a training session to develop their ICT abilities. The session will be run by Democratic Services and ICT.

5.3.3 Community Safety and Prevent Update – Officer Request:

The Community Safety team will deliver a mandatory session on updates to the prevent programme. As this is mandatory it will be held on two occasions. The lead officer will be the Community Safety and CCTV Manager.

5.3.4 Communications and Media Briefing: To consider the following

- Responding to the Media Enquiries
- Social media – tips for getting the best out of it;
- Crisis communications – the role of the elected Member
- ‘How to create a positive impression on Zoom/Teams/video calls’ – practical tips

Officer Request:

A briefing/workshop session will be held for all Members. This will include how to issue press releases/deal with press enquiries. The date and whether this will be one or two briefings is still to be determined.

5.3.5 Treasury Management/Accounts Training – Member Request:

A member of the Audit and Governance Committee requested this training – currently awaiting a decision on when this will be held. A further request has been received for training on understanding budgets.

5.3.6 Carbon Reduction – Officer Request:

The corporate Carbon Reduction Plan is currently being refreshed and a need for staff and member training has been identified as part of this,

although there are no firm plans yet on how or when the training will be delivered.

5.3.7 **Licensing Training – Committee Specific:**
Additional licensing training will be held for all Licensing Committee Members on taxi licensing. This training will be delivered by an external trainer.

5.3.8 **Planning Committee Training/Briefings:**
The compulsory planning update training sessions have been built into the planning committee briefings programme for 2020/2021. Requests have been received from Members for a briefing on application and use of S106 payments for open spaces and this will be included as part of the briefings programme.

Other Committee Specific Training:

As in previous years, a programme of committee specific training will be undertaken which includes the training set out in paragraphs 5.3.6 and 5.3.7 as well as Audit and Governance Committee training, Human Resources Committee training and training for the Overview and Scrutiny Commission.

The draft programme for 2021/22 is attached at Appendix 2 to the report. Ad-hoc events will be added as and when they arise.

5.4 **Future of Member Briefings**
Remote meetings have seen a marked increase in attendance by Members, the briefings held this year have on average seen at least half of Members attend and it is thought this is largely down to the fact that Members have not had to travel to attend the briefings – the lack of need to travel means that remote briefings are significantly easier to attend/fit into Members' busy diaries. It is also proposed that future briefings are recorded, this would mean that the briefing would be available to be watched if a Member was unable to attend, this would be useful for optional briefing and very useful when it comes to mandatory training.

5.5 **Chair Training**
It is looking likely that remote meetings will continue for some time and therefore we would like to hold a Chair training session similar to that which we held back at the beginning of lockdown. Given the amount of time that has passed this would be a useful refresher course on the do's and don't of chairing an online meeting and all chairs and vice chairs would be welcome.

5.6 **Laptop Update**
Since the handover of the new laptops in December/January 2021 there has been no follow up training. At the request of the chair of the Member's ICT Working Group Members are to be invited to an all Member briefing/training session. The session will re-cover the basics of using Modern.Gov and explore some of its more advanced features. This session will also cover some basic tips for using the laptops and anything else requested by Members at the time.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

- 6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

7.0 CONCLUSIONS

- 7.1 It is good practice to note the performance of the Member Learning and Development Strategy. By continuing with the Strategy Members will be able to continue their development which will benefit them, their residents and the Council as a whole.

Background Papers – [Member Learning and Development Strategy](#)

Appendix 1 – 2020/21 Member Learning and Development Programme

Appendix 2 – Proposed 2021/22 Member Learning and Development Programme

OFFICER CONTACT: Please contact Charlie Casey, if you require any further information on the contents of this report. The officer can be contacted at *Democratic Services, PO Box 787, Harrogate, HG1 9RW tel: 01423-500600 ext 58078* or by e-mail: Charles.casey@harrogate.gov.uk

This page is intentionally left blank

Member Learning and Development Programme 2020/2021**Appendix 1**

Training	Mandatory/Optional	Internal Trainer/ External Trainer	Date	Attendance
Microsoft Teams/Remote Meetings	Mandatory for all Members	Internal	May/June 2020	40
Devolution Briefing	Advisory	Internal	25 June 2020	20
Sport and Leisure Briefing	Optional	Internal	29 June 2020	20
Planning Briefing	Mandatory for Planning Members	Internal	7 July 2020	15
HCC Redevelopment	Optional	Internal	16 July 2020	23
Local Government Re-Organisation	Advisory	Internal	21 July 2020	36
Local Government Re-Organisation	Advisory	Internal	10 August 2020	30
Planning Quarterly Update	Advisory	Internal	26 August 2020	18
Planning Training Session 1	Mandatory	Internal	9 November 2020	All expected
Planning Training Session 2	Mandatory	Internal	26 November 2020	All expected
Local Plan Briefing	Advisory	Internal	1 December 2020	
Local Government Re-Organisation	Advisory	Internal	3 December 2020	26
Transforming Cities Fund Project	Optional	Internal	18 February 2021	
Planning Quarterly Update	Advisory	Internal	15 March 2021	
2024 Programme Briefing	Optional	Internal	7 April 2021	

This page is intentionally left blank

Member Learning and Development Programme 2021/2022**Appendix 2**

Training	Mandatory/Optional	Internal Trainer/External Trainer	Date
Planning <i>(quarterly briefings)</i>	Optional	Internal	26 May 2021 15 Sept 2021 23 February 2022
LGA Model Code of Conduct Training	Mandatory	Internal	w/c 17 May 2021
Licensing Committee Training	Mandatory for all new Licensing Committee Members	Internal	June/July 2021 (if required following the annual meeting)
HR Committee Training	Mandatory for all new HR Committee Members	Internal	June 2021 (if required following the annual meeting)
Overview and Scrutiny Training	Mandatory	Internal	On-going
Audit and Governance Committee Training	Mandatory	Internal	June 2021 (if required following the annual meeting)
Treasury Management / Understanding the Accounts / Understanding budgets*	Advisory	Internal	June/July 2021
Responding to media enquiries	Optional	Internal	July/August 2021
Social Media	Optional	Internal	July/August 2021
Crisis communications – the role of the elected member	Optional	Internal	July/August 2021
'How to create a positive impression on Zoom/Teams/video calls' – practical tips	Optional	Internal	July/August 2021
Planning Update Training	Mandatory for all Planning Committee Members and Substitutes	Internal	23 November and 2 December 2021
Community Safety/Prevent Briefing	Advisory	Internal	October 2021

*Councillor Requests

This page is intentionally left blank

REPORT TO:	General Purposes Committee
DATE:	18 March 2021
SERVICE AREA:	Legal & Governance, Corporate Affairs
REPORTING OFFICER:	Head of Legal & Governance (Jennifer Norton)
SUBJECT:	OMBUDSMAN COMPLAINTS & INVESTIGATIONS 2020/21
WARD/S AFFECTED:	ALL DISTRICT
FORWARD PLAN REF:	N/A

1.0 PURPOSE OF REPORT

- 1.1 This report summarises the complaints made to the ombudsman for the financial year 2020/21 and the outcome of any investigation.

2.0 RECOMMENDATION/S

21. That Members note the complaints made and the outcome of the investigations.

3.0 RECOMMENDED REASON/S FOR DECISION/S

- 3.1 To ensure transparency as to the complaints made and their outcome.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION *(Must be used for reports to Cabinet & Cabinet Members)*

- 4.1 None.

5.0 THE REPORT

- 5.1 The Local Government and Social Care Ombudsman (LG&SCO) is the independent body responsible for investigating complaints made against public bodies where it is alleged that there has been maladministration causing injustice.

This report also covers complaints to the Housing Ombudsman. The Housing Ombudsman Service looks at complaints about the housing organisations that are registered with it and looks to resolve disputes involving the tenants and leaseholders of social landlords (housing associations and local authorities) and its voluntary members (private landlords and letting agents who are committed to good service for their tenants). Both ombudsman organisations work together and share information.

5.2 The remit of the LG&SCO is wide and can cover a number of complaints about different issues, such as:

- Housing and council tax benefit claims
- Housing allocation schemes
- Planning
- Anti-social behaviour
- Council tax and business rates
- Commercial & contractual matters
- Parking

The LG&SCO has the power to investigate complaints where there has been:

- Maladministration causing injustice
- A failure to provide a service that it was the public body's function to provide
- There was a total failure to provide such a service.

There is no specific definition of “maladministration” but it can include cases where a public body has taken, or has failed to take, action (Section 26(1), Local Government Act 1974). Examples of maladministration include bias; incompetence; perversity; excessive and unreasonable delay; making misleading or inaccurate statements; failure to follow specified procedures or statutory procedures; failing to properly consult or liaise; failing to provide information when requested to do so; and failing to investigate or reply to a query from a member of the public.

5.3 The LG&SCO is only allowed to investigate the procedure behind the decision making. This means that the LG&SCO will not investigate cases where the complainant merely disagrees with a decision that has been made.

Once maladministration has been established, it must be confirmed that it has led to personal injustice for the complainant. Injustice can include:

- The time and trouble involved in pursuing a complaint against a public body
- The loss to a right or service, which the complainant is legitimately entitled to
- Costs associated with pursuing the complaint
- Inconvenience, worry, distress and hurt feelings

- 5.4 It must also be proved that the injustice was caused by the council and was not merely accidental.

There are a number of situations where the LG&SCO cannot investigate a complaint, including:

- Where a complainant has not exhausted a local authority's internal complaints procedure (i.e. 'premature') (although this may be dispensed with by the ombudsman in certain cases)
- Where the complainant has, or has had, a right of appeal, reference or review or before a statutory tribunal or a Minister of the Crown
- Where the complainant has, or has had, a remedy by way of court proceedings; for example, where a complainant has already submitted a judicial review application
- Where the complainant has failed to make a complaint to the LG&SCO within 12 months of the matter complained of (although, there is discretion to extend this time limit.)

- 5.5 Upon receipt of a complaint the ombudsman carries out preliminary enquiries to establish whether it merits formal investigation. If it merits investigation the ombudsman notifies the council and invites representatives on the complaint together with requests for information and documentation relevant to the complaint.

Local settlement can also be used as a method for resolving complaints. Local settlement is where the public body or the ombudsman makes suggestions about how a complaint can be resolved before a full investigation is undertaken. If the complainant agrees to local settlement, the ombudsman will stop its investigation before issuing a report. Typically, this type of settlement will happen fairly early on in the ombudsman's investigation.

The ombudsman must issue a report if they have finished the investigation of a complaint. This report can also include recommendations for action. However, if the ombudsman is satisfied with the actions that the council has decided to take or has already taken to deal with the complaint, it may choose not to send a full report, instead sending a statement of reasons for the decision not to issue a full report.

Remedies recommended by the ombudsman include requiring local authorities to:

- Apologise to a complainant
- Offer financial compensation. This may be appropriate where there is no practical remedy or where the complainant has suffered financial loss as a result of the injustice
- Review the procedure that led to the injustice.
- Offer additional training for public body staff
- Reconsider a decision
- Pay money where the injustice is that money (such as housing benefit) has not been paid

- Consider alternative specific remedies where the injustice has been caused by the loss of a non-monetary benefit, such as enjoyment of a property where the public body has failed to deal with noise nuisance in the area
- Make payments to the complainant in recognition of the time and trouble involved in pursuing the complaint

Appendix 1 lists the complaints received by the ombudsman and notified to the council from 1 April 2020 up to the date of writing this report.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

- 6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

OFFICER CONTACT: Please contact Jennifer Norton, if you require any further information on the contents of this report. The officer can be contacted at Harrogate Borough Council, Head of Legal & Governance, PO Bo 787, Harrogate, HG1 9RW 01423 556036 or by e-mail – Jennifer.norton@harrogate.gov.uk

No	LGO Reference	Service	Details of Complaint	Complaint Upheld or Dismissed
1	19 018 620	N/A	Complaint about HBC staff parking in residential areas	Dismissed after initial enquiry. HBC not the highways authority
2	19 019 1990	Planning	Complaint that the Council failed to properly deal with a planning application for developing a site adjacent to the individual's home. He complained the site levels were raised and it was unreasonable for the Council not to take enforcement action.	Ombudsman investigated and found there was fault because the site level changes were not picked up when the application was decided. On balance the ombudsman did not find the outcome of the planning application would have been different. However, the Council agreed to make a payment of £250 to recognise the time and trouble he was put to when raising his complaint. The Council also agreed to carry out a review of how officers assess existing and proposed site levels when dealing with planning applications and to consider what further training or guidance it needs to provide to try to ensure that changes in site levels are picked up and properly considered on planning applications in future.
3	201915234	Housing & Property Services	Complaint about how the Council dealt with his issue relating to ASB, noise coming from his neighbour	Paragraph 19(a) of the Housing Ombudsman Scheme states that the Ombudsman can only consider a complaint from a person who is, or has been, in a landlord/tenant relationship with the landlord complained about. This means that this case is outside the jurisdiction of the ombudsman to consider as the resident does not fall within the persons who can access the Housing Ombudsman's services. The resident, therefore may wish to consider seeking independent legal advice on his options in this matter.
4	20 001 193	Planning	Complaint about application to amend planning conditions and alleged inaccuracies	Closed after initial enquiries and no further action taken because Ombudsman of the view that nothing to suggest fault by the Council or injustice to the complainant
5	19 -17 466/IT7	Planning	Complaints that North Yorkshire County Council and Harrogate Borough Council have failed to take action to bring roads on complainant's estate up to adoptable standard.	Awaiting outcome of investigation
6	20 005 841	Revenues and Benefits	Complaint that the Council did not give the complainant a COVID-19-related business grant	Complaint dismissed. The Ombudsman decided not to investigate this complaint because the evidence it had seen does not suggest fault by the Council
7	20 010 077	Corporate affairs	Complaint about council officer	Closed the Ombudsman advised that it had no jurisdiction
8	202009814	Housing & Property Services	Alleged failure to respond as landlord to tenants complaint on time	The tenant has been responded to and matters now in hand. No investigation after initial enquiry.
9	20 010 010	Planning	Complaint about planning permission and impact on amenity of complainant's property	Complaint is awaiting allocation to an Investigator.

This page is intentionally left blank

REPORT TO: General Purposes Committee

DATE: 19 March 2021

SERVICE AREA: Legal & Governance, Corporate Affairs

REPORTING OFFICER: Head of Legal & Governance
(Jennifer Norton)

SUBJECT: **STANDARDS COMPLAINTS & INVESTIGATIONS
2020/21**

WARD/S AFFECTED: ALL DISTRICT

FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT

1.1 This report summarises the complaints made to the Monitoring Officer about alleged breaches of the member's code of conduct. It covers complaints against Borough Council and Parish Council members made during the financial year 2020/21 and their outcome.

2.0 RECOMMENDATION/S

2.1 That members note the complaints made and their outcome.

3.0 RECOMMENDED REASON/S FOR DECISION/S

3.1 To keep members informed of the number and type of standards complaints received together with how they are being addressed.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION

4.1 None.

5.0 THE REPORT

5.1 The Localism Act 2011 established an amended ethical standards regime for elected members. Under Section 28(6) and (7) of the Act, the Council must have in place "arrangements" under which allegations that a member or co-opted member of the authority or of a parish council within the

authority's area, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

Complaints Made From 1 April 2020

- 5.2 Appendix 1 lists the complaints received by the Monitoring Officer from 1 April 2020 to the date of writing this report.
- 5.3 Of the 9 complaints received 5 relate to Harrogate Borough Councillors with the other 4 being complaints against Parish Councillors.
- 5.4 By way of summary of the 9 complaints there are:
- 5 cases where the Monitoring Officer and Independent Person considered they did not merit formal investigation.
 - 4 cases which were not within the remit of the code of conduct as they did not relate to alleged conduct as a councillor.

The Council's Independent Person is consistently appraised in relation to all complaints and his views taken into account by the Monitoring Officer in deciding on the appropriate course of action.

Complaints Carried Forward from 2019/20

- 5.5 Since the date of last year's annual report to the Committee (18 June 2020) the following outcomes have occurred in relation to cases reported to that Committee for 2019/20:
- SB 2019 (1) – referred to Panel hearing on 8 September 2020. The Panel's decision notice available on modgov.
 - SB 2019 (13) – referred to a Panel hearing on 14 September 2020 and 4 February 2021. The Panel's decision notices are available on modgov.
 - SB 2019 (15) – investigated and awaiting decision as to whether proceeding to a hearing.
 - SB 2019 (19) – the investigation did not find evidence to support the allegations of breach of the provisions of the code regarding disrespect and bullying. The Independent Person and Monitoring Officer agreed no further action.
 - SB 2019 (20) – Independent Person, Monitoring Officer and parties agreed to local resolution of this complaint.
 - SB 2019 (22) – Independent Person, Monitoring Officer and parties agreed a local resolution of this complaint.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

- 6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations,

assessments, considerations and implications considered necessary during preparation of this report are detailed below.

OFFICER CONTACT: Please contact Jennifer Norton, if you require any further information on the contents of this report. The officer can be contacted at *Harrogate Borough Council, Head of Legal & Governance, PO Bo 787, Harrogate, HG1 9RW* 01423 556036 or by e-mail – Jennifer.norton@harrogate.gov.uk

	File Ref	District or Parish Councillor	Summary	Progress/Outcome
1	SB 2020-1	Parish	Alleged harassment and vexatious behaviour	No jurisdiction – complaint related to the individual’s behaviour in a private capacity
2	SB 2020-4	Parish	Allegations about Parish Councillor’s conduct on social media	No jurisdiction – complaint related to the individual’s behaviour in a private capacity
3	SB 2020-5	Parish	Allegations about Parish Council decision around the award of a grass cutting contract	Independent person and Monitoring Officer agreed not to refer for investigation as there was an absence of any evidence of a relationship requiring declaration as an interest; it was not a reasonable nor proportionate use of Harrogate Council resources to investigate this; a more proportionate response would be the observance of the recommendation from the recent Panel hearing for all Parish Councillors to attend training on standards.
4	SB 2020-6	Parish	Allegations about Parish Councillor’s conduct on social media	No jurisdiction – complaint related to the individual’s behaviour in a private capacity
5	SB 2020-7	District	Allegations of threatening behaviour	No jurisdiction – complaint related to the individual’s behaviour in a private capacity
6	SB 2020-8	District	Communications about planning application progress	Independent Person and Monitoring Officer agreed not to refer for investigation as there was no evidence of misconduct. Councillor was providing an update on a planning application in his ward. Councillor was inviting those emailed to respond to the consultation as entitled to do. The councillor was also offering to put forward resident’s concerns to planning officers - again something ward members do.
7	SB 2020-11	District	Complaint about accuracy of information supplied in response to a public question	Councillor was communicating information he received from officers and therefore difficult to see how the statements made by the Councillor could constitute a breach of the code of conduct for members. Independent

				person and Monitoring Officer agreed not to refer for investigation
8	SB 2020-13	District	Complaint of disrespectful terminology used to describe another councillor's comments during debate	Independent person and Monitoring Officer agreed not to refer for investigation based on the principles in Livingstone v The Adjudication Panel for England and Heesom v Public Service Ombudsman for Wales concerning freedom of expression
9.	SB 2020-15	District	Alleged disrespectful email	Independent person and Monitoring Officer agreed not to refer for investigation on the basis that when taken as a whole and objectively viewed the communication could not be regarded as disrespectful.