

**Standards Committee
Local Review Sub-Committee
26 June 2012 – Civic Centre, Committee Room**

MINUTES

Present:

Elizabeth Barker
Councillor B Crossdale
Councillor Mrs M Davis

Officers:

Jonathan Lund – Monitoring Officer
Caroline Fleming – Senior Solicitor
Nick Abbott – Democratic Services Officer

1. Apologies for Absence

None received.

2. Disclosure of Interests

None received.

3. Private Session

Resolved:

To exclude the Press and Public from the meeting in accordance with the Access to Information provisions under Part 5 of the Local Government Act 1972.

4. Minutes of Local Review Sub Committee Meetings held on the 25 July 2011, 26 September 2011 and 17 October 2011

Resolved:

To receive and approve the minutes of the Local Review Sub Committee Meetings held on the 25 July 2011, 26 September 2011 and 17 October 2011 and that they are signed by the Chair.

5. Complaint SDC2012004

A report was presented by the Senior Solicitor setting out a summary of complaint SDC2012004 received from the complainant, Mr Grieg Markham about the alleged conduct of Hemingbrough Parish Council Chairman Mrs K Wilkinson. The report considered the complainant's request to review the Local Assessment Sub-Committee's decision to take no further action.

The Monitoring Officer clarified the situation in respect of statements made by the complainant wrongly alleging that recommendations had been made to the Council about complaint handling from Leeds City Council's Chief Legal Officer.

The Committee questioned the Senior Solicitor and Monitoring Officer about the details of the complaint. It was noted that the complainant had been advised that the Information Commissioner's Officer (ICO) was the proper authority to pursue the allegations but that the complainant, having initially gone to the ICO, had subsequently withdrawn his complaint.

The Committee considered the initial tests and found that the first two were satisfied in relation to the allegations. However, the Committee found that the third test failed on the grounds that without first allowing the ICO to deal with the principal allegation, there was insufficient evidence to form a view on whether there was likely to be a breach of the code of conduct.

Resolved:

To take no further action in respect of complaint SDC2012004 in accordance with Section 57A (2) of the Local Government Act 2000, as amended.

6. Additional Urgent Item – Complaint SDC2011013

A report was presented by the Senior Solicitor setting out a summary of complaint SDC2011013 received from the complainant, Mr Mark Harrison about the alleged conduct of District Councillor Mr Mark Crane. The report considered the complainant's request for a review of the Local Assessment Sub-Committee's decision to take no further action in respect of the complaint if the requested details about the circumstances of the complaint were not provided by the deadline given.

The Committee questioned the Monitoring Officer and Senior solicitor about the details of the complaint and discussed the concerns of the complainant regarding protecting the anonymity of those giving evidence.

The Committee considered the initial tests and found that the first two were satisfied in relation to the allegations. However, the Committee found that the third test failed on the grounds that without further details of the incident complained of and in view of the refusal of the complainant to supply details of the person to whom the remarks had been made there was insufficient evidence to form a view on whether there was likely to be a breach of the code of conduct.

Resolved:

- i) To take no further action in respect of complaint SDC2011013 in accordance with Section 57A (2) of the Local Government Act 2000, as amended.**

- ii) **To notify the complainant that it was difficult for the Local Review Sub-Committee to form a view without necessary information and access to the person to whom the alleged remarks had been made. Without such access the allegations were based upon hearsay evidence. Had the information been supplied as requested the outcome of the Local Review Sub-Committee's consideration of the complaint may have been different.**

7. Additional Urgent Item – Complaint SDC2012005

A report was presented by the Senior Solicitor setting out a summary of complaint SDC2012005 received from the complainant, Mr Andrew Dudley-Smith about the alleged conduct of Parish Councillor Mr Paul Tulip. The report considered the complainants request for a review of the Local Assessment Sub-Committee's decision to take no further action in respect of the complaint.

The Committee questioned the Monitoring Officer and Senior Solicitor about the details of the complaint.

The Committee considered the initial tests and found that the first two were satisfied in relation to the allegations. However, the Local Assessment Sub-Committee found that the third test failed on the grounds that the allegations, if proven, would not be a breach of the code of conduct.

Resolved:

- i) **To take no further action in respect of complaint SDC2011013 in accordance with Section 57A (2) of the Local Government Act 2000, as amended.**
- ii) **To remind Thorganby Parish Council Members that meetings of the Parish Council including Emergency Meetings must be called and held in accordance with the proper procedures and regulations.**

8. Standards Committee

It was noted that as a result of the changes to the Standards system, this was likely to be the last meeting of any part of the Standards Committee. The Monitoring Officer thanked Members for their time and commitment to the Standards Committee and briefly outlined the ways in which independent members could continue to be involved if they wished.

The meeting closed at 5.40pm.