

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

3 March 2008

**Complaints and findings/guidance from the Standards Board**

**1.0 PURPOSE OF REPORT**

- 1.1 To update Members on the development of the ethical agenda and any complaints received about County Councillors.

**2.0 BACKGROUND**

- 2.1 Members of the Standards Committee previously agreed it would be helpful to have a standing item on each agenda setting out developments in relation to the ethical framework and any complaints received or pending against Members of the County Council. This is to ensure that Members are up to date with developments and aware of the type of issues that are being raised.

**3.0 DEVELOPMENTS**

**R (Ware) v Neath Port Talbot County Borough Council**

- 3.1 A brief oral update was given to Members at their last meeting regarding a successful appeal of Collins J's decision in this case.
- 3.2 This case concerned the participation of four councillors in a planning decision. Four planning committee members attended a meeting where opponents of the application discussed their objections. However, the councillors did not express any opinion as to the planning application and subsequently made a declaration to that effect. Two of the four councillors failed to attend a site visit. At the Planning Committee meeting, the four councillors left the meeting after receiving advice from the deputy Monitoring Officer. Planning permission was granted.
- 3.3 The claimant sought judicial review of the planning decision, claiming that the four councillors had recused themselves from considering the planning application on the basis of wrong advice from the officer. Collins J allowed the judicial review application. He found that the councillors had felt under pressure not to take part in the decision and the advice given to them by the officer had been wrong.
- 3.4 On appeal, Collins J's decision was overturned by the Court of Appeal: it was found that the advice which Collins J had held was wrong, was not the actual advice which had been given by the deputy monitoring officer. None of the advice actually given was wrong, so did not give rise to any unlawfulness in the granting of the planning consents.
- 3.5 The development in this case will be mentioned in the next edition of the Standards Bulletin.

**New Chief Executive for Standards Board**

- 3.6 Glenys Stacey is joining the Standards Board as Chief Executive in April this year, succeeding David Prince who is retiring. Ms Stacey is a solicitor and former Chief

Executive of the Criminal Cases Review Commission, the Greater Manchester Magistrates' Courts Committee, and of Animal Health, where she heads the country-wide field response to animal disease outbreaks.

### **Local Ethical Framework**

- 3.7 There are no further developments to report in relation to the proposed new locally-based standards regime. The new regulations and supporting Guidance from the Standards Board are awaited.
- 3.8 A response was sent, on behalf of the County Council, to the Government's Consultation Paper "Orders and Regulations Relating to the Conduct of Local Authority Members in England" before the deadline date of 15 February 2008. The response incorporated the Committee's comments.

### **4.0 COMPLAINTS RECEIVED**

- 4.1 The Monitoring Officer periodically receives notification from the Standards Board of complaints that have been referred to them in relation to the Code of Conduct.
- 4.2 During the period since the last meeting of the Committee, the Monitoring Officer has not received notification from the Standards Board of any new complaints made against County Councillors.

### **5.0 OTHER COMPLAINT MATTERS**

- 5.1 There are no other complaints issues to bring to Members' attention.

### **6.0 RECOMMENDATIONS**

- 6.1 That Members note the contents of this report.

CAROLE DUNN  
Head of Legal Services and Monitoring Officer

Author of report: Moira Beighton  
Telephone: 01609 532458  
Room 15

Background Documents:  
None

County Hall  
NORTHALLERTON

19 February 2008