

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

11 February 2012

Complaints Update

1.0 PURPOSE OF REPORT

- 1.1 To brief Members on any new ethical framework complaints received about Members of the Authority.

2.0 BACKGROUND

- 2.1 The previous Standards Committee had a standing item on each agenda setting out brief details of any complaints received or pending against Members of the Authority and the progress/outcome of complaints previously reported.
- 2.2 The Committee is requested to consider whether it would wish to continue to receive such reports and, if so, the nature and scope of the information Members would wish to receive.

3.0 COMPLAINTS

New complaints

- 3.1 There are two current complaints that certain Members may have breached the Authority's Members' Code of Conduct:

NYCC/SC/28

- 3.1.1 This complaint concerns allegations regarding the use of Council resources. The Monitoring Officer is due to assess this complaint, in consultation with the Independent Person for standards, on 7 February 2013.

NYCC/SC/29

- 3.1.2 This complaint concerns allegations regarding the use of Council resources. The Monitoring Officer is due to assess this complaint, in consultation with the Independent Person for standards, on 7 February 2013.

- 3.2 The Monitoring Officer has also received two further, connected, complaints against multiple dual-hatted Members concerning the receipt of allowances from the Council and other authorities. These complaints are being considered.

- 3.3 All the above complaints, with the exception of case 28, have been brought by the same complainant as mentioned in paragraph 3.4.

Previous complaints

- 3.4 Since the implementation of the new ethical framework in July last year, 13 complaints, all made by the same complainant, have been dealt with under the new standards arrangements:

NYCC/SC/15 – 24

- 3.4.1 This complaint concerned allowances received from two authorities by ten dual-hatted Members in the context of broadband fees. It was referred for investigation just prior to the new ethical framework coming into effect, and was progressed under the new standards arrangements. The Monitoring Officer appointed the Deputy Monitoring Officer to undertake the investigation. The matter was investigated jointly with the other authority concerned.
- 3.4.2 The investigation report concluded that there had been no breach of the Members' Code of Conduct by the subject Members. The complaint was considered at the other authority's Standards Committee, when no breach of the Code was found.
- 3.4.3 Under NYCC's new complaint handling Arrangements, where an investigation report concludes that there is no evidence of failure to comply with the Code of Conduct, the usual process is that the Monitoring Officer considers the report in consultation with the Independent Person for standards and, if satisfied with the conclusion, will write to the complainant and the subject Member(s) notifying them that she is satisfied that no further action is required. In this case, however, given that the matter commenced under the previous standards regime, the number of Members involved, and the way in which information concerning the matter has been shared in the public domain and has received significant profile, the Monitoring Officer considered that the report should be considered by the Standards Committee.
- 3.4.4 The investigation report was considered by full Standards Committee, when the Committee accepted the Investigating Officer's finding of no breach of Code.
- 3.4.5 The complainant has since made a further identical complaint to the Monitoring Officer and Chief Executive Office, copied to several other members of the public, most of whom have written in support of the complaint. There is no right of appeal under the new standards arrangements. Detailed explanatory responses have been sent to all concerned that the issues have already been considered in accordance with due process.

NYCC/SC/25

- 3.4.6 This case concerned allegations regarding allowances received from two authorities by a Member in the context of broadband fees. The Monitoring Officer, in consultation with, and agreement by, the Independent Person for standards, concluded that no action needed to be taken in relation to the complaint.

NYCC/SC/26

- 3.4.7 This complaint concerned allegations of registration of interests issues. The Monitoring Officer, in consultation with, and agreement by, the Independent Person for standards, concluded that no action needed to be taken in relation to the complaint.

NYCC/SC/27

3.4.8 This complaint alleged certain comments by a Member were disrespectful and brought the office of member and the authority into disrepute. The Monitoring Officer, in consultation with, and agreement by, the Independent Person for standards, concluded that the matter did not fall within the jurisdiction of the NYCC Standards Committee.

4.0 RECOMMENDATIONS

4.1 That the Committee notes the contents of this report.

4.2 That the Committee determines whether it would wish to continue to receive such reports as a standing agenda item and, if so, the nature and scope of the information Members would wish to receive on new ethical framework complaint activity.

CAROLE DUNN
Monitoring Officer

Background Documents:

The Localism Act 2011

County Hall
NORTHALLERTON

1 February 2013