

## North Yorkshire County Council

### Standards Committee

Minutes of the meeting held on 16 December 2013 at 2.15 pm at County Hall, Northallerton.

**Present:-**

County Councillors Caroline Patmore (Chairman), Helen Grant and Peter Sowray.

Independent Persons: Mrs Hilary Gilbertson MBE and Mrs Louise Holroyd.

Apologies were received from County Councillors Andrew Goss and David Jeffels.

**Copies of all documents considered are in the Minute Book**

#### 12. Minutes

**Resolved –**

That the minutes of the meeting held on 15 October 2013, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

Arising from Minute Number 2 – Minutes the Chairman asked whether any further action had been undertaken with respect to Members attendance monitoring, as outlined within paragraph two of that Minute. In response the Monitoring Officer stated that there had been no further issues in relation to this matter, however, she was aware that the Independent Panel for Members allowances was currently reviewing the allowance scheme at present and should any issues relating to low attendances and subsequent communication with Group Secretaries be drawn from that review, then further details would be provided to the Standards Committee.

#### 13. Exclusion of the public and press

**Resolved –**

That the public and press be excluded from the meeting during consideration of each of the items of business listed in column one of the following table, on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraphs specified in column 2, of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006:-

<u>Item No on the Agenda</u>	<u>Paragraph No</u>
Minute Number 16 - Complaint Assessment – NYCC/SC/39	1, 2, 3 and 7
Minute Number 17 – Unreasonably Persistent Complainants	1 and 2

#### **14. Public Questions or Statements**

There were no questions or statements from members of the public.

#### **15. Request for Dispensations**

Considered –

The report of the Monitoring Officer presenting requests from County Councillors David Chance and Joe Plant for a dispensation from the Standards Committee enabling them to speak, vote and be included within the quorum at meetings of the County Council, Executive Committees and Sub-Committees when such bodies are considering business relating to the Whitby Park and Ride scheme and parking zone proposals for the Whitby area.

The Monitoring Officer explained how both County Councillors had been required to withdraw from a meeting of the Yorkshire Coast and Moors County Area Committee on 19 September 2013 when proposals for pay and display parking zones in Whitby were discussed as they both had declarable pecuniary interests, Councillor Chance's related to the employment of his partner at a business in Whitby which was effected by the proposals and Councillor Plant lived in and owned a property that was within a proposed parking zone. She noted that the declarable interests had only been discovered on the day before that meeting (Wednesday, 18 September 2013) which had left it impossible for the Members to seek a dispensation prior to that taking place. Consequently they had been required to leave the meeting during discussion of that item which caused some consternation for local residents as they considered that their views had not been outlined within the meeting, through their local representatives. The Members themselves expressed concern that they were unable to participate on a matter in which they had extensive knowledge.

Both Members had requested a dispensation to enable them to fully represent the views of the people of Whitby and their divisions who were directly affected by the proposals.

The Monitoring Officer noted that County Councillor Plant may not know be effected by the revised proposals, but considered it appropriate that his request for a dispensation be still considered as there was a possibility that the proposals could be revised again, which could affect his participation in any future consideration of the matter.

Members discussed the possibility of granting the dispensations, the appropriate length of time for granting these and how the dispensation should be granted, if one of the Members was no longer to be effected in terms of having a declarable pecuniary interest in respect of the matter.

**Resolved –**

That the applications for a dispensation submitted by Councillors Chance and Plant, to enable them to speak, vote and be included within the quorum of meetings of the County Council, Executive, Committees and Sub-Committees when such body/ies is/are considering business relating to the Whitby Park and Ride Scheme and parking zone proposals for Whitby, be approved with the dispensations continuing until the end of the current term of the County Council, which is until the County Council Elections in May 2017.

## **16. Complainant Assessment – NYCC/SC/39**

Considered –

The report of the Monitoring Officer setting out information relating to a Members self referral in relation to any potential breach of the Members Code of Conduct by him, for assessment by the Standards Committee.

The Minute provided in relation to this item reflects the confidential nature of the issue outlined.

The Monitoring Officer provided details of a self-referral to the Standards Committee from a Member of the County Council in respect of complaint assessment NYCC/SC/39.

Details of the issues relating to the self-referral were set out within the report, alongside the assessment procedure of the County Council. The subject Member appeared before the Committee to outline his perspective of the matter and how he had taken steps to address the issues raised.

Members considered the matter and noted that the issue had been investigated through another public body and that they had decided not to take any further action.

The Monitoring Officer requested Members of the Committee, in consultation with the Independent Persons, to assess this matter and reach a conclusion in respect of this self-referral.

**Resolved –**

- (i) That it was established, in relation to the complaint, that:-
  - (a) The complaint was against a named Member of the Authority.
  - (b) That the Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
  - (c) That the complaint was a breach of the Code under which the Member was operating at the time of the alleged misconduct.
- (ii) That the subject Member be issued with a letter of caution from the Standards Committee, with the wording to be determined by the Monitoring Officer in conjunction with the Independent Persons in respect of this matter.

## **17. Unreasonably Persistent Complainants**

Considered –

The report of the Monitoring Officer providing a second report to the Committee on the issue raised at the previous meeting (Minute Number 7 2013/14 refers) requesting the Committee to consider the handling of complaints from a member of the public who had, for a period of time, submitted a succession of complaints and Freedom of Information requests which had absorbed a significant amount of resource. The report summarised the events that had occurred and the various frameworks and guidance that were relevant to the handling of the complaints and Freedom of Information requests and sought the Committees views on the next stages in the handling of those matters.

It was noted that given the nature of the report it had been necessary to include information and appendices which were of a sensitive nature and comprised of personal data. The Minutes produced in relation to this matter reflect the sensitive nature of the information provided.

The report set out the role of the Standards Committee in handling unreasonably persistent and/or vexatious complaints and details of the protocol in relation to that were provided in an appendix to the report.

Details of the Council's policy on unreasonably persistent complaints were also appended to the report as were details of guidance from the Information Commissioner on vexatious Freedom of Information requests. Details of the numerous complaints and requests for information from the complainant were provided for Members information.

The report provided details of how to consider whether a complaint was unreasonably persistent in accordance with the Council's policy, how the current matter which was the subject of the report accorded with the Council's policy, how the Freedom of Information requests correlated with what was considered to be vexatious in relation to the appropriate guidance, how potentially vexatious requests could be identified and what action could be considered as a response to the matters outlined.

Details of further complaints and issues of information requested by the complainant, since the Committee had last considered the report, were provided.

It was noted that the Chair of the Committee, together with the Independent Persons had met the complainant and his associates to discuss this matter and notes from that meeting were provided as an Appendix to the report. The Chairman and the Independent Members provided an account of that meeting, and of the issues raised, for the benefit of the Members of the Committee and to set a context to the complaints that had been raised previously.

Details of a letter from the Chief Executive to the complainant in relation to his dealings with the Council, advising him that his actions were creating an inappropriate burden, were appended to the report.

Members undertook an in depth discussion in respect of the report and the following main issues were highlighted:-

- The large amount of information generated through the complaints and the officer time and finance required to investigate those;
- Clarification of "unreasonably persistent complainants" and "vexatiousness".
- Details of when it was considered that complainants were becoming unreasonably persistent.
- How the issue would be taken forward, should the Committee be minded to determine that they viewed the complainant as being unreasonably persistent.

#### **Resolved –**

- (i) That, on having regard to the report and information presented, the Standards Committee determines that there is sufficient evidence that the manner in

which the complainant has pursued issues and complaints be viewed as unreasonably persistent;

- (ii) That future complaints and correspondence received from the complainant should be considered, evaluated and dealt with, in light of (a) above, in accordance with the County Council's Chief Executive, and/or Directors determining an appropriate method of handling those matters, with the subsequent report being submitted to the Standards Committee outlining their course of action in relation to this;
- (iii) That the County Council's Chief Executive and/or Directors be provided with the ability to consult, as they consider necessary, with the Monitoring Officer and the Independent Persons for the Standards Committee, in relation to the handling of any matters of this nature;
- (iv) That in all cases, the County Council's policy in relation to the handling of unreasonably persistent complainants be followed;
- (v) That future Freedom of Information requests from the complainant should be considered to determine whether the request may be viewed as vexatious having regard to legal requirements, guidance from the Information Commissioner, and following consultation with the Monitoring Officer, and if considered necessary by the officers involved, the Independent Persons for the Standards Committee.

The meeting concluded at 3.55 pm.

SL/ALJ