

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

19 September 2014

Complaints Update**1.0 PURPOSE OF REPORT**

- 1.1 To update Members regarding ethical framework complaint activity since the Committee's last meetings in October and December 2013.

2.0 COMPLAINTS UPDATE

- 2.1 The following complaints have not previously been reported to the Committee:

NYCC/SC/35

- 2.2 The complainant alleged, amongst other things, that the subject Member had an interest that he failed to declare at a Committee meeting and that the meeting should be declared void and reconvened. The complaint was assessed by the Monitoring Officer in consultation with the Independent Persons for Standards, when it was agreed that no action should be taken in relation to the complaint.

NYCC/SC/36

- 2.3 The complainant made certain allegations about the behaviour and comments of the subject Member at certain public consultation meetings, namely that there had been a failure to treat others with respect, and that the subject Member's behaviour was bullying and intimidating. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and referred for investigation. The conclusion of the investigation report was that there was no evidence of failure to comply with the Members' Code of Conduct. The Monitoring Officer and Independent Person agreed with the report recommendations, but with some caveats about using more appropriate expressions when addressing public forums, which were communicated to the subject Member.

NYCC/SC/37

- 2.4 The complainant made certain allegations about the behaviour and comments of the subject Member at certain public consultation meetings, namely that there had been a failure to treat others with respect, that the subject Member's behaviour was bullying and intimidating and that certain comments were disrespectful and potentially discriminatory. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and referred for investigation. The conclusion of the investigation report was that there was no evidence of failure to comply with the Members' Code of Conduct. The Monitoring Officer and Independent Person agreed with the report recommendations, but with some caveats about using more appropriate expressions when addressing public forums, which were communicated to the subject Member.

NYCC/SC/38

- 2.5 The complainant made certain allegations against the subject Member regarding his chairing of a Committee meeting. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards, when it was agreed that no action should be taken in relation to the complaint.

NYCC/SC/42

- 2.6 This complaint concerned alleged comments and conduct by the subject Member whilst attending an event. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards when it was agreed that the complaint was not within the jurisdiction of the Standards Committee and that no action should be taken in relation to it.

NYCC/SC/43

NYCC/SC/44-49

- 2.7 In NYCC/SC/43, the complainant alleged that the subject Member did not register his membership of his political party in the relevant timescale and required the Council to report the matter to the Police.
- 2.8 The complainant subsequently expanded his complaint to cover six other County Councillors (NYCC/SC/44-49).
- 2.9 The complaints were assessed by the Monitoring Officer in consultation with the Independent Persons for Standards when it was agreed that five of the complaints were not within the jurisdiction of the Standards Committee and that no action should be taken in relation to any of the complaints raised.

NYCC/SC/50

- 2.10 As the Complainant did not receive a reply to his correspondence with the subject Member, he made a complaint to the Monitoring Officer that the subject Member had breached paragraph 1 of the Council's Members' Code of Conduct by failing to treat him with respect. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards, when it was agreed that no action should be taken in relation to the complaint, but that the subject Member should, however, provide a written apology to the complainant as the subject Member had already indicated he was willing to do. A written letter of apology was subsequently sent to the complainant by the subject Member.

NYCC/SC/51

- 2.11 This complaint arose out of a letter written by the subject Member to certain residents regarding a local issue. The complainant alleged that the subject Member had failed to treat the public with respect, had compromised the impartiality of the Council, brought the Council into disrepute and improperly gained an advantage for himself or others. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards, when it was agreed that no action should be taken in relation to the complaint.

Previous complaints

NYCC/SC/34

- 2.12 This complaint concerned the behaviour and statements made by a Member at a public meeting and subsequently. The complaint was referred to the Deputy

Monitoring Officer for investigation. The investigation report concluded that there had been no breach of the Code. The report's conclusions and finding were accepted by the Monitoring Officer and Independent Person for Standards.

3.0 **UPDATE RE UNREASONABLY PERSISTENT COMPLAINANTS**

- 3.1 Under the Council's ethical framework introduced under the Localism Act 2011, the Standards Committee has a role in providing Member level consultation and support, where appropriate, where the designation of a complainant as unreasonably persistent or vexatious is being contemplated by senior officers, having regard to the criteria in the Council's Policy on Unreasonably Persistent Complainants and the Standards Committee Protocol regarding the same (which incorporates guidance from the Office of the Information Commissioner, in relation to the handling of vexatious requests).
- 3.2 At its last meeting, the Committee received a private report regarding the next stages in the handling of standards complaints, Freedom of Information Act requests and correspondence from an active and persistent complainant.
- 3.3 The Standards Committee resolved that there was evidence that the manner in which the complainant had pursued issues and complaints could be viewed as unreasonably persistent and that future complaints and correspondence received from the complainant should be considered, evaluated and dealt with in the light of that conclusion in accordance with the Council's policies. The Committee's recommendations were communicated to the complainant.

4.0 **RECOMMENDATIONS**

- 4.1 That the Committee notes the current position on complaints received and the update on unreasonably persistent complainants.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents:

None

County Hall
NORTHALLERTON

15 September 2014