

North Yorkshire Council

Standards and Governance Committee Hearing Panel

Minutes of the meeting held on Tuesday, 20 August 2024 commencing at 10.30 am at County Hall, Northallerton.

Committee Members present: Councillor Knapton in the Chair; plus Councillors David Ireton, Nigel Knapton and Monika Slater,

Officers present: Jennifer Norton, Assistant Director and Deputy Monitoring Officer, Moira Beighton, Senior Governance Lawyer, Josie O Dowd, Governance Officer and Christine Phillipson, Principal Democratic Services Officer, North Yorkshire Council.

Other Attendees: Councillor Tom Jones and Councillor Bryn Griffiths.
Independent Person for Standards.

Daniel Clubb and Elysee Carr, Veritau (Internal Auditor)

Copies of all documents considered are in the Minute Book

1 Appointment of Chair

Councillor Nigel Knapton was duly elected as Chair.

2 Apologies for Absence

There were none.

3 Declarations of Interest

There were none.

4 Procedure for Standards and Governance Hearings

5 Exempt Information

6 Consideration of Investigation Report regarding, and determination of complaint NYC/SGC/2023/10 (EXEMPT REPORT AND APPENDICES)

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

HEARINGS PANEL

20 August 2024

Consideration of Investigation Report regarding, and determination of, complaint NYC/SGC/2023/10

Summary of Decision

On 20 August 2024 the Standards and Governance Committee Hearings Panel, in consultation with the Independent Person for Standards, considered a complaint by Councillor

Bryn Griffiths (“the Complainant”) that Councillor Tom Jones (“the subject Member”) may have failed to follow North Yorkshire Council’s Code of Conduct for Members:

Summary of Complaint

The Complainant submitted a written complaint email to the Monitoring Officer on 22 May 2023. The complaint arises out of the full Council meeting on 17 May 2023. The Complainant alleges that during the vote on an item of business, the subject Member forcibly pushed down another councillor’s (X) hand when they were indicating their vote. The Complainant alleges that this is in breach of paragraphs 1,3 and 7 of North Yorkshire Council’s Code of Conduct for Members:

1. You must treat others with respect.
3. You must not bully, intimidate or harass any person, or attempt to do so.
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Member into disrepute

The subject Member explained to the Monitoring Officer that during the vote there was “an episode of confusion” arising from the issue councillors were being asked to vote on. The subject Member, believing that the councillor concerned was mistakenly raising their hand in favour of a motion, “In a moment of youthful exuberance”, “lightly placed” his hand on the councillor’s arm, informing them that the group was not voting in favour of the matter. The councillor informed him that they were, and he then withdrew his hand to allow them to vote. The subject Member confirmed that a complaint was made by another councillor at the meeting and he subsequently apologised to the Council chamber at the start of the afternoon session and to the councillor concerned “which were both accepted”.

Assessment

The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards on 28 July 2023, when it was concluded that the matter should be referred for investigation.

Investigation

An investigation was undertaken by North Yorkshire Council’s Internal Auditor, Veritau, and an Investigation Report was issued.

The Investigation Report found evidence of certain potential breaches of paragraphs 1, 3 and 7 of the Code by the subject Member, namely that:

- i. Councillor Jones’ behaviour towards a fellow Councillor fell short of the courtesy

described in the Code and constitutes a breach of paragraph 1 of the Code;

- ii. Councillor Jones' behaviour in intervening during the other Councillor's attempt to vote constitutes a breach of paragraph 3 of the Code;
- iii. Councillor Jones' behaviour in using physical action to influence a vote could reasonably affect the public's confidence in him and other Councillors to make independent decisions in the interests of their communities, where appropriate. The matter has also attracted attention from the press which has been potentially damaging to the Council. The Investigating Officer felt that this was evidence of a breach of paragraph 7 of the Code.

Summary of Hearings Panel Findings

The Investigation Report was referred to, and considered by, the Standards and Governance Committee Hearings Panel, in consultation with the Independent Person, on 20 August 2024, when the Panel determined the complaint.

The Panel considered whether to exclude the press and public during the consideration of the complaint and whether to maintain the exempt nature of the documentation and the proceedings on the grounds that they contain exempt information as described in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), namely sensitive personal information relating to individuals, and considered whether the public interest in maintaining the exemption would outweigh the public interest in disclosing the information.

After balancing the competing factors and representations, the Panel resolved that, on the proposal of Panel Member Councillor Slater and seconded by Panel Member Councillor Ireton, the public interest favoured this matter being heard in exempt session and the exempt nature of the documentation being maintained.

As a preliminary issue, the Independent Person clarified, for transparency purposes, that he had met the Complainant before when they were both trustees of Stokesley library but had no personal connection or relationship to the Complainant and was therefore not declaring an interest.

The Panel agreed to combine Stages 1 (Findings of Fact) and 2 (Determination as to whether there has been a breach of the Code) of the Hearings Procedure and consider both stages together.

The Panel considered the information presented and representations made and found the following:

- a) That there was physical contact between the subject Member and X.
- b) That it was more than a light touch contact.
- c) That X's arm had been put down by the subject Member.
- d) That the subject Member genuinely believed X was mistakenly voting the wrong way.
- e) That it was not possible to determine how much force was used by the subject Member as conflicting accounts had been put forward by the witnesses.

- f) That the subject Member appeared to have been too heavy-handed in the way he reacted.
- g) That the subject Member did not intend to bully, intimidate or harass X, but rather had acted on impulse as he believed X was confused and voting in the wrong way.
- h) That what the subject Member did and how he did it was wrong; and that the subject Member had accepted this from the outset and had shown remorse and apologised.
- i) That once X advised they were intending to vote that way, the subject Member did not intervene further.
- j) That the subject Member had apologised to full Council and also apologised to X for his actions.

Determination

The Panel concurred with the Investigating Officer's conclusions that there had been a **breach** of paragraph 1 of the Code (respect) and paragraph 7 (disrepute) by the subject Member.

More specifically, the subject Member's use of physical action to prevent X from voting in favour of a motion fell short of the courtesy described in the Code and constitutes a breach of paragraph 1 of the Code.

The Code of Conduct states Members can hold "fellow councillors to account and are able to constructively challenge and express concern about decisions". By using physical action to influence a vote, the Panel agreed with the Investigating Officer's view that the subject Member's challenge was not constructive and could reasonably affect the public's confidence in him and other Councillors to make independent decisions in the interests of their communities, where appropriate. The Panel noted that the incident had received attention in the press and could therefore be potentially damaging to the Council. In all the circumstances this constitutes a breach of paragraph 7 of the Code.

Regarding the allegation of a breach of paragraph 3 of the Code (bullying, intimidation, harassment), the Panel did not find, on a balance of probabilities, that there was any evidence of an intention on the part of the subject Member to intimidate, bully or harass X, and did not find that the subject Member had bullied X. However, whilst the subject Member may not have intended to intimidate X by his actions, by using physical action to intervene as a party whip, this could be perceived as an intimidating act and was therefore in **breach** of paragraph 3 of the Code.

Sanction

The Panel considered whether a sanction should be imposed and agreed that appropriate sanctions would be:

1. The subject Member apologise to full Council.
2. The subject Member apologise to X.

However, the Panel noted that the subject Member had already undertaken these actions and had been subject to the scrutiny of a standards investigation and Panel Hearing. In the circumstances, the Panel felt the subject Member had already met the requirements of the appropriate sanctions and no further action was required.

Recommendations

The Panel would wish to make the following recommendations to Council political groups:

- i. That Council political groups ensure that appointed whips receive adequate training before carrying out their duties as whip.

Publicity

The Panel again considered the issue of exempt information and any publicity regarding the outcome of the complaint and concluded that the exempt nature of the documentation should be maintained; however, to satisfy the legitimate public interest in the accountability of local authorities in handling complaints, a Decision Notice should be published on the Council's website setting out the outcome of the complaint.

There is no right of appeal in relation to this determination decision.

A complaint may, however, be made to the Local Government and Social Care Ombudsman ([Home - Local Government and Social Care Ombudsman](#)) if it is felt that North Yorkshire Council has failed to deal with the complaint in accordance with North Yorkshire Council's procedures.

JENNIFER NORTON

Deputy Monitoring Officer

20 August 2024

The meeting concluded at 3.15 pm.