

# North Yorkshire Council

## Standards and Governance Committee

Minutes of the meeting held on Friday, 6th September, 2024 commencing at 2.00 pm.

Councillor Clive Pearson in the Chair, plus Councillors Nick Brown, Melanie Davis, Heather Phillips, David Ireton, Nigel Knapton and Peter Wilkinson.

Attending remotely : Councillor Sam Cross.

In attendance: Councillor George Jabbour .

Officers present: Moira Beighton, Jennifer Norton and Christine Phillipson, Principal Democratic Services Officer.

Other Attendees: Roy Martin and Hilary Gilbertson MBE, Independent Persons for Standards. .

Apologies: Independent Persons Gillian Baker and Louise Holroyd.

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

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#### **82 Welcome and Introductions**

#### **83 Apologies for Absence**

Apologies were received from Independent Persons Gill Baker and Louise Holroyd.

#### **84 Minutes from 26th June and 15th July**

The minutes of the meetings held on 26<sup>th</sup> June and 15<sup>th</sup> July respectively were agreed and signed as accurate records.

#### **85 Declarations of Interest**

There were none.

#### **86 Public Participation**

There were no public questions or statements.

#### **87 Local Ethical Framework Developments**

Considered

The report of the Assistant Chief Executive, Legal and Democratic Services and Monitoring Officer updating Members on recent developments in the national ethical framework under the Localism Act 2011.

Members receive a report at each ordinary Standards and Governance Committee meeting setting out any recent developments in the national ethical framework.

Discussion following the report arose around Councillor safety and it was reiterated that Members can discuss any personal concerns around safety with the Monitoring Officer. Although addresses were published as a matter of course there was the option to have an interest declared as sensitive under the provisions in section 32 of the Localism Act 2011. Any such interests should be discussed with and agreed as sensitive by the Monitoring Officer.

Resolved

The Committee note the report.

The Chair then agreed to take the business in the following order;  
Agenda item 9,10,11, 7 and 8.

## **88 Review of Standards Complaints Process**

Considered

The report of the Assistant Director Legal and Deputy Monitoring Officer for consideration and review, the current standards arrangements for the handling of complaints of a breach of the Code of Conduct for Members.

The Localism Act 2011 sets out the statutory ethical framework for relevant authorities. Under the Act, relevant authorities (except parish and town councils) must put in place arrangements for the investigation of allegations of breaches of the Members' Code of Conduct and to decide upon allegations. These arrangements must involve the appointment of at least one Independent Person, whose views:

- are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
- may be sought—
  - by the authority in relation to an allegation in circumstances other than where being investigated;
  - by a subject member or co-opted member.

The report included proposed amendments to the

- standards documentation
- protocol for dealing with unreasonably persistent/vexatious complainants
- hearings panel procedure
- standards complaint form

A discussion then arose around the role of the Independent person and their involvement in the process.

It was moved by Councillor Wilkinson and seconded by Councillor Brown that the matter be deferred to the next meeting in order to allow Members sufficient time to review the suggested amendments.

Resolved

That the report be deferred to the next meeting of the Standards and Governance

Committee in March 2025.

This was agreed unanimously.

## **89 Standards and Governance Committee Hearings Panel**

Considered

The report of the Assistant Chief Executive Legal and Democratic Services and Monitoring Officer on options for the composition of the Committee's Hearings Panel.

The Council's Arrangements for dealing with allegations of a breach of the Members' Code of Conduct (the standards complaints procedure) govern how such complaints are handled and include, in sections 10 to 14, overarching provisions for the ultimate hearing of a complaint by the Standards and Governance Committee Hearings Panel.

Going forwards there are essentially two options regarding the composition of standards Hearings Panels:

- i. Continue as at present, with a politically balanced (as far as possible) Panel of 3 Members from the Standards and Governance Committee convened for each required Panel meeting; or
- ii. That there be a fixed membership of the Hearings Panel and it be recommended to full Council that 3 specific Members of the Standards and Governance Committee be appointed to the Hearings Panel, with other Members of the Committee being substitutes.

There then followed a discussion with the following points being raised;

- It would be useful to have a number of panel members available for hearings
- The benefit of the experience of the Members that have been involved would be useful for other future hearings
- All members should have an opportunity to be part of the hearing process
- Try to maintain a gender balance
- Training is always revisited prior to commencement of any Hearing Panel

It was suggested that the opportunity be made available to all Members of the Committee to be able to participate in the hearing process. Availability would be canvassed from all Members in advance of any planned hearing dates.

This was agreed unanimously.

## **90 Kirby Grindalythe and Duggleby Community Governance Review**

Considered

The report of the Assistant Chief Executive, Legal and Democratic Services setting out the details of a request for a Community Governance Review (CGR) of the parish of Kirby Grindalythe and Duggleby made by members of the community at the recent Annual Parish meeting and Parish Council meeting.

A discussion around the specific circumstances of the parish council confirmed that

- A precept was being collected
- There was little interest from within the community to become a parish councillor
- The council was currently operating with 3 NYC Councillors appointed on a temporary basis
- There were no other functions being undertaken by the parish council
- There was no clerk
- The situation was unlikely to improve

It was moved by Councillor Ireton and seconded by Councillor Wilkinson that the committee approves;

- The Terms of Reference for the Review and Consultation Programme attached at Appendix 1
- The Committee support the request for a CGR of Kirby Grindalythe & Duggleby Parish Council and recommends the Terms of Reference to Full Council for approval
- Subject to Council approval of the Terms of Reference, a working group comprising of 3 members of the Standards and Governance Committee be convened to oversee the review.

Resolved

- The Terms of Reference for the Review and Consultation Programme attached at Appendix 1 be adopted
- The Committee support the request for a CGR of Kirby Grindalythe & Duggleby Parish Council and recommends the Terms of Reference to Full Council for approval
- Subject to Council approval of the Terms of Reference, a working group comprising of 3 members of the Standards and Governance Committee be convened to oversee the review.

This was agreed unanimously.

## **91 Dispensation for Councillor Gostlow**

Considered

A report of the Monitoring Officer concerning a dispensation request from Councillor Hannah Gostlow until the end of this current Council term in relation to her £1 shareholder membership of two community benefit not-for-profit organisations namely Knaresborough Connectors and Knaresborough Community Land Trust. Councillor Gostlow states that she is no longer on the board of directors for Knaresborough Connectors and has never been a director for Knaresborough Community Land Trust.

Councillor Gostlow is seeking a dispensation in relation to meetings of Knaresborough Town Council (including Full Council) for which she is an elected member, and in relation to North Yorkshire Council's Harrogate and Knaresborough Area Committee meetings regarding matters relating to either of Knaresborough Connectors and Knaresborough Community Land Trust. The Monitoring Officer has informed Councillor Gostlow that North Yorkshire Council's Standards and Governance Committee only has jurisdiction to grant dispensations to North Yorkshire Councillors and voting co-opted Members in relation to their interests under North Yorkshire Council's Code of Conduct for Members and that any request for a dispensation in relation to her capacity as a town councillor should be directed to the proper officer in that other authority. Councillor Gostlow's dispensation application

should therefore be read in that context.

Members discussed the request, and the following issues were raised:

- What would be the outcome if the dispensation was not granted
- Clarification that this dispensation was for the Area Committee only

It was moved by Councillor Ireton and seconded by Councillor Phillips that the dispensation be granted.

Resolved

That the dispensation request for Councillor Hannah Gostlow be approved, as set out in the report.

This was agreed unanimously.

## **92 Complaints Update**

Considered

The report of the Assistant Chief Executive Legal and Democratic Services and Monitoring Officer presenting to the Committee, for information and consideration, statistical information regarding standards complaints received.

During the period 1 April 2023 to 31 March 2024, the Council received 174 complaints that members may have breached the relevant authority's code of conduct for Members.

During the period 1 April 2024 to 28 August 2024, a further 83 complaints have been received.

Since Vesting Day on 1 April 2023 to 28 August 2024, a total of 257 standards complaints have therefore been received.

The Committee noted from the report that;

In total, 214 assessments have so far been completed by the Monitoring Officer and Deputy Monitoring Officer in consultation with the Independent Persons for Standards.

A high proportion of these complaints were in respect of Members of three Town/Parish Councils.

Of the 214 complaints which have so far been assessed, 180 complaints did not merit referral for formal investigation, 6 complaints were recommended for informal resolution, 28 complaints were referred for investigation and 1 complaint was closed as the subject Member was no longer a Councillor.

The Committee further noted that;

2 hearing panels had been convened on 11 June and 20 August 2024 respectively:

- 11 June 2024: the Panel concluded that the subject Members had not breached the relevant authority's Code of Conduct for Members. The Panel made some recommendations back to the relevant authority. Under the Standards and Governance Committee's Protocol for dealing with Unreasonably

Persistent/Vexatious Complainants, the Panel agreed that the allegations by the complainant had been investigated and determined and that any further complaints by the complainant on essentially the same issues as have already been assessed by the Monitoring Officer and/or then investigated and determined by the Panel do not need to be considered by the Monitoring Officer through the assessment process in the usual way;

- 20 August 2024: the Panel concluded that the subject Member had breached the Code of Conduct for Members. The Panel made some recommendations back to the relevant authority.

The remaining investigations are still live. A further update will be given to the Committee when the Monitoring Officer is in a position to do so.

A discussion then followed with the following to note;

It was asked what the role of the Independent Person (IP) entailed.

This is a requirement of the Localism Act and the view of the IP must be taken into account before any decision on an investigated matter is made as a matter of law. At North Yorkshire Council, the IP is consulted at all key stages of the complaint handling process. The IP is involved in the assessment process from the first stage and the view of a different IP (where possible) is sought during a hearing.

It was asked why the process takes so long, specifically in relation to the panel hearing on 20 August 2024.

The complaint was received in May 2023, assessed in July along with a significant amount of other complaints. An investigative report was requested in September 2023 which was subsequently received in April 2024, there were then two periods of purdah during the elections for Mayor and the General Election, alongside holiday availability of all parties involved.

It was noted that investigations were carried out by an external body.

One of the IP's added that there were an increasing number of complaints and that did not seem to be reducing and that the process was resource intensive and expensive in terms of the number of hours involved in the process.

It was moved by Councillor Ireton and seconded by Councillor Knapton that the Committee notes the current position on standards complaints received.

Resolved

That the Committee notes the current position on standards complaints received.

This was agreed unanimously.

## **93 Temporary Appointments to Parish Councils**

Considered

The report of the Assistant Chief Executive, Legal and Democratic Services seeking Members views on the alternate options available to make temporary appointments to Town or Parish Councils in the North Yorkshire area.

The Standards and Governance Committee has delegated power to make temporary appointments to parish and town councils under Section 91 of the Local Government Act

1972.

At its meeting on 26 June 2024, the Committee requested that a report be brought to the Committee regarding options for the making of such temporary appointments in the future.

Due to the number of temporary appointments made by the Standards and Governance Committee since April 2023 it is suggested that the power to make temporary appointments to Parish and Town Councils be permanently delegated to the Monitoring Officer. This would allow the appointments to be determined and communicated much quicker, allowing the Town or Parish Council to become quorate and therefore co-opt members without a lengthy delay. The Monitoring Officer could choose not to exercise his delegation in any particular case and refer the matter to the Committee for decision.

It was moved by Councillor Ireton and seconded by Councillor Davis that, subject to any comments Members may have, the Committee delegates the power to make temporary appointments to Parish and Town Councils to the Monitoring Officer and that the Assistant Chief Executive Legal and Democratic Services be requested to make consequential amendments to the Constitution under his delegated powers in Article 15 (c) (iii) of the Constitution.

Resolved

That, subject to any comments Members may have, the Committee delegates the power to make temporary appointments to Parish and Town Councils to the Monitoring Officer and that the Assistant Chief Executive Legal and Democratic Services be requested to make consequential amendments to the Constitution under his delegated powers in Article 15 (c) (iii) of the Constitution.

This was agreed unanimously.

#### **94 Standards Training Plan 2024/25**

Considered

The report of the Assistant Chief Executive, Legal and Democratic Services and Monitoring Officer presenting for approval a draft Standards Training Plan for Members for 2024/25.

At its meeting on 26 June 2024, the Standards and Governance Committee agreed its Standards Training Plan for Members for 2024/2025.

It was asked whether there was any support for neuro diversity and it was confirmed that this would be part of normal processes that were in place through Human Resources.

This Training Plan is attached at Appendix 1 of the main agenda.

Resolved

That the Standards Training Plan for Members for 2024/2025 be approved. This was agreed unanimously.

#### **95 Standards Bulletin**

Considered

The draft Standards Bulletin.

The Standards Bulletin is produced periodically and circulated to Members and relevant Officers of the Council to keep them informed of key developments in the standards regime. Members have also previously agreed that the Bulletin should be circulated to town and parish councils in the North Yorkshire area.

Resolved

The Bulletin be approved for circulation and forwarded to Parish and Town Councils.

## **96 Work Programme**

Considered

The Assistant Chief Executive Legal and Democratic Services and Monitoring Officer's report on the Committees forward Work Programme.

Members reviewed the Work Programme and asked for regular updates on complaint statistics and standards issues.

The Committee again expressed its gratitude to the Independent Persons for their work in relation to the substantial number of assessments completed so far.

Resolved

That the report be noted. This was agreed unanimously.

## **97 Urgent Business**

The Chair noted that an additional meeting would be held on Monday 18<sup>th</sup> November 2024 to review polling districts.

## **98 Date of the Next Meeting**

The next meeting is on 14 March 2025 at 10am.

The meeting concluded at 3.55 pm.