

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

26 June 2024

Complaints Update

1.0 PURPOSE OF REPORT

- 1.1 To update the Committee regarding standards complaint activity.

2.0 BACKGROUND

- 2.1 A standing report regarding complaints that Members and voting co-opted Members of North Yorkshire Council and parish and town councils in North Yorkshire may have breached the relevant Code of Conduct for Members is brought to scheduled ordinary meetings of the Standards and Governance Committee.
- 2.2 North Yorkshire Council is the principal authority for parish and town councils in North Yorkshire for the purposes of the standards provisions in the Localism Act 2011. It is responsible for receiving and handling complaints that a parish/town councillor may have breached that authority's code of conduct for Members. That is the extent of North Yorkshire Council's jurisdiction in respect of parish/town council governance; parish/town councils are separate legal entities and North Yorkshire Council has no jurisdiction to consider other complaints for example about the way in which the parish/town council has or has not done something, or about particular parish/town council decisions or employees.
- 2.3 Information about complaints received that Members of North Yorkshire Council and Members of parish and town councils in the North Yorkshire area may have breached the relevant Code of Conduct are set out later in this report.

3.0 STANDARDS COMPLAINTS RECEIVED

- 3.1 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.
- 3.2 During the period 1 April 2024 to 6 June 2024, a further 49 complaints have been received.
- 3.3 Since Vesting Day on 1 April 2023 to 6 June 2024, a **total of 223 standards complaints** have therefore been received.

4.0 BREAKDOWN OF COMPLAINT STATISTICS

Assessments

- 4.1 In total, 179 assessments have been completed by the Monitoring Officer and Deputy Monitoring Officer in consultation with the Independent Persons for Standards. A number of complaints' assessments are currently on hold, pending responses from subject Members or the outcome of previous assessments and investigations.

4.2 A high proportion of these complaints were in respect of Members of three Town/Parish Councils, as follows:

- a) 35 connected complaints were received against Members of Town Council A, and 6 connected complaints made against a North Yorkshire Councillor were in relation to matters at this Town Council;
- b) 75 connected complaints were received from 2 linked complainants against Members of Town Council B;
- c) 11 connected complaints were made against Members of Parish Council C, linked to 6 connected complaints made against a North Yorkshire Councillor in relation to matters at this Parish Council;

4.3 Of the 179 complaints which have so far been assessed by the Monitoring Officer/Deputy Monitoring Officer, in consultation with the Independent Person for Standards:

- a) 145 complaints did not merit any further action, these included:
 - Allegations from Parish Councillors that a Member had complained that meetings were 'shouty and swears' and had refused to sign a Get Well Card.
 - Allegations of rudeness in emails, including failing to respond.
 - Allegations of bias in respect of decisions, particularly in relation to planning matters.
 - Allegations of failures to declare interests, where there was no requirement to make a declaration.
 - Allegations of breaches of confidentiality/GDPR.
- b) 5 complaints were recommended for informal resolution;
- c) 28 complaints were referred for investigation, through 8 investigations, of which:
 - Investigation 1 – 1 complaint against 1 North Yorkshire Councillor
 - Investigation 2 – 1 complaint against 11 Town Councillors
 - Investigation 3 – 1 complaint against 2 individual Parish Councillors
 - Investigation 4 – 1 complaint against 1 individual Parish Councillor
 - Investigation 5 – 2 complaints about the same matter against 1 Town Councillor
 - Investigation 6 - 1 complaint against 1 individual Parish Councillor
 - Investigation 7 – 2 complaints about the same matter against 1 North Yorkshire Councillor
 - Investigation 8 – 2 complaints about the same matter against 4 Town Councillors
- d) One complaint was closed as the subject Member was no longer a Councillor.

Investigations/Determinations

4.4 One of the investigations (covering 11 connected complaints) has been completed and the complaint determined. The Investigation Report was referred to, and considered by, the Standards and Governance Committee Hearings Panel, in consultation with the Independent Person and an independent parish council representative, on 11 June 2024, when the Panel determined the complaint in private, given the sensitive personal data involved. The Panel concluded that the subject Members had **not breached** the relevant authority's Code of Conduct for

Members. It made some recommendations back to the relevant authority. At the end of the hearing, the Panel again considered the issue of the privacy of the documentation and concluded that the exempt nature of the documentation should be maintained and that there should be no publicity regarding the outcome of the complaints.

4.4.1 After the Panel had completed its determination of the complaints, the Deputy Monitoring Officer consulted the Panel 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.

4.5 The remaining investigations are currently live.

4.6 The remainder of the complaints are in preparatory stages or awaiting assessment by the Monitoring Officer/Deputy Monitoring Officer in consultation with the Independent Person for Standards and a further update will be given to the Committee when the Monitoring Officer is in a position to do so.

4.7 A more detailed breakdown of the complaints is attached at **Appendix 1** to this report for Members' information. Members will see that the exceptionally high level of complaint activity continues.

4.8 The volume of complaints and associated correspondence and information governance requests has meant a heavy workload for officers and the Independent Persons and the Monitoring Officer and Deputy Monitoring Officer would wish to take this opportunity to thank them for their valued views, time, patience and input into what can be time-consuming and complex matters.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no significant financial implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 There are no significant legal implications arising from this report.

7.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

7.1 There are no significant environmental/climate change implications arising from this report.

8.0 EQUALITIES IMPLICATIONS

8.1 There are no significant equalities implications arising from this report

9.0 RECOMMENDATIONS

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

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Documents: None

County Hall
NORTHALLERTON

17 June 2024