

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

6 September 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 28 August 2024, a further 83 complaints have been received.

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

4.0 BREAKDOWN OF COMPLAINT STATISTICS

Assessments

4.1 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 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) 43 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 214 complaints which have so far been assessed by the Monitoring Officer/Deputy Monitoring Officer, in consultation with the Independent Person for Standards:

- a) 180 complaints did not merit referral for formal investigation these included:
 - Allegations of potential rudeness in emails, including failing to respond.
 - Allegations of possible bias from Parish Councillors in respect of consultation responses, particularly in relation to planning matters.
 - Allegations of failures to declare interests, where there was no actual requirement to make a declaration.
 - Allegations of possible breaches of confidentiality/GDPR.
- b) 6 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 from different individuals about the same matter against 1 Town Councillor
 - Investigation 6 - 1 complaint against 1 individual Parish Councillor
 - Investigation 7 – 2 complaints from different individuals about the same matter against 1 North Yorkshire Councillor
 - Investigation 8 – 2 complaints about the same matter against 4 Town Councillors

One complaint was closed as the subject Member was no longer a Councillor.

Investigations/Determinations

Hearings Panel – 11 June 2024

4.4 One of the investigations (covering 11 connected complaints regarding Town Councillors) was 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.

Hearings Panel – 20 August 2024

- 4.5 One of the investigations (concerning one North Yorkshire Councillor) 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 on 20 August 2024, when the Panel determined the complaint in private, given the sensitive personal data involved. The Panel concluded that the subject Member had breached the 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 whilst the nature of the documentation had been deemed exempt, it would be appropriate to publish a summary decision notice on the North Yorkshire Council website.
- 4.6 The remaining investigations are currently live. A further update will be given to the Committee when the Monitoring Officer is in a position to do so.
- 4.7 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.
- 4.8 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.
- 4.9 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 again 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 RESOURCE AND COST IMPLICATIONS OF STANDARDS COMPLAINT HANDLING**
- 5.1 At its meeting on 26 June 2024, the Committee indicated it would like to receive some information about the cost to the Council, in terms of officer time, regarding the handling of standards complaints.
- 5.2 The following information has been taken from Legal and Democratic Services' time recording system regarding work undertaken by the Senior Lawyer (Governance) (figures rounded up):

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| a) Time spent on individual case files 1.4.23 to 31.3.24: | 484 hours |
| b) Time spent on individual case files 1.4.24 to 27.8.24: | 356 hours |
| c) Time spent on Monitoring Officer work | 800 hours |
| d) Time spent on work for Standards and Governance Committee and standards matters | 280 hours |

Rounded up that makes a total of **1920 hours** spent by predominantly **one officer** and the figures do not, generally, take account of time spent by the Monitoring Officer, Deputy Monitoring Officer and Governance Officer; nor do they take account of Members' time and that of the Independent Persons.

- The figures above include time spent by the Governance Officer and Deputy Monitoring Officer only from July/August 2024 (once they were able to access the same time recording system).

Comparison with other authorities' statistics

- 5.3 At its meeting on 26 June 2024, the Committee also indicated it would like to receive some comparator statistical information for other authorities in terms of their complaint handling including for the next largest authority in terms of numbers of parish and town councils.
- 5.4 On checking the website for Somerset Council, the next largest authority in terms of numbers of parish and town councils, the website confirms that there are 279 parishes in the Somerset Council area - [City, Town and Parish Councils \(somerset.gov.uk\)](http://www.somerset.gov.uk). This is obviously considerably lower than the 732 Parish/Town councils in North Yorkshire's area.
- 5.5 The Monitoring Officer of Somerset Council has reported to its Standards Committee on 18 July 2024 with an Annual Review for 2023/2024 regarding Code of Conduct complaints - [Somerset County Council](http://www.somerset.gov.uk). That report indicates that:
- i. 88 complaints were received (some relating to the same incident ie multiple complaints regarding the same subject Members and same alleged breach). Of those 88 complaints:
 - a) 66 (75%) were assessed and required no action;
 - b) In 4 (5%) cases the complainant elected not to proceed with the complaint or failed to provide additional requested information;
 - c) 3 (3%) complaints were deemed to be outside of the standards jurisdiction (i.e. the subject member was not acting in their role as an elected member at the time);
 - d) 11 (12%) complaints resulted in further action being necessary with 4 (5%) complaints still in the assessment phase. 16 complaints were upheld and a further 2 were partially upheld although on 12 occasions no further action was deemed necessary.
 - e) No complaints have been deemed worthy of a formal investigation and/or a hearing.
- 5.6 The Monitoring Officer of Somerset Council has reported to its Standards Committee on 18 July 2024 with a Quarterly Update Q1 regarding Code of Conduct complaints for 2024/2025 – [Somerset County Council](http://www.somerset.gov.uk). That report indicates that:
- i. 28 complaints were received (some relating to the same incident ie multiple complaints regarding the same subject Members and same alleged breach).
 - ii. Of the 13 complaints so far assessed:
 - a) 11 (85%) concluded no further action was required;

- b) 1 concluded with a local resolution; and
- c) 1 has been referred for a formal investigation.

5.7 Members will see from the comparator percentages that they are similar to North Yorkshire Council's in terms of complaint outcomes. In terms of the number of complaints received for the full year 2023/2024, North Yorkshire Council has received approximately (just under) double the number of complaints that Somerset received, when North Yorkshire Council has more than double the number of parish and town councils in its area.

6.0 FINANCIAL IMPLICATIONS

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

7.0 LEGAL IMPLICATIONS

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

8.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

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

9.0 EQUALITIES IMPLICATIONS

9.1 There are no significant equalities implications arising from this report

10.0 RECOMMENDATIONS

10.1 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

28 August 2024