

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

6 December 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 and other meetings as the Monitoring Officer deems appropriate.

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 10 December 2024, a further 108 complaints have been received.

3.3 Since Vesting Day on 1 April 2023 to 10 December 2024, a **total of 281 standards complaints** have therefore been received.

4.0 BREAKDOWN OF COMPLAINT STATISTICS

Assessments

4.1 In total, 264 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, many complaints being interrelated.
- 4.3 Of the 264 complaints received since Vesting Day which have so far been assessed by the Monitoring Officer/Deputy Monitoring Officer, in consultation with the Independent Person for Standards:
- a) 209 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

No further cases have been referred for investigation since the previous Update Report.

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

One complaint was closed as the Complainant did not pursue the matter.

Investigations/Determinations

Hearings Panel – 18 October 2024

- 4.6 One of the investigations (concerning two Councillors from different Parish Councils in two connected complaints) has been completed and the complaints 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 18 October 2024, when the Panel determined the complaint in private, given the sensitive personal data involved. The Panel concluded that the subject Members **had breached** the relevant Codes of Conduct for Members and recommended the following sanctions to the respective parish councils:

1. The subject Members apologise to the Complainant for the disrespectful language used.

2. The subject Members undertake training on the Code of Conduct, the link to which can be provided by the Monitoring Officer. The other Parish Councillors may also wish to take up the opportunity to have standards training.
3. One Parish Council reviews and updates its Code of Conduct for Members as it would appear that it has not been updated since 2012.

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, however to satisfy the legitimate public interest in the accountability of local authorities in handling complaints, a Decision Notice, with third party personal information redacted, should be sent to the parties and the Parish Council and be published on North Yorkshire Council's website.

Hearings Panel – 7 November 2024

- 4.7 One of the investigations (regarding a Parish Councillor) was considered by the Standards and Governance Committee Hearings Panel, in consultation with the Independent Person and an independent parish council representative, on 7 November 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 relevant authority's Code of Conduct for Members. The Panel recommended to the Parish Council that it issue a private letter of censure to the subject Member and also made some recommendations back to the Parish Council. 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, however to satisfy the legitimate public interest in the accountability of local authorities in handling complaints, a Decision Notice, with third party personal information redacted, should be sent to the parties and the Parish Council and be published on North Yorkshire Council's website.

Hearings Panel – 9 December 2024

- 4.8 One of the investigations (regarding a Parish Councillor) was considered by the Standards and Governance Committee Hearings Panel, in consultation with the Independent Person and an independent parish council representative, on 9 December 2024, when the Panel determined the complaint in public. The Panel concluded that the subject Member **had breached** the relevant authority's Code of Conduct for Members. It recommended to the relevant authority that:
- i. the subject Member undertake inclusion and diversity training;
 - ii. the other Parish Councillors also consider undertaking inclusion and diversity training to enable confidence in recognising and challenging inappropriate language and terminology in the future.

At the end of the hearing, the Panel again considered the issue of the privacy of the documentation and concluded that as the hearing had been held in public and to satisfy the legitimate public interest in the accountability of local authorities in handling complaints, a Decision Notice, with third party personal information redacted, should be sent to the parties and the Parish Council and be published on North Yorkshire Council's website.

- 4.9 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.
- 4.10 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.

4.11 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.

4.12 The volume of complaints and associated correspondence and information governance requests has meant a sustained 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 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.

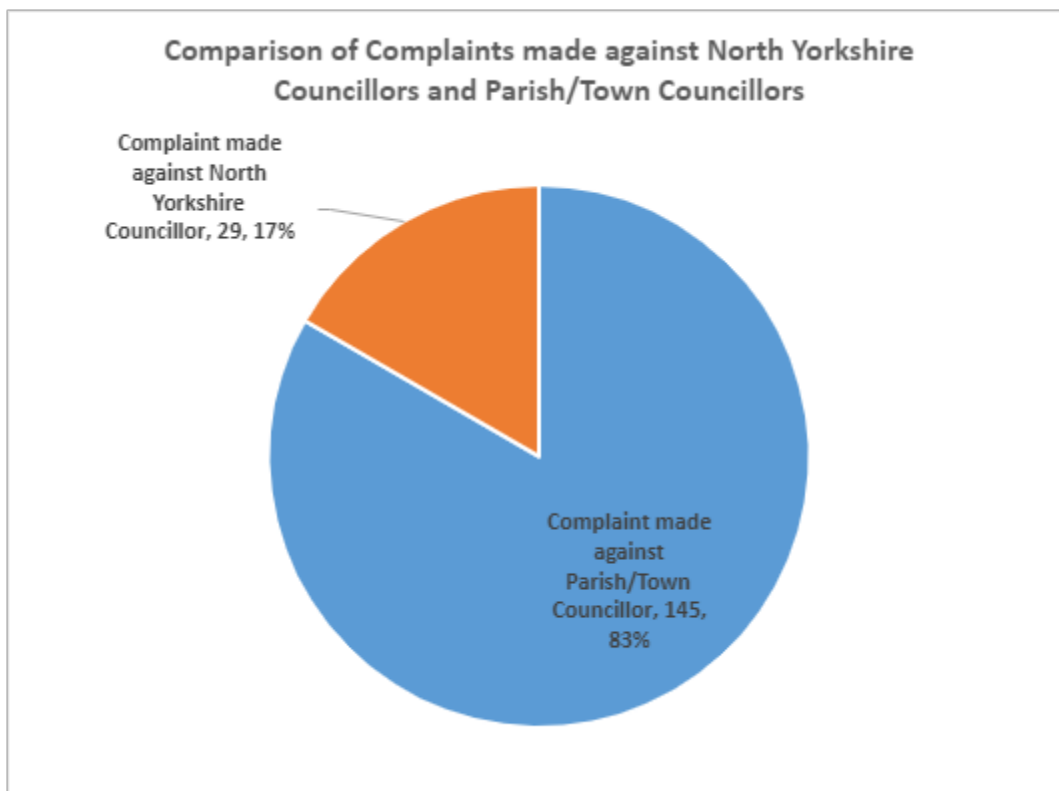
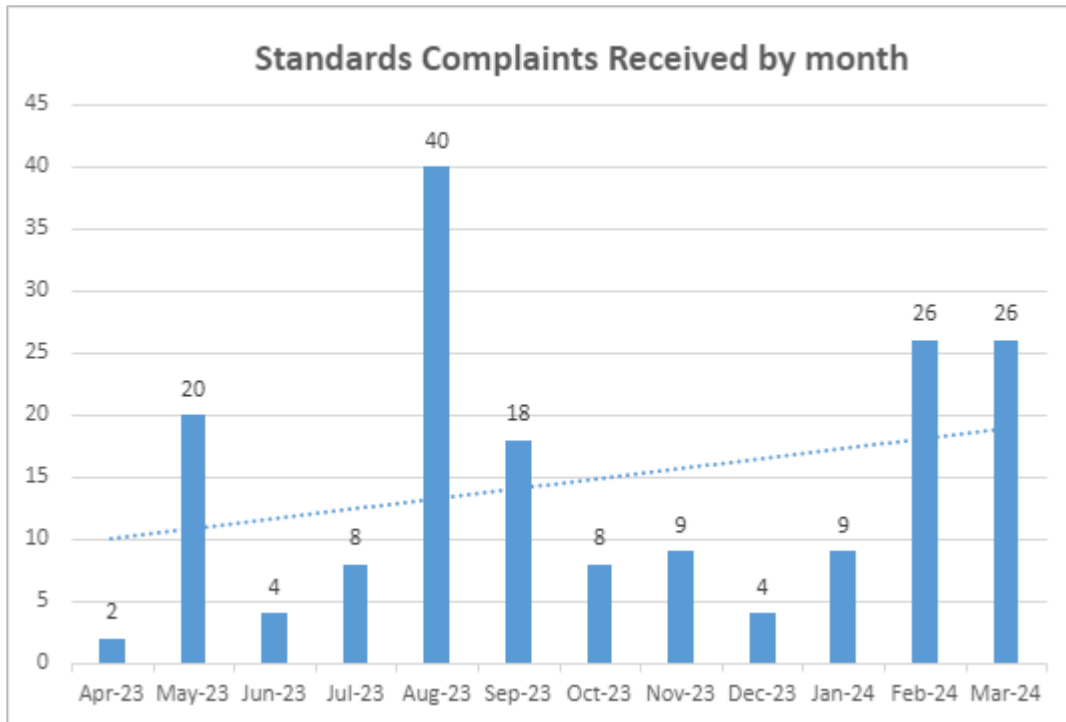
BARRY KHAN
Assistant Chief Executive, Legal and Democratic Services and Monitoring Officer

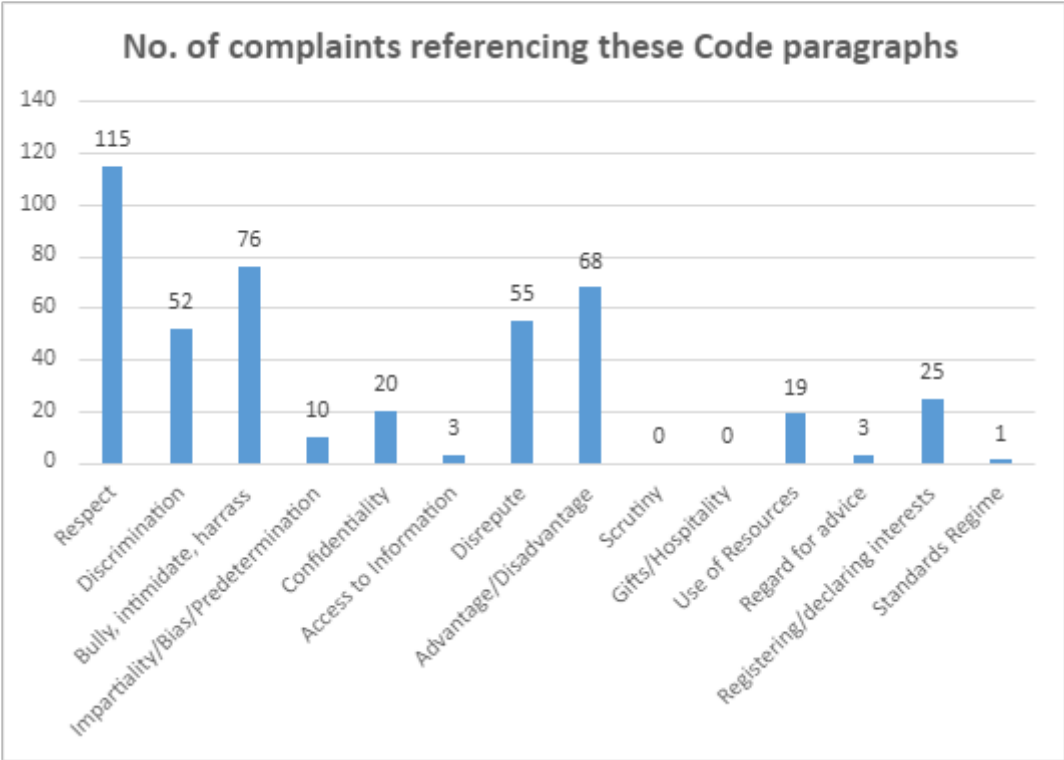
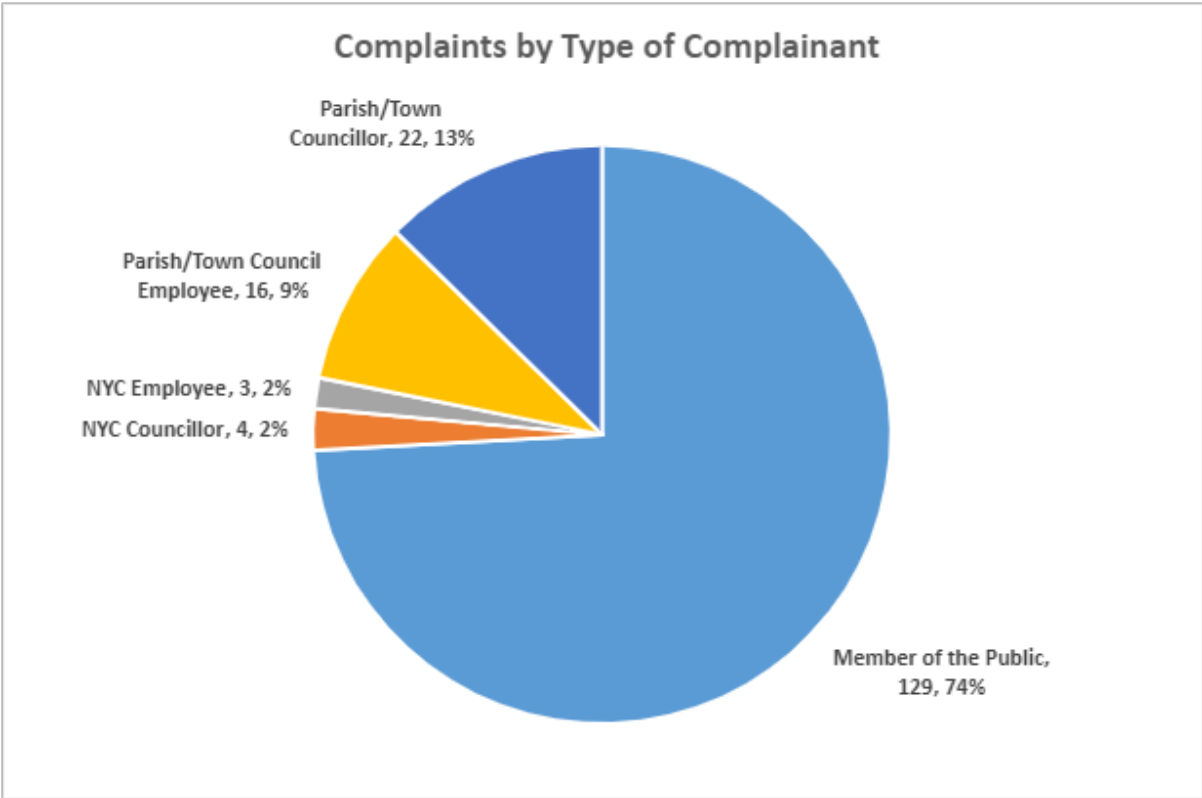
Background Documents: None

County Hall
NORTHALLERTON

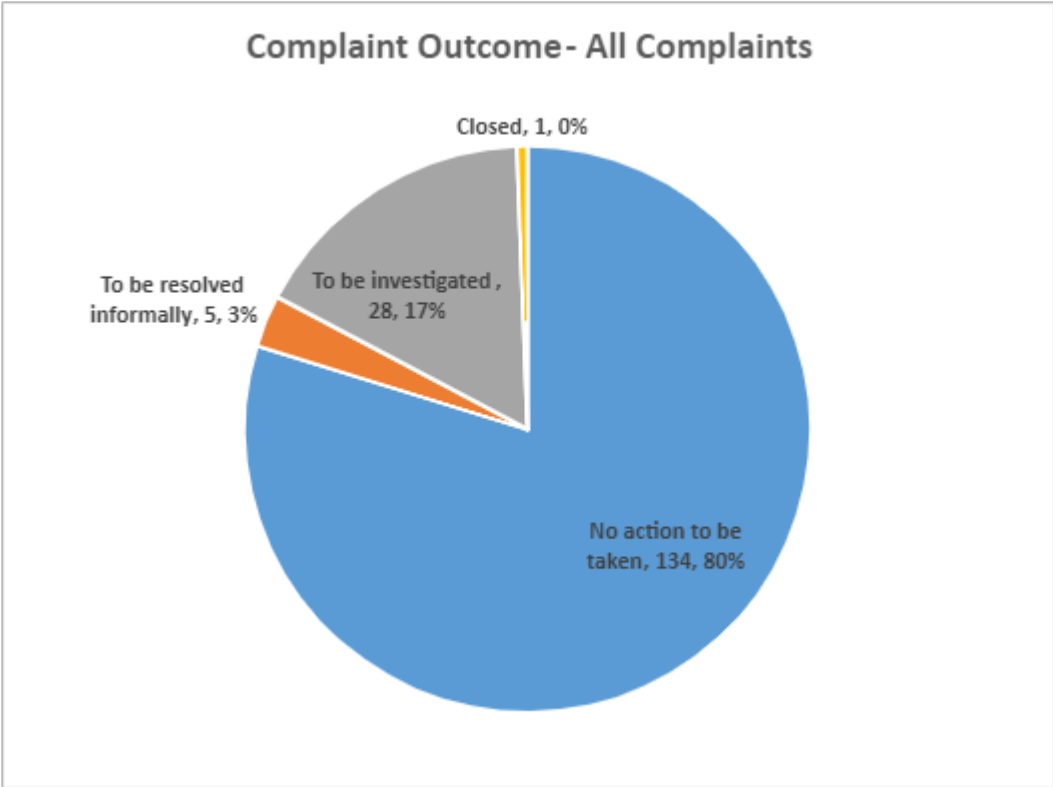
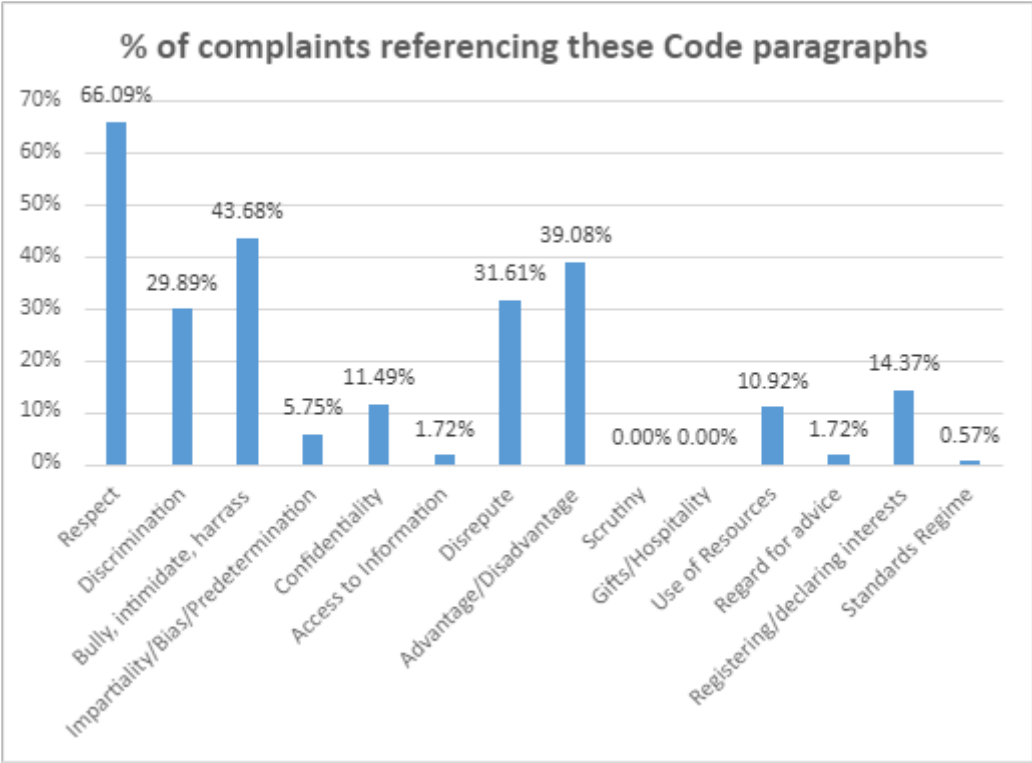
17 December 2024

Details of Complaints re Breaches of the Members' Code of Conduct – 1 April 2023 – 31 March 2024

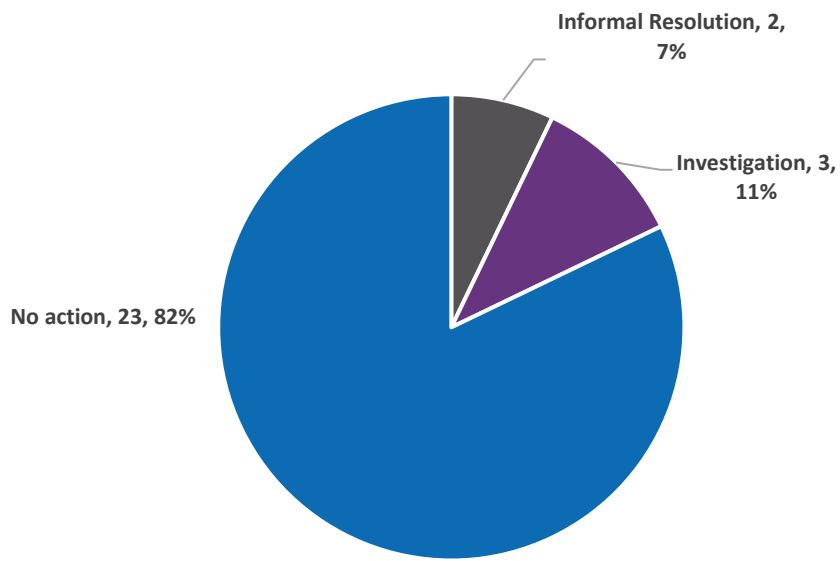




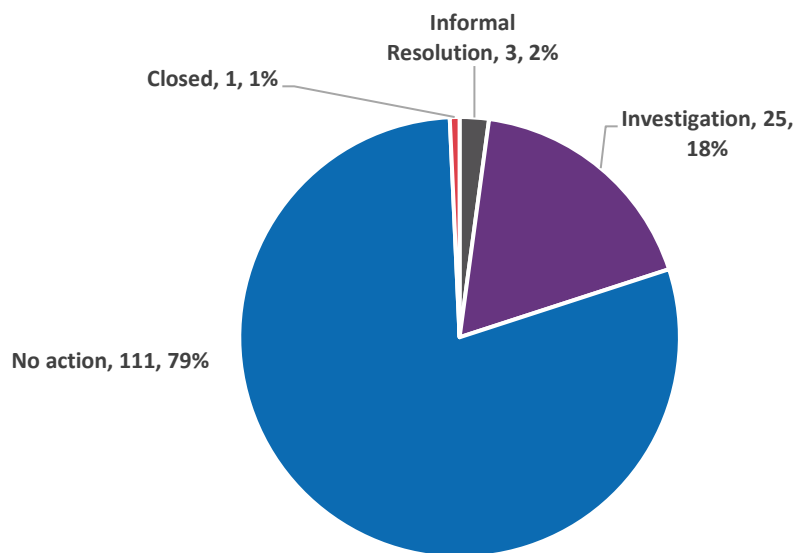
NB: Complaints may reference several paragraphs of the Code as being breached



Outcomes of Complaints against North Yorkshire Councillors

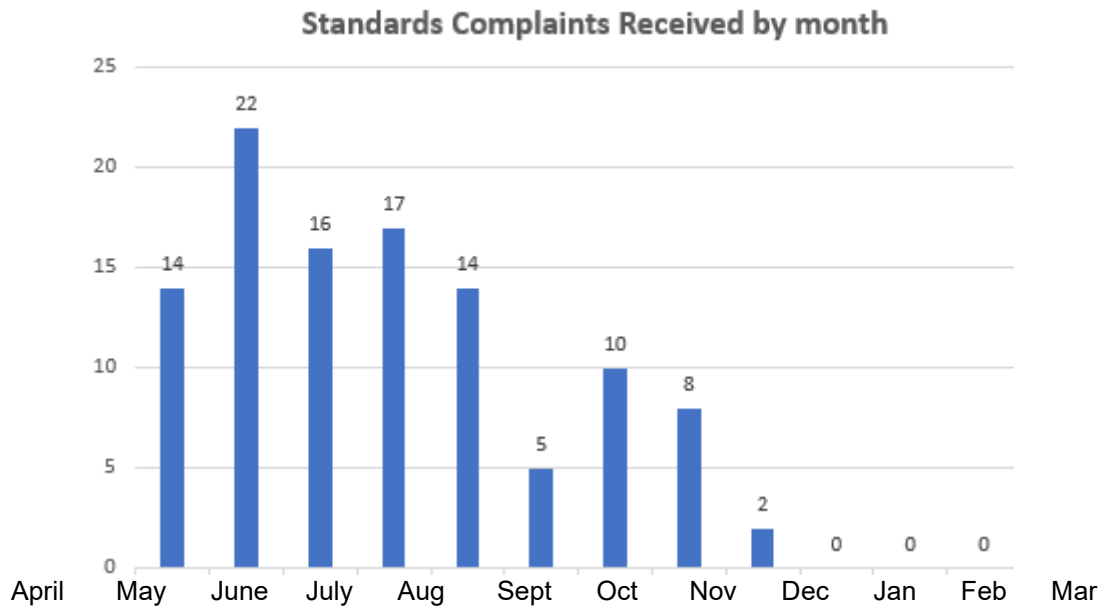


Outcomes of Complaints against Town and Parish Councillors

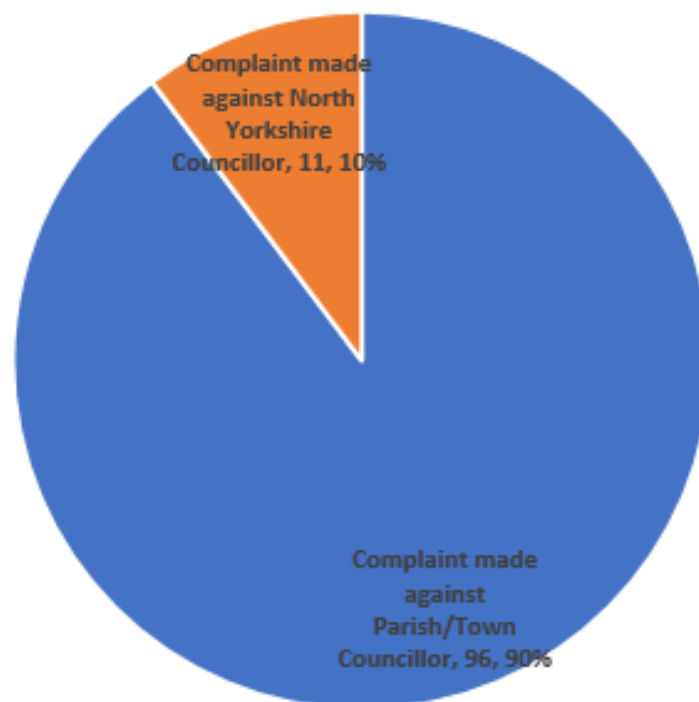


Details of Complaints re Breaches of the Members' Code of Conduct

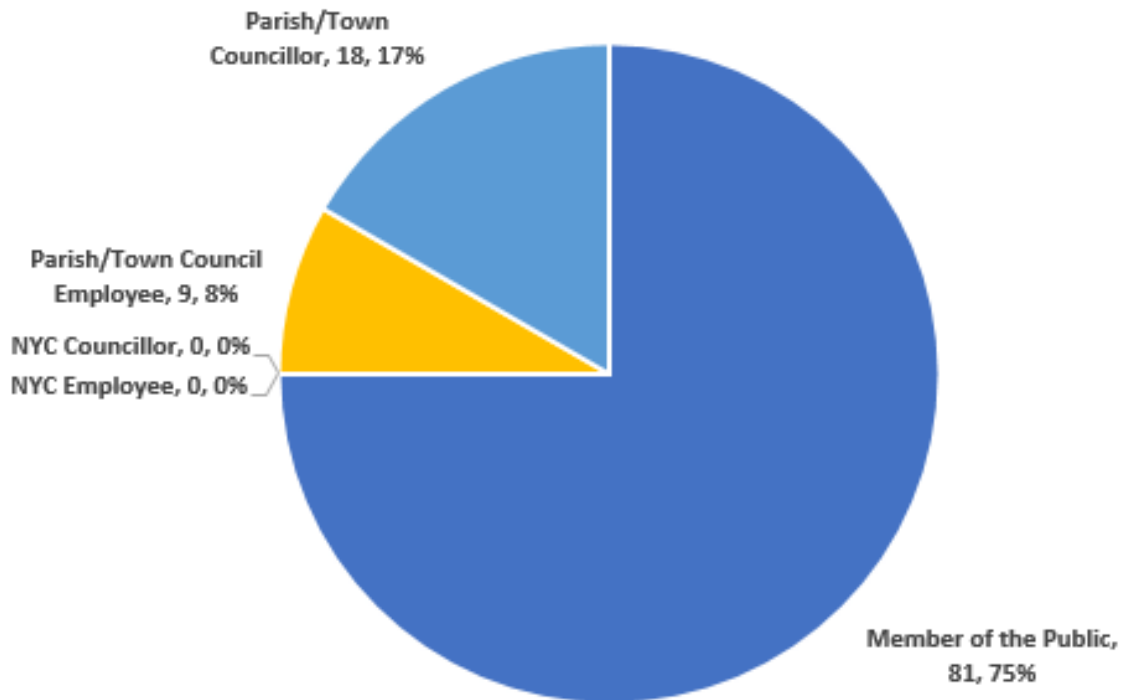
1 April 2024 – 3 December 2024



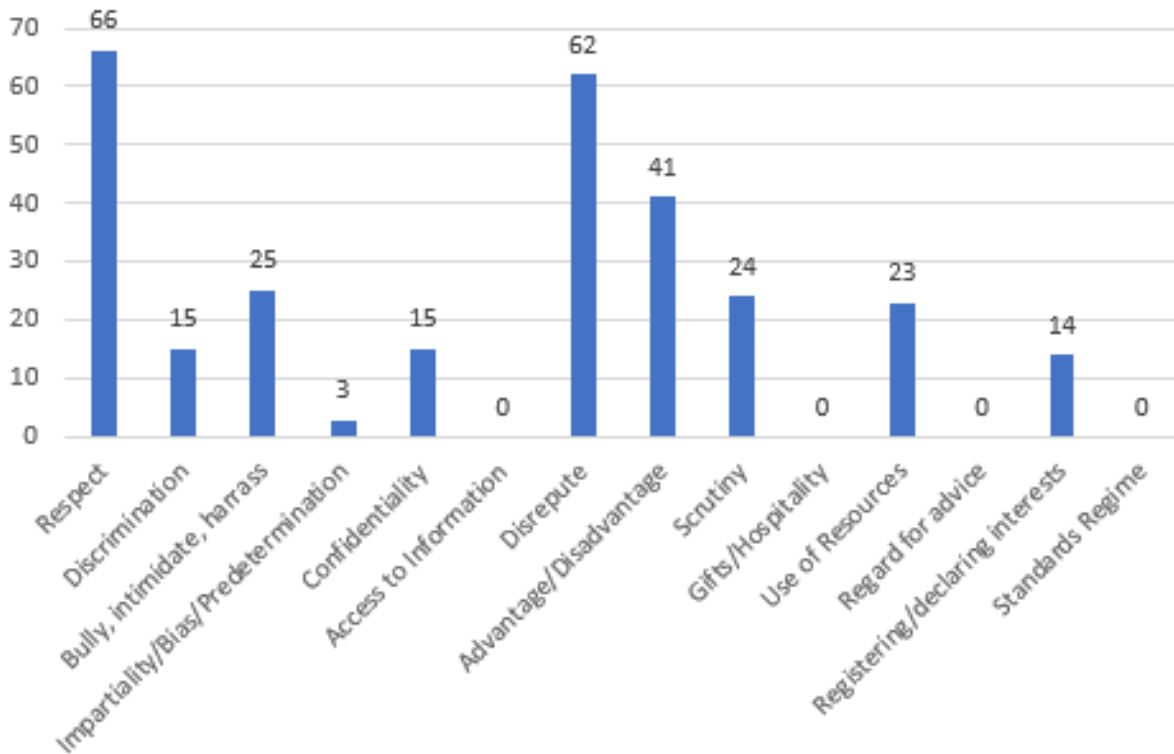
Comparison of Complaints made against North Yorkshire Councillors and Parish/Town Councillors



Complaints by Type of Complainant

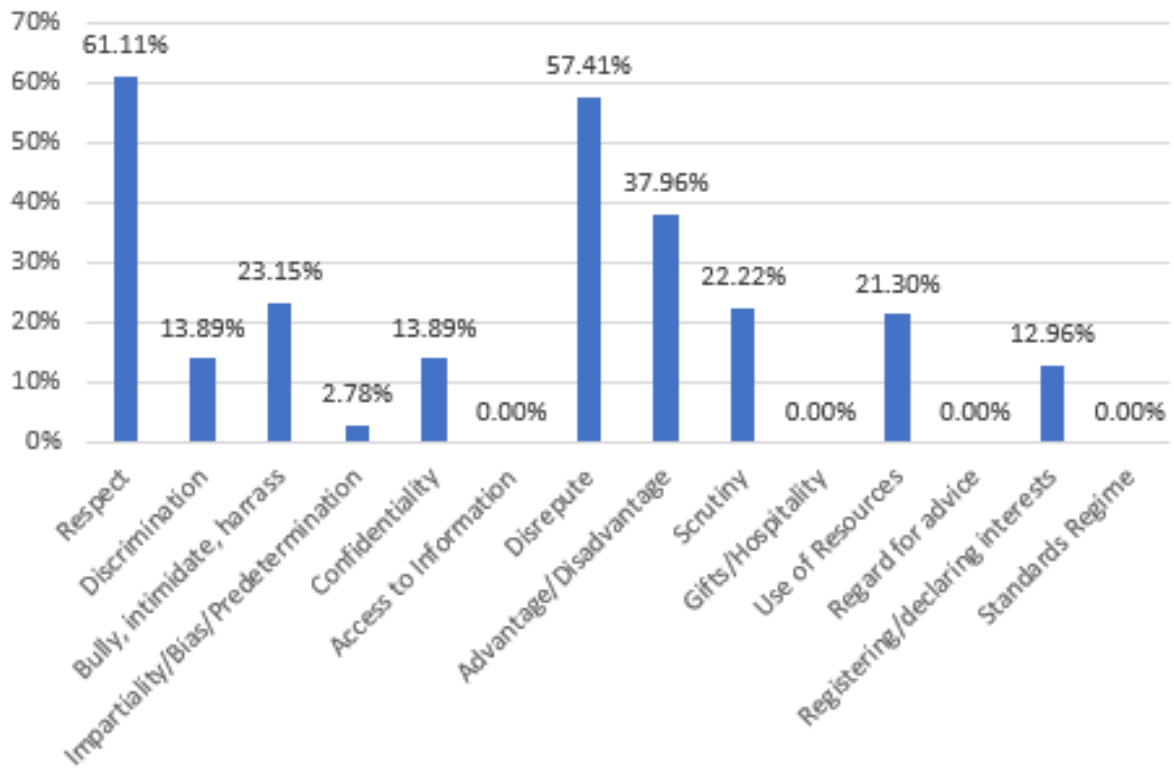


No. of complaints referencing these Code paragraphs

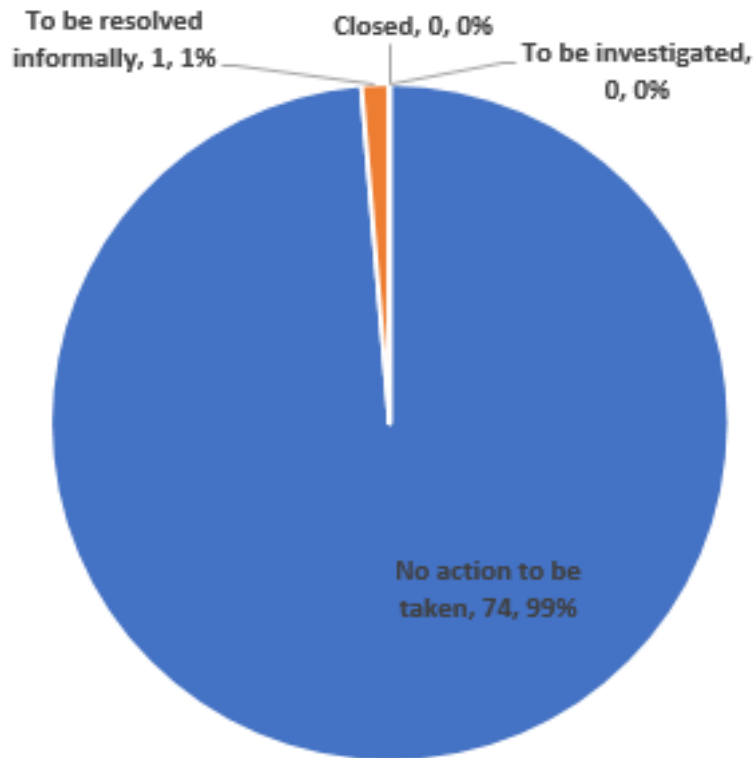


NB: Complaints may reference several paragraphs of the Code as being breached

% of complaints referencing these Code paragraphs



Complaint Outcome - All Complaints



Comparison of Complaints received: 2023-2024 and 2024-2025

