

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE
HEARINGS PANEL

Complaint SGC/2025/039 against North Yorkshire Councillor Andrew Lee

DECISION NOTICE

Complainant: Barry Khan, Monitoring Officer to North Yorkshire Council

Subject Member: Councillor Andrew Lee, North Yorkshire Council

Relevant authority: North Yorkshire Council

Chair of Hearings Panel: Councillor Monika Slater, North Yorkshire Council

Other Members of Hearings Panel:

North Yorkshire Councillor David Ireton and North Yorkshire Councillor Nigel Knapton

Deputy Monitoring Officer: Jennifer Norton, Assistant Director Legal and Deputy Monitoring Officer, North Yorkshire Council

Investigating Officer: Ms Kelly Holmes, Veritau Ltd

Independent Person: Mrs Gill Baker

Others present:

Moira Beighton, Senior Lawyer (Governance), North Yorkshire Council

Christine Phillipson, Principal Democratic Services Officer, North Yorkshire Council

Background

On 6 November 2025, the Standards and Governance Committee Hearings Panel, in consultation with the Independent Person for Standards, considered a complaint by the Monitoring Officer that Councillor Andrew Lee may have failed to follow the Council's Code of Conduct for Members and may be in breach of paragraphs 7, 8 and 11 of the Code:

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.*
8. *You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.*
11. *You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.*

A referral was made by the Monitoring Officer on 16 May 2025 regarding issues raised about the Subject Member's use of Council resources which the Monitoring Officer considers fell

within the scope of the Code and should therefore be considered through the standards process. The issues raised relate to:

- the Subject Member's use of Council pool cars and claims for mileage from the Council; and
- the Subject Member's use of a Council mobile telephone.

The complaint was assessed by the Deputy Monitoring Officer in consultation with one of the Independent Persons when it was referred for investigation.

The Deputy Monitoring Officer subsequently referred the complaint to Veritau, a Council owned company and the Council's Internal Auditor, on 11 June 2025, for investigation.

The Investigation Report was finalised and circulated to the parties on 29 September 2025. The Investigating Officer concluded that there was evidence of potential breaches of paragraphs 7 and 11 of the Code by the Subject Member.

In accordance with the Council's standards arrangements, the Deputy Monitoring Officer reviewed the Investigation Report and consulted the Independent Person as to whether local resolution may be possible. She took their responses and all circumstances into account in concluding that a referral of the complaint to the Hearings Panel for consideration of the Investigation Report and determination of the complaint was appropriate.

The Hearings Panel

The Standards and Governance Committee Hearings Panel therefore met on 6 November 2025 at 10.30 am to consider the Investigation Report, hear representations and determine the complaint, in consultation with the Independent Person for Standards.

A different Independent Person to the Independent Person consulted on the assessment attended the Hearing.

The Hearing was conducted in accordance with North Yorkshire Council's arrangements for dealing with allegations of breach of the Members' Code of Conduct and the supporting Hearings Panel Procedure.

Exempt information and exclusion of press and public

The Panel considered whether to exclude the press and public during the consideration and determination of the complaint and whether to maintain the exempt nature of the documentation.

The Panel noted that the Council presumes that formal meetings will be in public unless there are lawful reasons for all or part of the meeting being held in exempt session to consider exempt or confidential matters.

The report and appendices were presented to the Panel for the purpose of the Hearing as exempt information and had so far been withheld from public disclosure on the grounds that they contained exempt information as described in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) – personal information relating to individuals - and it had so far been considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information. It is recognised that confidentiality is important during live investigations to maintain the integrity of the investigation process.

The Panel considered whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information and considering the complaint in public. The

Panel noted the representations on this issue made through the pre-hearing process and at the Hearing. After balancing the competing factors and representations, the Panel resolved that the public interest favoured maintaining the exemption and that the press and public should be excluded from the meeting.

Findings made and determination as to breach or otherwise of the Code of Conduct

The Panel considered the information presented and representations made, consulted the Local Government Association Guidance on the Model Code of Conduct and made the following findings and determinations on a balance of probabilities:

- i. the Subject Member's failure to familiarise himself with the Council's Travel and Expenses Policy and Procedure resulted in mileage claims being made a significant time after travel took place. This was also contrary to the Members' Allowance Scheme. The delay in claiming coupled with the Subject Member's failure to keep suitable auditable records to evidence his claims, means the Subject Member has not suitably complied with the relevant Council policy. The Panel, in consultation with the Independent Person, therefore determined that there had been a **breach of paragraph of 11 of the Code**.
- ii. Insofar as use of the Council's pool cars, the Panel Members and Independent Person do not believe the Subject Member's actions comply with the wording nor spirit of the Council's Fleet Management Procedure, which provides that vehicles must not be used for any other reason other than in the execution of Council business except if an exception has been granted or where any additional journey is incidental to a business journey. The Panel, in consultation with the Independent Person, therefore determined that there had been a **breach of paragraph 11 of the Code**;
- iii. The Panel and Independent Person felt that the Subject Member's decision not to review and ensure understanding of the permitted use of Council resources he accessed did **not** bring his position or the authority into disrepute and therefore did **not go as far as amounting to a potential breach of paragraph 7**.
- iv. The Panel and Independent Person agreed with the Investigating Officer's conclusions that there was no evidence of a breach of paragraph 8 of the Code and found that:
 - a) there had been a genuine mistake on the part of the Subject Member regarding the incorrect mileage claims on 25 and 26 February 2025 rather than a deliberate attempt to make a false claim for payment;
 - b) the high mobile phone data usage had been a genuine mistake and the result of incorrect phone settings;

The Panel, in consultation with the Independent Person, therefore found **no breach of paragraph 8 of the Code**.

Sanctions and Recommendations

Sanctions

- i. That the Subject Member repays the Council for his use of Council pool cars at weekends, at a rate of £0.09 per mile.
- ii. That the Subject Member reimburses the Council for the mileage claim payments claimed by him in error.

- iii. That the Subject Member be invited to return his Council mobile telephone to the Council.
- iv. That the Decision Notice of the Panel's decision be published on the Council's website and the outcome of the hearing will be reported to the next meeting of the Standards and Governance Committee, in accordance with the standards complaints procedure.

Recommendations

The Panel, in consultation with the Independent Person, recommends the following:

- i. The Panel is mindful of the provisions in the Members' Allowances Scheme and supporting guidance, which make it clear that the Basic Allowance payable to all Members reflects the expectation that Members will meet the cost of phone calls from their home or mobile phone, and other out of pocket expenses including a broadband connection so that they can receive information from the Council and others by email, and more generally make use of the IT facilities provided to them. The Panel therefore recommended that the limited number of Members, including the Subject Member, who had a Council mobile telephone, should be invited to return the mobile telephones to the Council on the basis that Members' Basic Allowance already covers the cost of services that a Council mobile phone would be used for;
- ii. That the IT system for Members' mileage claims be reviewed to ensure it reflects current provision so that no claim for a period covering more than three months since the entitlement arose can be submitted on the system;
- iii. That Members should not have access to Council pool cars without the prior authorisation of the Monitoring Officer.

Publicity

The Panel again considered the issue of exempt information and any publicity regarding the outcome of the complaint. The Panel concluded that to satisfy the legitimate public interest in the accountability of local authorities in handling standards complaints, a Decision Notice, with third party personal information withheld, should be sent to the parties and be published on North Yorkshire Council's website.

No Right of Appeal

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.

For further information about this matter please contact the Monitoring Officer at MonitoringOfficer@northyorks.gov.uk

Councillor Monika Slater

Chair of the Standards and Governance Committee Hearings Panel
North Yorkshire Council

7 November 2025