

Meeting	Joint Standards Committee Hearings Sub-Committee
Date	20 March 2014
Present	Councillor Runciman (City of York Council Member) in the Chair Councillor Crawford (Parish Councillor) Councillor Simpson (Parish Councillor)
In Attendance	Mr Laverick (Independent Person) Mrs Bainton (Investigating Officer) Mr Docherty (Monitoring Officer) Mr Friend (Complainant) Mr Hammerton (Complainant) Mr Wilson (Complainant)

1. Declarations of Interest

At this point in the meeting Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

2. Public or Private Hearing

Consideration was given as to whether the hearing of the case should be dealt with in public or private.

Resolved: That the hearing be held in public but the committee's deliberations be held in private.

3. Complaint against a member of Osbaldwick Parish Council

Consideration was given to a complaint that Councillor Laurence Pye may have breached the Code of Conduct of Osbaldwick Parish Council. The matter had been referred to the Hearings Sub-Committee for determination following an investigation.

Introductions were carried out.

The Monitoring Officer referred to an email sent by the Chair of Osbaldwick Parish Council stating why Councillor Pye would not be attending the hearing.

The Chair asked if any further submissions had been received from either party. An email from Mr Wilson, one of the Complainants, was tabled. The email elaborated on Mr Wilson's recollection of what had occurred at the Parish Council meeting.

The Monitoring Officer drew Members' attention to Annex E of the report which detailed the agreed facts.

The Investigating Officer presented her report and responded to questions.

The Complainants presented their case, detailing their recollections of the meeting at which the alleged breach of the Code of Conduct had taken place, and responding to questions. They stated that since that meeting the Parish Council had implemented changes regarding public participation at meetings.

It was noted that the subject Member had declined to attend the hearing.

The Investigating Officer confirmed that she had nothing further to add.

The Complainants and Investigating Officer withdrew from the meeting whilst the Sub-Committee determined its factual findings.

The Sub-Committee agreed the following findings of fact:

- That Councillor Pye was a member of Osbaldwick Parish Council
- That the Parish Council had adopted a Code of Conduct and that Councillor Pye, by accepting the office of Parish Councillor, had accepted that he was bound by that Code.
- That Councillor Pye had made the comment which had been complained of in that he referred to a member of the

public as a “pain in the arse”. The comment had later been retracted but an apology had not been given.

- The failure to give an apology was the only issue before the Sub-Committee.
- It was unclear as to whether the Parish Council had formal standing orders in place for its meetings but it was noted that procedures for public participation had changed following the event which occurred in September 2013.

The Complainants and Investigating Officer were recalled and informed of the Sub-Committee’s findings of fact.

The Chair invited the investigating officer to make submissions about whether the facts as found by the Sub-Committee, constituted a breach of the Code. The investigating officer stated that it was her view that the Code had been breached.

The views of the Independent Person were sought. He drew the Sub-Committee’s attention to the obligation in the Code for Members to “behave in such a way that a reasonable person would regard as respectful” and suggested that the Sub-Committee would need to determine whether the words used by Councillor Pye towards a member of the public would be regarded by a reasonable person as being respectful.

Members unanimously agreed that Councillor Pye had breached the Code of Conduct. In particular the comments breached the requirement of the Code that Members “shall behave in such a way that a reasonable person would regard as respectful”.

Consideration was given as to the sanction that was to be imposed in response to the breach of the Code.

The Investigating Officer was asked if she wished to make a submission about factors to be taken into account when the Sub-Committee decided on the appropriate penalty. She referred to Councillor Pye having declined to be interviewed in spite of the fact that she had shown flexibility regarding the arrangements for any such interview.

The Independent Person was asked if he wished to make any submission about factors to be taken into account in respect of an appropriate sanction. He drew Members’ attention to

paragraphs 10 and 11 of the report, which detailed possible sanctions that could be applied. He commented that it did not appear that Councillor Pye had shown any remorse for the incident. The Independent Member stated that it would not, however, be appropriate to increase the severity of any sanction because of Councillor Pye's behaviour during the course of the investigation.

The Complainants drew attention to the comment in their letter dated 27 September 2013 which stated that they hoped that "the outcome can be constructive".

The Complainants and Investigating Officer withdrew from the meeting whilst the Sub-Committee decided on the appropriate penalty.

Having considered all the evidence presented, it was

- RESOLVED:
- (i) That the findings of the Sub-Committee that Councillor Pye had breached the Code of Conduct be formally reported to Osbaldwick Parish Council.
 - (ii) That the Sub-Committee's regret that Councillor Pye has not yet taken the opportunity to apologise be recorded.
 - (iii) That it be recommended to Osbaldwick Parish Council that:
 - Members of the Parish Council be recommended to remind themselves of the requirements of the Code of Conduct which they have adopted.
 - The Parish Council be advised to consult Yorkshire Local Councils Association about ways of appropriately enabling the public to participate at Parish Council meetings and ensuring that effective standing orders are in place for meetings.

The Complainants and the Investigating Officer were recalled and informed of the decisions.

Councillor Runciman, Chair
[The meeting started at 9.00 am and finished at 10.45 am].