

**Standards Hearing Sub Committee**

**31 August 2021**

Complaint against Councillor Hardcastle (Deighton Parish Council)

**Complainant:** Mrs Eve Hale

**Subject Councillor:** Councillor Hardcastle (Deighton Parish Council)

**Investigator:** Walter Burns

**Background**

This complaint is brought by Mrs Eve Hale against Councillor Hardcastle of Deighton Parish Council. The complaint relates to an allegation that Councillor Hardcastle has a personal animosity against Mrs Hale and that he has delayed her application to be co-opted back onto the Council because of this. Mrs Hale has referred to the Chair's statement of 2020 as evidence of this.

The Investigating Officer, Walter Burns, was asked to investigate this complaint and another complaint that had been made, which has not progressed to Hearing, due to a breach of the Code not having been found, in January 2021. The complaint and also Mr Burns' report can be found at Annex A and B. Deighton Parish Council's Code of Conduct can be found at Annex C. It will be noted from the report that Mr Burns is of the opinion that Councillor Hardcastle did breach the Code of Conduct by being disrespectful and seeking to make an advantage from his position or conferring a disadvantage on another.

The Investigation Report has been shared with the parties. One of the Independent Persons, Mr Laverick has also been consulted. Having taken their views into account, the Monitoring Officer took the view that this matter was capable of a local resolution and referred the matter for a Hearing.

**The Complaint**

The complaint appears in full at Annex A, but can be summarised as follows:

- (a) Councillor Hardcastle has a personal animosity against the complainant and that he has delayed her application to be co-opted back onto the Council because of this. Mrs Hale refers to the Chair's Statement of 2020 as evidence of this.

**The Code of Conduct for Deighton Parish Council**

As required by the Localism Act 2011, Deighton Parish Council has adopted a Code of conduct which sets out the conduct expected of Councillors when acting as such. The Code of Conduct appears at Annex C. Particularly relevant to this complaint are the following sections:

*“1. He/she shall behave in such a way that a reasonable person would regard as respectful.*

*3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.”*

## **The Hearing Process**

The Standards Committee has approved a procedure for hearings which can be found at Annex D. In line with that procedure the complainant and subject member have been asked to complete a pre hearing check list indicating whether they intend to attend the hearing, to identify facts which they say are in dispute, and state whether any part of the hearing should be in public.

Completed pre hearing check list forms have been returned by Mrs Hale and Councillor Hardcastle.

Mrs Hale’s form can be found at Annex E. It will be noted that Mrs Hale agrees with the facts found by the Investigating Officer.

Councillor Hardcastle’s form can be found at Annex F. Councillor Hardcastle feels that the process is flawed and biased and that he believes that there are numerous facts that are incorrect, including that he asked for 7 witnesses to be interviewed and that this request was refused, leading to a belief that Councillor Hardcastle has been treated unfairly. In addition, Councillor Hardcastle believes that the complaint contains allegations which have not been proven and that there is no evidence to support the allegations. In addition, Councillor Hardcastle states that he does not believe that there is evidence that he has blocked Mrs Hale’s application.

## **Issues to be determined**

Has Councillor Hardcastle breached Deighton Parish Council’s Code of Conduct?

In the event that the Sub committee finds that the Code has been breached, it will need to determine whether a sanction should be imposed and if so, what sanction.

## **Implications**

### **Financial**

Not applicable to this report.

### **Human Resources (HR)**

Not applicable to this report.

### **Equalities**

The Equality Act 2010 places specific duties on Local Authorities, including the presence of a clear and concise Code of Conduct which prohibits unlawful discrimination and gives the public confidence in Councillors. Ensuring that the Code of Conduct is maintained meets the Nolan principles and also supports the prohibition.

**Legal**

As detailed within the report.

**Crime and Disorder, Information Technology and Property**

Not applicable to this report.

**Recommendations**

**Author:**

Rachel Antonelli

Senior Solicitor & Interim

Deputy Monitoring Officer

Tel: 01904 551043

**Chief Officer Responsible for the report:**

Janie Berry

Director of Governance &

Monitoring Officer

Tel: 01904 555385

**Report  
Approved**

**Date**

26 July 2021

**Specialist Implications Officer(s):**

**Wards Affected:** Wheldrake Ward

**All**

**For further information please contact the author of the report**

**Background Papers:**

- **Annex A –Complaint**
- **Annex B – Investigating Officer’s report**
- **Annex C – Deighton Parish Council’s Code of Conduct**
- **Annex D – Hearing procedure**
- **Annex E - Pre hearing check list completed by complainant**
- **Annex F – Pre hearing check list completed by subject Councillor**