

<b>City of York Council Standards Committee</b>	
<b>Pre Hearing checklist</b>	
<b>Complainant</b>	Mr & Mrs Harrison
<b>Subject Member</b>	Councillor
<b>Investigating Officer</b>	Rachel McKeivitt
<b>Do you intend to attend the proposed hearing to give evidence or make representations</b>	
Yes	
<b>Do you wish to be represented at the hearing by a solicitor, barrister or another person.<sup>1</sup></b>	
Yes	
<b>If so by who?</b> Mrs Susan Nunn	
<i>Name of representative and capacity in which they act: e.g. solicitor, friend, fellow Councillor</i>  Parish Clerk Mrs Susan Nunn	
<b>Do you wish the whole or any part of the hearing to be in private?</b>	
Yes	
<b>If yes please explain why<sup>2</sup></b> As the complainants have indicated that they intend to progress this issue through the courts it is believed that comments made in open proceedings could be misconstrued and used as evidence against both the Parish Council and City of York Council.	

<sup>1</sup> Although there has to be a degree of formality to the proceedings of the committee it will be unusual for subject members to be represented. The procedure is not adversarial. The Committee will act in an inquisitorial manner to ensure that the circumstances of the case are fully understood.

<sup>2</sup> The Standards Committee's general position is that hearings should be held in public and that documents should be publicly available in advance of the meeting. However, there may be circumstances in which fairness to individuals dictates and the provisions of schedule 12A to the Local Government Act 1972 allow, information to be considered in private. The Council's proper officer will determine whether papers should be publicly available and the Hearing Sub Committee will determine whether the meeting or any part of it should be in private.

<b>Do you wish any part of the Investigating Officer's report or other relevant documents to be withheld from the public?</b>
Yes
<b>If yes please explain why<sup>3</sup></b>
As the complainants have indicated that they intend to progress this issue through the courts it is believed that comments made in open proceedings could be misconstrued and used as evidence against both the Parish Council and City of York Council.
<b>Do you disagree with any of the <u>facts</u> found by the investigating officer as set out in his her report?</b>
Yes
<b>If yes please set out briefly the facts that you dispute and your view as to the true factual position</b>
<p>The report by the Investigating Officer appears to be biased towards information provided by the complainants and takes little account of the circumstances of this long running saga which were explained to the Investigating Officer.</p> <p>The process taken by the Investigating Officer did not include investigation as to why the actions were taken by the Parish Council over the period since unauthorised construction of an access road from Lords Moor Lane to The Firs in December 2007.</p> <p>A time line of events associated with this issue has been kept and extracts will be provided to the Monitoring Officer.</p> <p><b>Parish Councillor A. K. Marquis (Chairman)</b></p>

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<b>Do you believe that witnesses should be called to the Hearing</b>
Yes
<b>If yes please identify the witnesses who you wish to be called and briefly identify the issues that they will be able to give evidence about<sup>4</sup></b>
Mr K D Marsden

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<sup>4</sup> The Monitoring Officer and Chair will consider whether any witnesses you name are likely to be able to give evidence which will be of value to the Hearing Panel. If they are then those witnesses will be invited to attend. The Panel cannot compel the attendance of any witness.