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Meeting	Joint Standards Committee Hearings Sub-Committee
Date	30 September 2021 ( <i>adjourned from 30 August 2021</i> )
Present	Councillors Douglas (Chair) and Fisher (CYC Members) Councillor Chambers (Parish Council Member)  Ms Davies (Independent Person, via Zoom)

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#### **10. Declarations of Interest**

Members were invited to declare any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. No interests were declared.

#### **11. Public Participation**

It was reported that five people had registered to speak at the meeting on 30 September 2021 under the Council's Public Participation Scheme.

Cllr Warters stated that the process being used to deal with complaints hearings was flawed, and noted that Members of the current panel had also been critical of the process in the past.

Gwen Swinburn stated that the proper process was being ignored, on the grounds that the Subject Member had been denied the right to a pre-hearing, which had been allowed in a case in 2018.

*[The Chair responded, confirming that the procedure at Annex D to the report had been followed, that the Chair in the 2018 case had exercised their discretion in respect of a pre-hearing, and that this had been explained to the Subject Member.]*

Ian Chambers, a member of Deighton Parish Council, spoke in support of the Subject Member, stating that he had not adversely influenced the parish council's decision regarding the

Complainant's application to be co-opted and that it was the Complainant who had behaved disrespectfully.

Jeanne Fletcher, a member of Deighton Parish Council, spoke in support of the Subject Member, agreeing with the comments of the previous speaker and adding that the complaint investigation had taken far too long and was a waste of time.

Trevor Bartram, a previous Chair of Deighton Parish Council, said he had received an 'unacceptable' letter from a parish council member regarding the Complainant's application, and that he had given advice to the Chair and clerk which they had ignored.

## **12. Exclusion of Press and Public**

Resolved: That the Press and Public be excluded from the meeting if at any point Members request legal advice in private, and during their deliberations and decision at the end of the meeting.

## **13. Complaint against a Member of a Council covered by the Joint Standards Committee**

The Panel considered a complaint made against Cllr Steven Hardcastle, of Deighton Parish Council (the Subject Member), by Mrs Eve Hale (the Complainant). The complaint related to an allegation that the Subject Member had delayed her application to be co-opted onto Deighton Parish Council, due to his personal animosity towards her. The matter had been referred to the Hearings Sub-Committee for determination following an investigation.

Introductions were carried out and the procedure for the hearing was explained.

### **Determining factual disputes**

Copies of the investigator's report and the written submissions received had been circulated to the Panel and to the parties prior to the meeting. The parties confirmed that they had seen the report and the procedures to be followed at the hearing. During the meeting the Panel took advice from the Independent Person.

The Subject Member was represented by Mr Brack, a member of Deighton Parish Council. The Complainant was represented by Mrs Mercer.

The Investigating Officer presented his report and responded to questions from the Subject Member and his representative.

The Complainant presented her case and responded to questions from the Subject Member and his representative.

Mr Brack presented the Subject Member's case. The Subject Member then responded to questions from the Panel, the Monitoring Officer, the Investigating Officer and the Complainant.

*[At 12:09 pm the hearing was adjourned for a break, during which Mrs Mercer left. The hearing re-commenced at 12:45 pm].*

The Investigating Officer summarised his case.

*[At this point, the Subject Member withdrew from the hearing and an adjournment was called to obtain legal advice. The hearing re-commenced at 1:12 pm and continued in the absence of the Subject Member and his representative.]*

The Complainant summarised her case.

*[The hearing then went into private session whilst the Panel made their deliberations and returned to public session for the Panel to announce their findings]*

The Panel gave consideration to the following allegation of breaches of the Code of Conduct:

That Cllr Hardcastle's behaviour was in breach of the member obligations contained in Sections 1 and 3 of the Parish Council's Code of Conduct; namely, that when a member of the council acts, claims to act or gives the impression of acting as a representative of the council, he/she should:

- Behave in such a way that a reasonable person would regard as respectful (Section 1)
- Not seek to improperly confer an advantage or disadvantage on any person (Section 3).

Having considered the written documentation and the verbal representations made at the meeting, in light of the Joint Standards Committee's published criteria for the assessment of complaints, the Panel

Resolved: That the Investigating Officer's findings that Councillor Hardcastle has breached Deighton Parish Council's Code of Conduct be upheld.

Reasons: (i) Mrs Hale believed Parish Councillor Hardcastle had a personal animosity towards her – the Panel considered the Chair's 2020 statement which has been referred to as part of this complaint. The Panel determined that this statement clearly referred to Mrs Hale and Councillor Hardcastle's comment that he "will resist any attempt for these individuals to rejoin the Council" was directed towards Mrs Hale, amongst others. In the Panel's view this supports the proposition that there was animosity towards Mrs Hale.

(ii) That there was a delay in Mrs Hale's application to be co-opted – the Panel are satisfied that there was clearly a delay in dealing with Mrs Hale's application. The Panel accepted that the delay was 10 months, when there were opportunities to have dealt with the application. It was Councillor Hardcastle's responsibility, as Chair of the Parish Council, to ensure that such applications should be dealt with in a timely manner and that his animosity towards Mrs Hale may have negatively impacted on the timescale. The Panel determined that the explanations given for the delay including the Covid pandemic and seeking external advice were insufficient to account for the length of the delay.

(iii) Chair's 2020 Annual Statement – the Panel find that it is reasonable that the comments made by Councillor Hardcastle in his capacity of Chair of the Parish Council breached the Nolan principles and did not demonstrate respect to others.

(iv) The Panel noted the comments made by Councillor Hardcastle in relation to the procedure; however, the Panel remained satisfied that the

procedures surrounding the management of this Hearing had been adhered to, noting that the procedures are published on the Council's website. It is unfortunate that despite being given the opportunity, Councillor Hardcastle did not remain to present his final submissions to outline further details of his concern to the Panel.

## **Sanctions and Observations**

The Panel considered what, if any, sanctions should be imposed for the breach. In doing so they made a number of observations, and

- Resolved: (i) That the following sanctions be imposed:
- a) Formally report the findings of the Panel to the Parish Council;
  - b) Recommend that the Parish Council be arrange mandatory training for Parish Councillor Hardcastle around Chairing Skills, including the Code of Conduct and Parish Council Governance.

Reason: In order to impose sanctions appropriate to the breach.

- (ii) That the following observations be brought to the attention of Deighton Parish Council:
- The Parish Council would benefit from training on the Code of Conduct.
  - Training for the whole Parish Council around agenda setting and Parish Council procedures.
  - Take the opportunity of the support and services of the Yorkshire Local Council's Association and maximise the support available.
  - It is recommended that such opportunities are also offered to the Parish Council Clerk.

Reason: In light of the apparent lack of knowledge of procedures and roles within the Parish Council.

*[The Decision Notice issued following this meeting has been published alongside these minutes]*

Cllr C Douglas, Chair

[The meeting started at 10.06 am and finished at 3.11 pm].