



SPECIAL MEETING OF OVERVIEW AND SCRUTINY COMMITTEE

Thursday 16 March 2023 at 5.45 pm

In the Chief Executive's Office

IMPORTANT:

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to: (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on the filming and recording of Ryedale District Council meeting, a copy of which is available on request or at ryedale.gov.uk. Anyone wishing to record must contact Democratic Services using the details above, three days prior to the meeting. Any recording must be conducted openly and not in secret.

Please note that proceedings at this meeting will be filmed for subsequent broadcast via the Council's website. If you choose to attend, you will be deemed to have consented to being recorded and/or filmed and to the use of those images and sound recordings on the broadcast.

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of the meeting held on 16 February 2023** (Pages 3 - 6)
- 3 **Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Standards Complaints Overview and Annual Report** (Pages 7 - 10)

6 Any other business that the Chairman decides is urgent.

Public Document Pack Agenda Item 2

Overview and Scrutiny Committee

Held at Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH
on Thursday 16 February 2023

Present

Councillors Middleton (Chair), Oxley (Vice-Chair) and Wass

In Attendance

Beckie Bennett (on teams), Greg Charnley (on teams), Owen Griffiths, Anton Hodge (on teams), Marcus Lee, Nicki Lishman, Richard Mair, Nigel McCloy (on teams), Connor Munro (on teams), and Margaret Wallace.

Minutes

41 **Apologies for absence**

Apologies were received by Cllrs King and Raine.

42 **Minutes of the meeting held on 24 November 2022**

Decision
That the minutes of the meeting of the Overview and Scrutiny Meeting held on 24 November 2022 be approved and signed by the Chair as a correct record.

Voting Record

Unanimous

43 **Urgent Business**

There was no urgent business.

44 **Declarations of Interest**

There were no declarations of interest.

45 **Internal Audit and Counter Fraud Annual Report 2022/23**

Considered – report of the Chief Finance Officer (s. 151)

Decision

That Members:

- a) note the results of the internal audit and counter fraud work undertaken in 2022/23.
- b) note the opinion of the Head of Internal Audit regarding the overall framework of governance, risk management and control operating within the Council.
- c) note that no significant control weaknesses have been identified by internal audit during the year which are relevant to the preparation of the annual governance statement.

Voting Record

Unanimous

46 **CIPFA Financial Management Code**

Considered – report of the Chief Finance Officer (s. 151)

Decision

That the Overview and Scrutiny Committee notes the work undertaken to enhance compliance with the CIPFA FM Code.

Voting

Unanimous

47 **Update on the Use of Regulation of Investigatory Powers Act 2000 (RIPA)**

Considered- The report of the Head of Corporate Governance.

Decision

That Members note that no application for covert surveillance has been made to the Council's approved "Authorising Officers" in the last twelve months and as a consequence no application to the Magistrates Court requesting approval of any such grant has been made.

Voting

Unanimous

48 **Standards Complaints Overview and Annual Report**

Considered- The report of the Head of Corporate Governance.

This item was deferred due to requiring further information to be included in the report and would be brought to an Extraordinary Meeting of the Committee to be held prior to the meeting of Full Council on 16 March 2023.

49 **Corporate Risk Register Update**

Considered- The report of the Programme Director for People and Resources

Decision

That the Overview and Scrutiny Committee approve the revised risk register.

Voting

Unanimous

50 **Customer Complaints and Compliments Q3 2022/23**

Considered- The report of the Programme Director for People and Resources

Decision

That the Overview and Scrutiny Committee note and endorse the performance of complaints and compliments received in quarter 3 of the 2022/23 reporting cycle.

Voting

Unanimous

51 **External Auditor's Annual Report**

Considered – report of the Chief Finance Officer (s.151)

Recommendation to Council

It is recommended to Council that:
(i) The External Auditor's Report is noted.

Voting

Unanimous

The Chief Finance Officer conveyed his thanks to the work undertaken by Grant Thornton, Veritau, and Ryedale District Council's finance department in preparation of both the internal and external audits over the past year.

52 **Decisions from other Committees**

The Committee received the Minutes of the Policy and Resources Committee held on 9 February 2023.

53 **Any other business that the Chairman decides is urgent.**

There being no further business, the meeting closed at 7:45pm.

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PART A	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE
DATE:	16 MARCH 2023
REPORT OF THE:	INTERIM HEAD OF CORPORATE GOVERNANCE N LISHMAN
TITLE OF REPORT:	STANDARDS COMPLAINTS OVERVIEW AND ANNUAL REPORT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To update Members of the Overview and Scrutiny Committee (acting as a Corporate Governance Standards Committee) of the complaints received under the Members' Code of Conduct from October 2021 – February 2023.

2.0 RECOMMENDATION

2.1 It is recommended that the report be noted.

3.0 REASON FOR RECOMMENDATION(S)

3.1 To keep the Committee informed of complaints received and outcomes.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with reporting complaints.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 As part of its monitoring of the operation of the Members' Code of Conduct, the Overview and Scrutiny Committee (acting as a Corporate Governance Standards Committee) receives details of complaints received on an annual basis. This report covers the period from October 2021 – February 2023.

REPORT

6.0 REPORT DETAILS

6.1 During the period October 2021 – February 2023 the Monitoring Officer received 13

complaints, seven against Members of the Council and six against Parish Councillors. Appendix 1 provides details of the complaints and the outcome for each.

6.2 All the complaints were considered by the Monitoring Officer, together with the Independent Person where appropriate.

6.3 Of the thirteen complaints received;

- Eight complaints required no further action.
- Three complaints against Parish Councillors remain ongoing
- One complaint against RDC Councillors remain under review by the current Monitoring Officer
- One complaint against an RDC Councillor remains under investigation

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

There are no significant financial implications.

b) Legal

There are no significant legal implications.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)

There are no significant other implications.

N Lishman

Interim Head of Corporate Governance & Monitoring Officer

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Background Papers:

Members' Code of Conduct.

Background Papers are available for inspection at:

N/A

No.	RDC Cllr	Parish/Town Cllr	Nature of complaint	Action	Informal resolution
1	X		Complaint regarding five Councillors walking out prior to the close of a meeting of Full Council on 31 March 2022 Complaints by XXXX (member of the public - complaint not actively pursued) and RDC Cllr XXXX Against Cllr A, Cllr B, Cllr C, Cllr D and Cllr E	Passed to NYCC Legal team for resolution. Monitoring Officer of NYCC is the decision maker on behalf of RDC	Matter investigated by an external investigator in respect of Cllr A only and no breach found. No further action decided by NYCC Monitoring Office and notified. In relation to the complaint by member of the public and Cllr XXXX the former Monitoring Officer of RDC advised no further action or investigation after an assessment. In relation to the complaints against Councillors A B C D E the former RDC MO assessed no further action needed but invited those councillors to apologise. This is not enforceable and is therefore under review by the current MO. Two Councillors have already expressed regret. Other councillors decline to apologise. Under review by current MO.
2		X	Complaint from a member of the public of bullying by XXXX and unacceptable behaviour by XXXX of Thornton le Dale Parish Council	Ongoing investigation	Matter has been referred by the Monitoring Officer on 26 January 2023 to NYCC for further investigation.
3		X	Complaint from a member of the public regarding a breach of the Code of Conduct by XXXX Thornton le Dale Parish Council	Ongoing investigation	Matter has been referred by the Monitoring Officer on 26 January 2023 to NYCC for further investigation.
4	X		Complaint regarding support provided by Interim Parish Councillors at Cropton Parish Council	No further action	The complainant has been advised of the decision. No further action.
5	X		Complaint regarding Councillor A behaviour towards staff member(s) Complaint by Cllr XXXX	Referred for formal investigation by NYC Monitoring Officer acting on behalf of RDC	Ongoing

6	X		Complaint from three Councillors regarding Councillor behaviour towards the Chair and other Councillors at Full Council meetings on 16 and 24 February 2022 One RDC councillor withdrew complaint. Against Cllr A and others	Referred to NYCC Monitoring Officer who acted on behalf of RDC and commissioned a formal external investigation which concluded no evidence of failure to comply with RDC Member Code and no further action to be taken.	No further action decided by NYCC MO
7		X	Complaint regarding Code of Conduct against 2x Parish Councillors at Scrayingham Parish Council	Informal resolution	No further action.
8		X	Standards complaint against 2 x Parish Cllrs at Willerby and Staxton. Complaint by XXXX Against Cllr X and Cllr Y	Informal resolution	No further action against Cllr X. Cllr Y to be invited to apologise and given additional conduct training and advice when available.
9		X	Complaint by XXXX (member of public) Against Cllr XXXX at Malton Town Council	No further action following assessment	No further action
10	X		Complaint by XXXX (member of the public) Against Cllr XXXX RDC	No further action following assessment	No further action
11	X		Complaint by XXXX (member of the public) Against Cllr XXXX RDC	No further action (Cllr XXXX had resigned)	No further action
12	X		Complaint by Cllr XXXX Against Cllr XXXX, Cllr XXXX and Conservative Group RDC	No further action	No further action
13		X	Complaint by five members of the public against Councillors XXXX and XXXX re. conduct at Helmsley Town Council meeting of 20 February 2023	Currently being assessed by MO of RDC and the Independent Person	Ongoing

Time period covered from October 2021 – February 2023