

# LITTLE RIBSTON PARISH COUNCIL

## **Minutes of Little Ribston Parish Council meeting held on December 11<sup>th</sup> 2018 at 7.30pm**

PRESENT: Cllr M. Bell, Cllr A. Paraskos, Cllr. W. Marr, Cllr. S. Oriel, Cllr. M. Hullah

IN ATTENDANCE: Melanie Spencer (Clerk)

### **1861 To receive apologies**

No absences

**RESOLVED: That this be noted**

### **1862 DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS**

TO RECEIVE DISCLOSURES BY MEMBERS OF ANY DISCLOSABLE PECUNIARY INTERESTS FOR THE PURPOSES OF SECTION 31 OF THE LOCALISM ACT 2011 AND ANY OTHER RELEVANT INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT

**Resolved: To note that no interests were declared**

### **1863 Parish Council Minutes**

To confirm the minutes of the meeting held on October 16<sup>th</sup> 2018 as a true and correct record.

**RESOLVED:** To note that the minutes of the meeting of the Parish Council held on Tuesday October 16<sup>th</sup> 2018 have been approved as a true and accurate record and signed by the Chairman of the meeting.

### **1864 Public Questions**

**No parishioners in attendance**

### **1865 To receive a report on the ongoing issues**

#### **1865i**

#### **Parking issues**

**Resolved:** To action the Clerk to contact Highways about the obstructive parking and to enquire about the possible introduction of parking restrictions.

The Clerk has monitored the situation with regard to the obstructive parking at the Spofforth junction and found that it has greatly reduced; therefore NYCC has not been informed. If the obstructive parking resumes, the Clerk will contact the Highway Department.

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## **1865ii Bus service**

The Clerk has been informed by NYCC that the bus service is to continue. The new timetable has been put on the website.

## **1865iii**

No applications for the RFO position have been received; the Clerk has agreed to resume the role until a replacement can be found.

**Resolved:** To note updated information

## **1866 To Note recent Planning matters**

**Resolved:** To note no planning correspondence has been received.

## **1867 To approve and note the RFO's report on financial matters**

- I. Cllr Sewell resigned and therefore no financial checks, bank reconciliation or budget statements are available.

**Resolved:** To approve the appointment of the Clerk to take on the role until further notice.

- II. The Parish reserves were discussed. LRPC has significantly less of the annual precept in reserve compared to similar Parishes. This may cause a financial crisis for the Parish Council if unforeseen circumstances occur (which are the responsibility of the Parish to fund, e.g. an election).

**Resolved:** To note the need for at least 12 months of the precept to be kept as a reserve.

- III. The Precept amount was discussed.

**Resolved:** To approve the precept for 2019/2020 of £4500

## **1868 To update the Council about the Code of Conduct complaint against former Councillor Adrian Sewell.**

The Clerk read out a statement to update the Parish Council on the complaint against former Councillor Adrian Sewell.

*As you are all now aware, there has been an ongoing legal investigation by the Monitoring Officer at HBC in connection with a Code of Conduct complaint against Adrian Sewell, former Councillor to Little Ribston Parish Council. The investigation is now complete and although I have been completely exonerated with regards to my role as Parish Clerk (and the recent planning application at West View) rumours are still circulating in the village suggesting that I might have abused my position and for that reason, I would like to explain the circumstances and the conclusions with regard to my complaint.*

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**Harrogate Borough Council asked for it to be noted by the Parish Council that Mrs Spencer acted without impropriety by simply observing the process that was in place at the time and sending the majority vote to Harrogate Council as had previously happened many times before with other applications. She was uninvolved in any discussion or debate or any meeting about the West View planning application**

**Furthermore,**

**Harrogate Borough Council has found former Councillor Sewell had breached the Code of Conduct in treating the Parish Council Clerk, Mrs Melanie Spencer with disrespect making various statements about her conduct and conflict of interest.**

**Harrogate Borough Council has found Former Councillor Sewell to have breached his obligation to declare a pecuniary interest in the Parish Council consultation decisions relating to West View.**

Former Councillor Adrian Sewell had read and signed the LRPC Code of Conduct document and included his property in the document when he became a member of the Parish Council.

The Code of Conduct states that Councillors should not take part in discussions, vote or seek to influence decisions on which they have a prejudicial or pecuniary interest (one which relates to money).

**See appendix and HBC website for up to date Code of Conduct**

**The circumstances that resulted in the Code of Conduct complaint being made.**

Former Cllr. Adrian Sewell repeatedly discussed the planning application site adjacent to his property and voted twice on the planning application. The first time when he followed the Little Ribston planning protocol and then at a private meeting which he himself arranged and where members of the public and the Clerk were not allowed to attend.

Former Cllr. Adrian Sewell sent a private email to all the residents living in the Grange Farm housing estate on December 7th with a link to the HBC planning page alerting them to the deadline for objections against the planning application which he had a pecuniary interest in.

A number of parishioners spoke to him with concerns about the Clerk's role in the West View planning application. He did not inform them that the Clerk could not have a conflict of interest because the Clerk does not have a vote on any planning application.

He chose not to ask for a public meeting to discuss the application even though the deadline for the response was not until December 21<sup>st</sup> 2017.

Former Councillor Adrian Sewell wrote to the Planning department using his position as a Councillor to inform them that the Clerk had a potential Conflict of interest, that a public meeting had not been held and to question the conduct of the Chairman.

He did not seek advice from the Monitoring Officer or the YLCA about the matter

A number of parishioners also questioned the Clerk's conduct on a public portal and the Council's Monitoring Officer was engaged.

Former Cllr. Adrian Sewell was critical of the Clerk in a number of emails which he copied to other Councillors and his wife.

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*Former Councillor Adrian Sewell then arranged a private meeting where the West View planning application was discussed. It was held at a private venue, members of the public were not informed and the Clerk was prevented from attending.*

*At this private meeting two Councillors changed their previous No Objections to Objections.*

*Councillor Sewell wrote the minutes, had them approved and sent the decision to HBC.*

*In these minutes Councillor Sewell refers to the "Clear Conflict of interest by the Clerk".*

*Former Councillor Goulton stated at the following Parish Council meeting that she had no objections to the application at West View until Councillor Adrian Sewell showed her a map and pointed out that it was outside of the draft local boundary. (February 2018 minutes)*

## **Since these events**

*No parishioners contacted me (the Clerk) directly about their concerns; however a number of potentially defamatory comments were placed on a public portal.*

*Parishioners and new Councillors have repeatedly criticised the Clerk's role and me personally at Parish Council meetings, which resulted in my resignation of the Responsible Financial Officer role.*

*A police complaint was made against me with regard to where I store my household bins, even though I keep them on my own drive. I felt that this was a waste of valuable Police time and it made me feel intimidated in my own home.*

*One Councillor having scrutinized the accounts accused me of hiding something. When asked to apologise by the Chairman for the disrespectful comments, the Councillor in question chose to resign rather than apologise.*

*I sought guidance from the Yorkshire Local Council's Association (a body who give advice on legal matters to Parish Councils) they informed me that it is a criminal offence to breach the Code of Conduct and that I should refer the matter to the Police.*

*It saddened me that I had no choice but to take action. I chose to take the softer less confrontational option and refer it to the Monitoring Officer rather than the Police.*

*Councillor Adrian Sewell resigned before the decision was reached by the Monitoring Officer.*

*The Monitoring Officer concluded that former Councillor Adrian Sewell breached two elements of the Code of Conduct.*

*The first, not declaring a pecuniary interest with regard to the planning application at West View, which is adjacent to his property. The application if passed may have a negative effect on the value of his family home.*

*The second, being repeatedly disrespectful to the Council's employee, the Clerk.*

*The Monitoring Officer has decided that if the former Councillor Sewell acknowledges and apologises for these breaches (not declaring a pecuniary interest for the West View planning application and treating the Clerk with disrespect) the matter can be resolved at a local level.*

*I agreed that this would be acceptable to myself and that I would not take the matter further if I received the apology acknowledging that he had breached the code with regard to not disclosing a pecuniary interest and treating me with disrespect, however, sadly I have not received such an apology from Adrian Sewell.*

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*I am informing my employer that having taken advice from a solicitor about the potentially defamatory comments I have the option to pursue the matter further, if the untenable situation perpetuates.*

## **1869 To note Correspondence received**

**Resolved:** To note the letter from the Monitoring Officer with regard to the Code of Conduct Complaints.

## **1870 To approve items for inclusion on the next agenda.**

**Resolved:** To note that commuted sums would be an agenda item at the next meeting.

## **1871 To confirm and note the date for the next meeting.**

**Resolved:** To approve Tuesday February 12<sup>th</sup> at 7.30pm in the Village Hall as the date and venue for the next Parish Council Meeting.

**The Chairman brought the meeting to a close at 8.45pm**

**Melanie Spencer**

**Clerk**

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*Amendments to Draft Minutes February 8<sup>th</sup> 2019*

*The definitions of defamation and former Councillor Sewell's address have been removed.*

*A number of grammatical errors and the number of parishioners attending have been corrected.*

*Points under the heading "Since these events" have been clarified.*

## **Appendix**

### **Summary of relevant parts of Code of Conduct**

#### **16. Effect of Interests on Participation**

**1. When you have a disclosable pecuniary interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that meeting or when the interest becomes apparent.**

**2. Where you have a disclosable pecuniary interest and have not obtained a dispensation you must leave the room during discussion of the relevant business.**

**3. Unless you have obtain a dispensation from the Monitoring Officer or the General Purposes Committee. You must not exercise executive functions in relation to any business where you have a disclosable pecuniary interest or one which conflicts with the general principles of public life set out in the preamble to this Code of Conduct.**