
Meeting	Joint Standards Committee
Date	5 September 2018
Present	Councillors Runciman (Chair), Cannon, Kramm and Richardson (CYC Members) Councillors Chambers, Thornton and Wiseman (Parish Council Members) Mr Laverick (Independent Person)
Apologies	Councillor Hayes (CYC Member) Ms Davies (Independent Person)

11. Declarations of Interest

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

12. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 13 June 2018 be approved and signed as a correct record.

13. Minutes of Sub-Committees

Resolved: That the minutes of the Joint Standards Assessment Sub-Committee meeting held on 1 August 2018 (adjourned to 8 August) be approved and signed as a correct record.

14. Public Participation

It was reported that no members of the public had registered to speak at the meeting under the Council's Public Participation Scheme, but there had been one request to speak by a ward member.

Cllr Warters spoke in relation to Agenda Item 5 (Monitoring Report on Complaints Received), as a subject member of one of the complaints determined by the Monitoring Officer (MO). He objected to the wording of the MO's decision notice and asked

that it be altered. The Chair confirmed that the committee had no authority to do this and that the decision notice was not a public document.

15. Monitoring Report on Complaints Received

Members considered a report which provided an update on recent standards complaints.

The Monitoring Officer corrected an error in paragraph 2 of the report, confirming that three new complaints had in fact been received since the last update in June. Of these, two had been determined and one referred for investigation, as set out in the table. Two ongoing complaints had been referred for hearings.

With reference to complaint no. 711, Members queried whether the advice the Committee had produced in respect of behaviour at planning site visits was still in use. Officers agreed to check this.

Resolved: That the report be noted.

Reason: To ensure that the committee is aware of current levels of activity and that the standards complaints system is being used for its primary purpose.

16. Standards Committee Terms of Reference and Procedures, Including Vexatious Complaints

Members considered a report which informed them of the progress made by the task group set up after the meeting on 13 June to review the Committee's terms of reference and procedures.

At their first meeting, on 18 July, the task group had suggested amendments to the complaints procedure, as detailed in Annex 1. These would be sent to political groups and Yorkshire Local Councils Association (YLCA) for comments prior to consideration at a further meeting on 25 September. At their second meeting, on 14 August, they had discussed vexatious complaints and an Independent Persons protocol.

Further work remained to be done on the suggested protocol. The Committee was invited to consider whether current guidance on vexatious complaints (Annex 2) was sufficient, or whether a more detailed process similar to that used by

Leicester City Council (Annex 3) should be adopted. The Monitoring Officer confirmed that in York no complaints had ever been rejected on the grounds they were vexatious.

Resolved: (i) That the work done to date by the task group be noted.

(ii) That the draft procedure at Annex 1 be circulated to political groups and YLCA with no further changes.

(iii) That detailed guidance on vexatious complaints, such as that at Annex 3, not be adopted.

Reason: To ensure that the procedures adopted by the Committee remain fit for purpose.

(iv) That, in cases where an Assessments Sub-Committee takes the place of the Monitoring Officer in deciding whether to refer a complaint for investigation, a legal officer provide independent advice at the meeting and consideration be given to producing step by step guidance for members on procedure.

Reason: To assist members on the rare occasions when this happens.

17. Member / Officer Relations Protocol

Members considered a report which sought their views on proposals to review the City Council's current protocol on Officer / Member Relations.

Previous reviews of the current protocol, attached at Annex A to the report, had not resulted in substantial changes. However, the task group reviewing the code of conduct had recommended that the code include a provision that members must comply with the protocol. It was therefore considered appropriate to review the protocol again, and for that work to be undertaken by the same task group.

Resolved: That the review of the protocol be referred to the task group, and that the review be informed by

consultation with political groups and trades unions, as indicated in the report.

Reason: To promote good Member/Officer relations.

18. Civic Gifts and Hospitality

Members considered a report which sought their view on proposed guidance for the Civic Party in respect of gifts and hospitality, as discussed at the meeting on 18 April (Minute 37 refers).

Consultation had been carried out with the current and former Lord Mayors on the draft guidance attached at Annex 1 to the report. In response to their comments, a number of minor amendments had already been made to the draft. Comments and suggestions considered worthy of further discussion were set out in paragraphs 5 to 8 of the report. These related to the acceptance of substantial hospitality not linked to 'traditional' civic functions.

With reference to the suggested amendment at paragraph 7 of the report, Members advised that the words '*...by the Leader, Council Officers or a key partner of the Council*' should be replaced by wording that would enable the Lord Mayor to take a decision based on impartial guidance from an appropriate officer of the council.

Resolved: (i) That the draft guidance be referred back to the current and former Lord Mayors group, for further consultation in the light of the Committee's comments.

(ii) That the matter be then considered again at the next meeting of the Committee.

Reason: To ensure that members of the civic party are supported to make proper decisions about accepting gifts and hospitality.

19. Intimidation in Public Life

Members considered a report which advised them of work undertaken by the Committee on Standards in Public Life (CSPL) in respect of intimidation in public life.

At the request of the Prime Minister, the CSPL had conducted a review on the intimidation of Parliamentary candidates in July 2017, making 33 recommendations. Key conclusions of the review were set out in paragraph 5 of the report. Those recommendations felt to be of most interest to the Committee were listed in Annex 1, with a commentary on how the issues were being tackled in York. Four of the recommendations were highlighted as matters that Members might wish to consider further.

Members commented that it was important to address these issues in the guidance to be prepared for elected Members on their behaviour during the election process.

Resolved: That the recommendations highlighted in Annex 1 be referred to the task group for consideration, along with the Executive Summary of the CSPL report.

Reason: To ensure that the Committee can make an effective contribution towards creating a culture in York where intimidatory behaviour is unacceptable.

20. Review of Work Plan

Members considered the Committee's work plan for the remainder of the current municipal year.

Resolved: That the work plan be approved subject to the following addition, and any further additions arising from the meeting:

- 21 November 2018 – Guidance on Civic Gifts and Hospitality.

Reason: To ensure that the Committee has a planned programme of work in place.

21. Chair's Comments

The Chair queried how the Committee's review of the Code of Conduct would feed into the wider review of the Council's Constitution, to ensure there was no conflict between the two. The Monitoring Officer advised that the Code of Conduct was the responsibility of this committee. The review of the Constitution would involve high level discussions, rather than detailed consideration, at Audit & Governance Committee /

Customer & Corporate Services Scrutiny Management
Committee.

The Chair welcomed the two new parish councillor members to the meeting. She invited them to inform the Monitoring Officer if they were interested in being appointed to fill the vacant post of Vice Chair, which was normally held by a parish councillor member.

Cllr C Runciman, Chair

The meeting started at 4.00 pm and finished at 5.00 pm.