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MEETING	STANDARDS COMMITTEE
DATE	20 JANUARY 2012
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLORS SCOTT (VICE-CHAIR) - ITEM 6 ONWARDS (MINUTE 13 REFERS), BARTON AND D'AGORNE (SUBSTITUTE FOR COUNCILLOR TAYLOR) (CITY OF YORK COUNCIL MEMBERS) COUNCILLORS CRAWFORD AND FORSTER (PARISH COUNCIL MEMBERS) MR DIXON AND MR HALL (INDEPENDENT MEMBERS)
APOLOGIES	COUNCILLORS RUNCIMAN AND TAYLOR (CYC MEMBERS) COUNCILLOR MELLORS (PARISH COUNCIL MEMBER)

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#### **8. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Scott declared a prejudicial interest in agenda item 3 (minute 10 refers). It was noted that Councillor Scott had not been present at the meeting when this item was considered.

#### **9. MINUTES**

RESOLVED: That the minutes of the Standards Committee meeting held on 24 June 2011 be approved and signed by the Chair as a correct record.

#### **10. MINUTES OF SUB-COMMITTEES**

The minutes of the following meetings of sub-committees were approved and signed by the Members who had chaired the meetings:

- Assessment Sub-Committee meetings held on 24 June 2011, 20 July 2011 and 24 November 2011.

- Review Sub-Committee meetings held on 24 June 2011, 20 July 2011, 7 September 2011 and 21 December 2011.

#### **11. PUBLIC PARTICIPATION**

It was reported that there were no registrations to speak at the meeting under the Council's Public Participation Scheme.

#### **12. PREDETERMINATION AND BIAS**

Members considered a report that drew their attention to the coming into force of provisions in the Localism Act. Members' attention was drawn to the advice that had been given to Members of the City of York Council, as detailed in paragraph 2.6 of the report.

RESOLVED: That the report be noted.

REASON: To ensure that the committee is aware of the provisions in the Localism Act.

#### **13. ABOLITION OF THE STANDARDS REGIME**

Consideration was given to a report that described extensive changes to the current standards regime. Largely these were expected to take effect from 1 July 2012.

Discussion took place around the following issues:

(i) Code of Conduct

The requirement for each Council to adopt a Code of Conduct was noted. Members agreed that, in view of the work that was going on nationally to develop recommended Codes, it would be appropriate to consider this work before starting to draft a local Code. The Committee would give further consideration to this issue as more information became available and, in view of the timescales involved, an additional meeting would be convened.

(ii) Abolition of the Statutory Standards Committee

It was noted that the Act removed the requirement to have a statutory Standards Committee. Consideration was

given to the options detailed in the report as to the arrangements that could be put in place to deal with allegations that the Code had been breached.

Concerns were expressed regarding parish council representation. Members expressed their reservations at the option put forward that Parish Councillors be included in the membership of a Standards Committee of the Council but not be permitted voting rights. Officers explained the legal requirements with which the new arrangements must comply. Members agreed that it was important that consultation took place with Parish Councils prior to the Committee making its recommendations. It was suggested that the consultation take place via the Yorkshire Local Councils Association.

(iii) Managing Complaints

Members noted that there would be considerably more flexibility in deciding how to manage complaints. Consideration was given as to how some delegation to the Monitoring Officer could address problems inherent in the current system.

Members expressed general support for the arrangements outlined in the report but requested that consideration be given to including a review or appeal mechanism in the process.

(iv) The Independent Person

Details were given of the role of the independent person and the proposed arrangements for making this appointment. It was suggested that if recruitment proved difficult, consideration be given to working with neighbouring authorities to appoint suitably experienced candidates.

(v) Dispensations

Members noted the circumstances in which dispensations could be granted. Members requested further information in respect of the granting of dispensations for parish councillors.

(vi) Sanctions

Members reiterated their concerns at the limited sanctions that were available in respect of breaches of the code. Officers gave details of the legal opinion that had been provided when Counsel's advice had been sought on this issue.

RESOLVED:

- (i) That, subject to national models being produced, the Monitoring Officer be instructed to bring a draft Code to the next meeting.
- (ii) That consultation take place with Parish Councils in respect of future arrangements following the abolition of the statutory Standards Committee.
- (iii) That, at a future meeting, the Committee give further consideration to the arrangements having had the opportunity to take into account the views of the Parish Councils.
- (iv) That the Monitoring Officer be instructed to prepare for further consideration "arrangements" as follows:
  - a. That the Monitoring Officer be designated as the appropriate Officer to receive complaints of failure to comply with the Code of Conduct.
  - b. That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. He be instructed to seek resolution of complaints without formal investigation wherever practicable, and that he be given discretion to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision, and to report to the Standards Committee on the discharge of this function;
  - c. Where the investigation finds no evidence of failure to comply the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings

of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;

- d. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, he is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;
  - e. That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct.
  - f. Options in respect of the inclusion of a review or appeal mechanism within the process.
- (v) That, once the Code has been published, the Monitoring Officer advertise a vacancy for the appointment of 1 Independent Person and 2 Reserve Independent Persons.

That, in due course, a Committee comprising the Chair and three other members of the Standards Committee be set up to short-list and interview candidates, and to make a recommendation to Council for appointment.

- (vi) That, in due course, the Monitoring Officer ensure that all members are informed of their duty to register interests;
- (vii) That, in due course, the Monitoring Officer arrange to inform and train Parish Clerks on the new registration arrangements
- (viii) That, in due course, the Standards Committee recommend the introduction of Standing Orders requiring Members to withdraw from the meeting

room during the consideration of any item of business in which he or she has a DPI unless a dispensation has been granted.

- (ix) That further information be provided in respect of the granting of dispensations for Parish Councillors.
- (x) That, whilst generally supporting recommendation 7 in the report, the Standards Committee would give further consideration to formalising their recommendations in respect of the granting of dispensations.
- (xi) That, subject to further information becoming available nationally, an additional meeting of the Committee be held on Friday 2 March 2012 at 3.00pm to give further consideration to issues arising from the Localism Act.

REASON: To ensure that appropriate arrangements are in place to implement the new standards regime.

C BAINTON

Independent Member, In the Chair

The meeting started at 3.00 pm and finished at 4.30 pm.