

Standards Committee

- To:** Mrs Bainton (Independent Member, in the Chair)
Councillors Horton (Vice-Chair), I Waudby, Hudson and Taylor (CYC Members)
Mr Dixon, Mr Hall and Mr Wilson (Independent Members)
Councillors Crawford, Mellors and Forster (Parish Council Members)
- Date:** Friday, 19 September 2008
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Note: This meeting will be preceded by an induction session (for new members only), and followed by a training session for all members of the Standards Committee on local assessments of complaints. A training pack has been circulated to members with this agenda.

1. Declarations of Interest

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes

(Pages 3 - 8)

To approve and sign the minutes of the meeting of the Standards Committee held on 18 July 2008.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Standards Committee, may do so. The deadline for registering is 5:00 pm on Thursday, 18 September 2008.

4. Review of Work Plan (Pages 9 - 10)

To review the work plan for the Standards Committee for the 2008/09 municipal year.

5. Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

MEETING	STANDARDS COMMITTEE
DATE	18 JULY 2008
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLORS HORTON (VICE-CHAIR), I WAUDBY, HUDSON AND TAYLOR (CYC MEMBERS) MR DIXON, MR HALL AND MR WILSON (INDEPENDENT MEMBERS) COUNCILLORS CRAWFORD, MELLORS AND FORSTER (PARISH COUNCIL MEMBERS)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

1. 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. No interests were declared.

2. MINUTES

RESOLVED: That the minutes of the last meeting of the Standards Committee, held on 14 March 2008, be approved and signed by the Chair as a correct record, subject to the penultimate sentence in the preamble of Minute 36 being amended to read as follows:

“Finally, it was suggested that the Council’s Members’ Allowances Scheme be revised to enable payment of allowances to be withdrawn from a member suspended from office due to failure to comply with the Code of Conduct.”

3. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council’s Public Participation Scheme.

4. THE LOCAL ASSESSMENT OF COMPLAINTS AGAINST MEMBERS - THE ESTABLISHMENT OF SUB-COMMITTEES AND PROCESSES

[See also under Part B]

Members considered a report which sought to put in place the elements necessary for a local system for the assessment of complaints against

Members, pursuant to the recently enacted regulations and published guidance.

The report outlined the requirements of the new legislation and guidance. These included the establishment of:

- an Assessment Sub-Committee, to which complaints would initially be referred;
- a Review Sub-Committee to conduct reviews, if requested by the complainant, of the Assessment Sub-Committee's decisions of no case to answer;
- a Hearing Sub-Committee, to undertake hearings to determine whether a breach had occurred.

To facilitate the task of convening these committees at short notice and in compliance with time limits, the Monitoring Officer recommended that each sub-committee comprise all members of the Standards Committee, effectively forming a 'panel' from which to select appropriate members for each of the three stages, depending upon their previous involvement and availability.

Suggested terms of reference for the three sub-committees were set out in Appendices 1, 3 and 4 to the report. Suggested criteria for the assessment of complaints were presented in Appendix 2, and a protocol to be followed by the Monitoring Officer when handling complaints in Appendix 5.

RESOLVED: (i) That the Standards Committee establish an Assessment Sub-Committee comprising all members of the Standards Committee, in accordance with the terms of reference set out in Appendix 1 to the report.¹

(ii) That the Standards Committee establish a Review Sub-Committee comprising all members of the Standards Committee, PROVIDED THAT no member shall be selected to participate in a Review Sub-Committee when they have participated in the initial assessment of the complaint subject to review. The terms of reference of the Review Sub-Committee to be as set out in Appendix 3.²

(iii) That the Standards Committee establish a Hearings Sub-Committee comprising all members of the Standards Committee, in accordance with the terms of reference set out in Appendix 4. *(subject to the correction of the typographical errors in this appendix, as identified by Members at the meeting)*³

(iv) That the Standards Committee adopt the assessment criteria set out in Appendix 2.

(v) That authority be delegated to the Monitoring Officer to notify Members who are the subject of an allegation of the complaint as soon as practicable after receipt of that complaint unless, in their opinion, it would be contrary to the

public interest or might prejudice the proper investigation of the complaint.

(vi) That authority be delegated to the Democratic Services Manager to constitute and convene meetings of the Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee;

(vii) That the Standards Committee adopt the Monitoring Officer protocol at Appendix 5.

(viii) That the Monitoring Officer, in consultation with the Chair of the Standards Committee, arrange appropriate publicity for the new arrangements, in accordance with the regulations and guidance.⁵

REASON: In order to respond to Government legislation and guidance and to establish a local system for the assessment of complaints received by the authority against Members.

Action Required

- | | |
|--|----|
| 1. Establish Assessments Sub-Committee | GR |
| 2. Establish Review Sub-Committee | GR |
| 3. Establish Hearings Sub-Committee | GR |
| 4. Consult with Chair and arrange publicity. | GR |

5. LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL LETTER 2007/08

Members considered a report which drew their attention to the contents of the Local Government Ombudsman's Annual Letter for the year 2007/08.

The Annual Letter, a copy of which was attached as Annex A to the report, provided a summary of complaints received by the Ombudsman about the City of York Council during the year and included comments on the Council's performance and complaints handling arrangements. This year the Council was commended for a continuing downward trend in complaints received and for having *"a robust complaints handling procedure which is easily accessible to residents' in the Council's area."*

Members expressed satisfaction that the Council had received a reasonably good assessment from the Ombudsman, but pointed out that its complaints procedures were currently under review.

RESOLVED: That the contents of the Annual Audit Letter for 2007/08 be noted.

REASON: In the interests of promoting and maintaining high standards of conduct in the transaction of all Council business.

6. WORK PLAN

Members considered potential items for inclusion in a work plan for the Committee for the 2008/09 Municipal Year.

The Monitoring Officer provided an update on matters that required the early attention of the Committee. These included:

- Member training, which was a priority being taken forward by the Monitoring Officer;
- Following up on the ethical governance workshops – it was suggested that the Committee review the Member / Officer protocol and feed the views from the workshops into this process;
- Consideration of a model Officer Code of Conduct;
- Reviewing the profile and operation of the Standards Committee within the Council, and raising the profile of ethical issues generally.

RESOLVED: That the Monitoring Officer produce a rolling work plan for the Standards Committee.¹

REASON: To enable the Committee to plan and prioritise its work.

Action Required

1. Produce work plan for consideration at next meeting. GR

7. CHAIR'S REMARKS

The Chair reminded Members to complete their Members Interests' forms and sign their declarations to abide by the Member Code of Conduct.

The Chair then drew Members' attention to a letter received from the Standards Board for England, which provided information on the new Standards and Ethics award category included in the 2009 LGG awards. The award was intended to recognise and reward the achievements of standards committees that delivered real improvements to Member conduct. It was open to all authorities to enter, from 10 July 2008.

PART B - MATTERS REFERRED TO COUNCIL

8. THE LOCAL ASSESSMENT OF COMPLAINTS AGAINST MEMBERS - THE ESTABLISHMENT OF SUB-COMMITTEES AND PROCESSES

[See also under Part A]

Members considered a report which sought to put in place the elements necessary for a local system for the assessment of complaints against Members, pursuant to the recently enacted regulations and published guidance.

The report outlined the requirements of the new legislation and guidance. These included the establishment of:

- an Assessment Sub-Committee, to which complaints would initially be referred;
- a Review Sub-Committee to conduct reviews, if requested by the complainant, of the Assessment Sub-Committee's decisions of no case to answer;
- a Hearing Sub-Committee, to undertake hearings to determine whether a breach had occurred.

To facilitate the task of convening these committees at short notice and in compliance with time limits, the Monitoring Officer recommended that each sub-committee comprise all members of the Standards Committee, effectively forming a 'panel' from which to select appropriate members for each of the three stages, depending upon their previous involvement and availability.

Suggested terms of reference for the three sub-committees were set out in Appendices 1, 3 and 4 to the report. Suggested criteria for the assessment of complaints were presented in Appendix 2, and a protocol to be followed by the Monitoring Officer when handling complaints in Appendix 5.

RECOMMENDED: That the Monitoring Officer protocol at Appendix 5 to the report be formally adopted.

REASON: To assist in establishing a local system for the assessment of complaints against Members, in accordance with Government legislation and guidance.

Action Required

1. Refer recommendation to full Council on 25/9/08

GR

Mrs C Bainton, Chair

[The meeting started at 3.00 pm and finished at 4.15 pm].

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2008/2009 Work Plan for Standards Committee

Ongoing Activities

Local assessment of complaints
Standards Board Guidance
Member and Officer Training

Programme of New Work

<u>Programme of New Work</u>	<u>Meeting Date</u>	<u>Notes</u>
Follow-up on ethical governance workshops – Review of Member / Officer Protocol	14 November 2008	As discussed at meeting on 18 July 2008
Review of the profile and operation of the Standards Committee within the Council, and raising the profile of ethical issues generally.	14 November 2008	As discussed at meeting on 18 July 2008
Review of the Officer Code of Conduct	23 January 2009	As discussed at meeting on 18 July 2008

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