
MEETING	STANDARDS COMMITTEE
DATE	28 AUGUST 2009
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR) CLLRS HORTON (VICE-CHAIR), TAYLOR AND R WATSON (SUBSTITUTE) (CYC MEMBERS) MR DIXON AND MR HALL (INDEPENDENT MEMBERS) CLLRS CRAWFORD, MELLORS AND FORSTER (PARISH COUNCIL MEMBERS)
APOLOGIES	COUNCILLORS WAUDBY AND HUDSON (CYC MEMBERS) MR WILSON (INDEPENDENT MEMBER)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

11. 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.

12. MINUTES

With reference to Minute 4 (Meetings with the Leader and Chief Executive), it was confirmed that a small article had recently appeared in The Press regarding the Ombudsman's report on the Standards Committee agenda. The Monitoring Officer would seek to follow this up by providing information on the outcome of today's discussions on that item.

With reference to Minute 5 (Review of the Protocol on Officer / Member Relations), the Monitoring Officer reported that he had liaised with the Audit Commission, as requested, regarding the proposed review of the effectiveness of the new Protocol and would include their comments in his report to the next meeting.

RESOLVED: That the minutes of the Standards Committee meeting held on 26 June 2009 be approved and signed by the Chair as a correct record.

13. PUBLIC PARTICIPATION

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

14. STANDARDS BOARD FOR ENGLAND - CHANGE OF NAME

The Chair reported that the Standards Board for England had decided to change its name and its logo and from July 2009 would be known as 'Standards for England.' This was to reflect the change in its role from investigator to regulator, following the introduction of local assessments. Further information could be found on their website, at: <http://www.standardsforengland.gov.uk/>

15. FULL COUNCIL - FEEDBACK FROM CHAIR

The Chair reported that she had attended the Full Council meeting on 9 July 2009, to present the Annual Report of the Standards Committee and to move the Committee's recommendations in respect of the revised Protocol on Officer / Member relations.

Despite the fact that no comments had been received from Members in response to consultation on the revised Protocol, an issue had been raised at the Council meeting regarding the wording of one of the paragraphs. The Protocol had therefore been referred back to the Standards Committee for further consideration. There had also been some confusion regarding the status of the Chair of Standards Committee within the Council and whether, as an independent Member, she was entitled to remain in the Chamber during the discussion on an exempt item from which the press and public were excluded. Clarification was needed on this matter.

RESOLVED: That the Chair's comments be noted and that the Monitoring Officer produce a note, for circulation to all Council Members, clarifying the status of the Independent Chair of Standards Committee as a Member of Council.¹

REASON: For information and to avoid any confusion or embarrassment at future meetings.

Action Required

1. Produce note of clarification on status of Independent Chair TP

16. THE LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW YEAR ENDING 31 MARCH 2009

Members considered a report which presented the Annual Review of the Local Government Ombudsman (LGO), setting out data on complaints against City of York Council processed by the LGO during 2008/09.

The report outlined the remit and powers of the LGO in relation to complaints made against local authorities. During 2008/09 the LGO had received 57 complaints concerning City of York Council, of which 28 had been forwarded to the investigations team. 30 decisions had been taken during the year. In twelve cases no evidence of maladministration had been found and in seven cases the LGO had used their discretion not to

investigate. Four cases were considered to be outside the jurisdiction and seven had been decided as local settlements. The only area of performance judged as outside the target range was the speed of the Council's responses to enquiries from the LGO, which was 35 days on average compared to the target of 28 days.

It was suggested that in future the LGO's annual reports be made available on the Council's website, in the pages relating to complaints, as well as being reported to the Standards Committee and the Audit and Governance Committee.

During their discussions, Members queried whether any comparative information was available from other authorities and expressed the hope that action would be taken to improve response times. They also raised the issue of the Council's response times to complaints in general.

RESOLVED: (i) That the content of the LGO Annual Report be noted and that the proposal to make this and future reports available on the Council's website be endorsed.

REASON: For information, and in the interests of transparency.

(ii) That Officers note Members' comments regarding the desirability of obtaining comparative information about other authorities and the potential need to examine the issue of response times, both to LGO enquiries and to complaints in general.¹

Action Required

1. Obtain comparative LGO data on other authorities TP

17. MEMBER DEVELOPMENT STEERING GROUP

Members considered a report which informed them of the formation of a Member Development Steering Group, with a reporting line to the Standards Committee, and outlined the work achieved by the Group to date.

The Steering Group's terms of reference included a requirement to ensure that the Council reached and maintained the level of skills, competencies and practices necessary to achieve I&DeA Charter status. Since its establishment at Full Council on 2 April 2009, the Group had met twice. It had agreed an Annual Work Plan and a Member Development Plan and had appointed Mike Leitch as an external consultant to provide Personal Development Reviews for Members. Copies of the terms of reference and the Annual Work Plan were attached as Annexes A and B to the report.

In response to questions from Members, Officers confirmed that the costs of the external consultant had been met from the Development budget following a tender process and that the cost of applying for Charter status would be about £500, for which grant funding might be available.

RESOLVED: That the contents of the report be noted.

REASON: In accordance with the reporting arrangements agreed by Council for the Member Development Steering Group.

18. GUIDANCE ON 'OTHER ACTION'

Members were invited to discuss any issues arising from the new guidance on 'other action' recently issued by Standards for England and circulated to Standards Committee members on 2 July 2009.

Queries were raised regarding section 30 on page 9 of the guidance and section 43 on page 12. The Monitoring Officer advised that a cautious approach be taken to the suggestion in section 30 that views on other action be sought on receipt of a complaint, as this could amount to pre-judgement. He agreed to seek clarification on section 43, which appeared to conflict with other guidance.¹

The Chair then drew attention to the guidance issued by Standards for England on Joint Standards Committees, which highlighted the requirement for standards committees to be chaired by an independent member and advised that the Vice Chair should also be an independent member.²

RESOLVED: That the issues raised by Members on the guidance be noted and that the Monitoring Officer take action where required.¹⁻²

REASON: To ensure clarity with regard to the role and composition of the Standards Committee.

Action Required

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|---|----|
| 1. Seek clarification on section 43 of the guidance | TP |
| 2. Seek Council's views re possible appointment of independent Vice Chair | TP |

19. INDUCTION PACK FOR INDEPENDENT MEMBERS

Members discussed the potential provision of an induction pack for new Independent members of the Standards Committee.

It was suggested that the pack could include, for example:

- Useful e-mail and web addresses
- Information from Standards for England
- A copy of the Code of Conduct
- A copy of the Constitution (possibly on DVD)
- A chart showing how the Council was organised

There might also be a process for inviting prospective members to attend meetings of the Standards Committee and/or other council meetings.

During their discussions, Members suggested that the training pack should be available for all members and substitute members of the Standards Committee, new and existing.

RESOLVED: That the Monitoring Officer prepare a report for consideration at the next meeting, including a draft list of documents to be included in the training pack.¹

REASON: To enable the Committee to make an informed decision.

Action Required

1. Prepare report for next meeting TP

20. REVIEW OF WORK PLAN

Members reviewed the work plan for the Standards Committee for the 2009/10 Municipal Year.

RESOLVED: That the draft work plan for 2009/10 circulated with the agenda be approved, subject to the following amendments:¹

a) Meeting on 23 October 2009

Add:

- Induction / training pack for members of Standards Committee

Remove:

- Member Development Steering Group - Progress Report

b) Meeting on 18 December 2009

Add:

- Member Development Steering Group – Progress Report

REASON: To reflect changes agreed at the meeting and to ensure an organised programme of work for the Committee.

Action Required

1 Amend work plan as agreed TP

PART B - MATTERS REFERRED TO COUNCIL

**21. REVIEW OF THE PROTOCOL ON OFFICER/MEMBER RELATIONS:
REFERENCE BACK FROM COUNCIL**

Members considered a report which asked them to re-consider the draft Protocol on Officer / Member relations, in view of the decision made by Full Council on 9 July to refer the draft Protocol back for further amendments. The relevant Council minute was attached as Annex A to the report.

The referral back was due to an issue raised by a Member on the wording of paragraph 3.2 of the draft Protocol, namely the phrase '*acceptance of professional advice*'. It was felt that this could curtail the right of councillors to challenge the professional advice provided by officers.

Having considered the matter in the light of the Ethical Governance Health Check which had led to the revision of the Protocol in the first place, the Monitoring Officer suggested that the words '*acceptance of*' be replaced by '*respect for*'. This amendment had been incorporated in the revised draft Protocol attached as Annex B, together with some further changes to paragraph 9 intended to clarify some of the issues relating to Council Members' access to information and ensure that the Protocol accorded with legal requirements in this respect. Members were invited to endorse the revised Protocol and refer it to the next full Council meeting for consideration.

RECOMMENDED: That the revised draft Protocol, incorporating amendments to paragraphs 3.2 and 9, be approved.

REASON: In accordance with the requirements of the Constitution, and so that Members can be satisfied that the draft Protocol has now taken into account the matter raised at the last Council meeting and the need to clarify issues in relation to Members' rights to access to information.

C Bainton, Chair

[The meeting started at 3.05 pm and finished at 4.40 pm].