

**Notice of a public meeting of the
Joint Standards Committee**

- To:** Councillors Cannon, Hayes, Kramm, Mercer and Runciman (CYC Members)
Councillors Perrett and Waudby (Parish Councillors)
Mr Laverick and Ms Davies (Independent Persons)
- Date:** Wednesday, 3 August 2016
- Time:** 3.00 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

- 1. Appointment of Chair**
To appoint a Chair of the Joint Standards Committee for the municipal year.
- 2. Appointment of Vice-Chair**
To appoint a Vice-Chair of the Joint Standards Committee for the municipal year.
- 3. Declarations of Interest**
At this point, Members are asked to declare:
 - Any personal interests not included on the Register of Interests
 - Any prejudicial interests or
 - Any disclosable pecuniary interestswhich they may have in respect of business on this agenda.
- 4. Minutes** (Pages 1 - 6)
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 24 February 2016.

5. Minutes of Sub-Committees (Pages 7 - 12)

To approve and sign the minutes of the Assessments Sub-Committee meetings of:

- 15 June 2016
- 12 July 2016

6. 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 Joint Standards Committee, may do so. The deadline for registering is **5:00 pm on Tuesday 2 August 2016**. To register to speak please contact the Democracy Officer for the meeting on the details at the foot of the agenda.

Filming or Recording Meetings

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

7. Review of Complaints for the last Municipal Year (Pages 13 - 16)

This annual report provides an overview of the standards complaints received during the previous municipal year.

8. Monitoring Report on Complaints Received (Pages 17 - 18)

This report updates the committee on current business as regards complaints.

9. Meeting of North Yorkshire and York Standards Committees Chairs and Monitoring Officers

Feedback will be given on a recent meeting of North Yorkshire and York Standards Committees Chairs and Monitoring Officers. Members will be invited to discuss possibilities for future joint meetings and joint working.

10. Review of Work Plan (Pages 19 - 20)

Members are asked to give consideration to the committee's work plan and suggest items for inclusion on the agendas for this municipal year.

11. Urgent Business

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

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – jayne.carr@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Joint Standards Committee
Date	24 February 2016
Present	Councillor Runciman – Chair (CYC Member) Councillor Cannon (CYC member) Councillor Hayes (CYC member) Councillor Kramm (CYC Member - substitute for Councillor Taylor) Councillor Mercer (CYC Member) Councillor Waudby (Parish council member)
In attendance	Mr Laverick – Independent Person
Apologies	Councillors Taylor and Perrett

Part A - Matters dealt with under delegated powers

13. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

14. Appointment of Vice-Chair

Resolved: That Councillor Perrett be appointed Vice-Chair of the Joint Standards Committee for the remainder of the municipal year.

15. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 26 November 2015 be confirmed and signed by the Chair as a correct record.

16. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Ms Gwen Swinburn requested that the committee gave consideration to the following issues:

- Referring to the fact that two of the reports on the agenda were verbal, a request was made that, to increase transparency, written reports be submitted with all agenda items.
- Referring to the committee's terms of reference, a request was made that consideration be given to appointing co-opted members to the committee.
- Concerns were expressed that councillors who were appointed to serve on outside bodies by the Council were not required to disclose any allowance they received in that capacity.
- A request was made that expenditure on travel incurred by the Council on behalf of Members was made publically available.

17. Update on appointment of Independent Person

The Monitoring Officer gave a verbal update on the recruitment of an Independent Person. Members were informed that, to date, two applications had been received. Members were asked to consider interview arrangements.

Resolved: That the interview panel comprise Councillors Runciman, Waudby and Hayes (and the Monitoring Officer in an advisory capacity).¹

Reason: To progress the appointment of an Independent Person.

It was noted that the appointment would require ratification by Full Council.

Action Required

1. Make arrangements for interviews

JC

18. Members serving on Outside Bodies

Consideration was given to a report which provided a copy of guidance which had previously been issued to Members serving on outside bodies. The guidance was due for a refresh and the committee was asked to identify areas which it might be helpful to include within revised guidance.

Members suggested that, in view of the changing status of some of the schools in the Council's area, the section in the guidance on school governors required updating.

Referring to the fact that some Members received allowances from outside bodies to which they had been appointed by the Council, a suggestion was put forward that details of any such allowance should be published on the Council's website to increase transparency. It was noted that currently Members declared their membership of outside bodies on which they served but there was no legal requirement for them to declare any allowance they received for doing so.

Discussion took place regarding other issues in respect of Members serving on outside bodies, including mechanisms for feeding back to other Members of Council and the differing status and responsibilities held by the representatives. It was agreed that it would be useful for issues in respect of Member appointments to outside bodies to be subject to scrutiny review.

- Resolved:
- (i) That the existing guidance, and the intention to refresh the guidance, be noted.
 - (ii) That, when the refresh of the guidance was carried out, consideration be given to the points raised by Members, as outlined above.¹
 - (iii) That Members' comments regarding the possibility of publishing on the Council's website, details of any allowances received by Members for serving on outside bodies as the Council's representative, be forwarded to Group Leaders for discussion with their Groups and their comments to be fed back to the committee.²
 - (iv) That the Committee's suggestion that issues in respect of CYC Members serving on outside bodies be a topic for scrutiny review, be forwarded to the Corporate and Scrutiny Management Policy and Scrutiny Committee for consideration.³

Reason: To ensure that Members are aware of the current guidance and have an opportunity to input into its refresh.

Action Required

- | | |
|--|----|
| 1. Take into consideration during refresh of the guidance | AD |
| 2. Forward to Group Leaders | AD |
| 3. Forward to Corporate & Scrutiny Management Policy Committee | AD |

19. Ethical Standards for Providers of Public Services

Consideration was given to a report which drew Members' attention to new guidance produced by the Committee on Standards in Public Life relating to ethical standards for providers of public services. Members were asked to consider whether they would wish to undertake any further work on this matter.

Members agreed that there were issues in the report which merited further consideration, for example those in respect of procurement. It was agreed that it would be useful to hold a training session on this issue later in the year and for the session to be open to members of the Audit and Governance Committee and the Corporate and Scrutiny Management Policy and Scrutiny Committee.¹

Resolved: That the guidance be noted.

Reason: To ensure that Members are aware of the new guidance.

Action Required

- | | |
|--|----|
| 1. Include in committee's work plan/development plan | JC |
|--|----|

20. Monitoring Report in respect of complaints received

Members' attention was drawn to the written report that had been presented at the previous meeting, which had given statistics and information on complaints received in respect of City of York councillors and parish councillors.

<http://democracy.york.gov.uk/ieListDocuments.aspx?CIId=140&MIId=8728&Ver=4>

The Monitoring Officer gave a verbal update in respect of two active complaints. Both of the complaints related to parish councils.

Resolved: That the update on complaints received and the progress in investigating the complaints be noted.

Reason: To ensure that the Committee is kept updated on the number and nature of complaints received.

21. Review of Work Plan

Members were asked to review the committee's work plan and to suggest items for consideration at future meetings.

Noting the suggestion that had been made at the committee's development session that training be offered to Parish Councillors on standards issues, it was agreed that the Yorkshire Local Councils Associations should be approached to ascertain the training they made available to parish councillors in order to avoid duplication.¹

Members agreed that it would be useful for the Committee to consider the arrangements that were in place in respect of the way that Planning Panels were appointed and operated.²

Resolved: That, subject to the inclusion of a report being presented to the committee on Planning Panels, the committee's work plan be approved.

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

Action Required

1. Contact YLCA for information
2. Write report

JC
AD

Part B - Matters referred to Council

22. Review of the Code of Conduct

Members considered a report that followed on from the report considered at the previous meeting. The report asked Members to recommend revisions to the current Code of Conduct for Members.

Members queried the position in respect of co-opted members of scrutiny task groups. The Monitoring Officer stated that the definition of "co-opted member" in the Code was taken from the

legislation. As scrutiny task groups were not sub-committees of the authority, and their members did not have voting rights, the co-opted members would not be covered by the Code.

Members requested that further consideration be given to this issue in view of the expectation that anyone performing a public duty should demonstrate ethical behaviour.

The following amendments were also requested to the draft Code:

- Definitions Section - Amendment to formatting of paragraph 2.1 to give greater clarity
- Disclosable Pecuniary Interests – heading for para 3 to be amended to read “Non participation in items of business in the case of disclosable pecuniary interest”
- Disclosure of Interests Section – “vote” to be amended to “voting” (paragraph 5)
- Dispensations Section – Final sentence to be amended to state that the reasons for the dispensation will also be recorded.

Members requested that the amendments be incorporated into the draft and circulated to them prior to the revised Code being presented to Council for approval at its meeting on 24 March 2016.¹

Recommend: That the revised Code of Conduct for City Council Members be approved.

Reason: To ensure that the City of York Council has an effective and easily understood Code of Conduct.

Action Required

1. Incorporate amendments into draft Code

AD

Councillor Runciman, Chair

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

City of York Council

Committee Minutes

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	15 June 2016
Present	Councillors Runciman, Waudby and Hayes
In attendance	Ms Davies and Mr Laverick

1. Appointment of Chair

Resolved: That Councillor Runciman be appointed to Chair the meeting.

2. Declarations of Interest

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

3. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 4 on the grounds that it contains information relating to individuals. This information is classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

4. Complaints against a Member of a Council covered by the Joint Standards Committee

Members considered complaints made against a Member of a Council covered by the Joint Standards Committee and were

asked to decide whether, and how, the matters should be pursued.

The substance of the complaints related to alleged breaches of the Code of Conduct by the Member in respect of issues surrounding a meeting at which they were present.

The report of the Deputy Monitoring Officer and the views of the Independent Persons were noted.

Having considered the evidence provided in support of the complaints, it was

- Resolved:
- (i) That no further action be taken in respect of the allegation that the Member acted with bias at the meeting.
 - (ii) That the other matters detailed in the complaints be referred to the Monitoring Officer for investigation.
 - (iii) That, as part of the investigation, consideration be given as to whether it would be appropriate to provide further guidance to Members in respect of issues highlighted in the complaints.

- Reasons:
- (i) The Sub-Committee considers that, in respect of this aspect of the complaint, evidence had not been provided to demonstrate that the Code of Conduct had been breached.
 - (ii) The Sub-Committee considers that, in respect of the other aspects of the complaints, the facts of the case indicate a prima facie breach of the Code by the Member concerned.
 - (iii) To ensure that Members receive appropriate guidance and training.

Councillor Runciman, Chair
[The meeting started at 1.35 pm and finished at 2.10 pm].

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	12 July 2016
Present	Councillors Mercer, Perrett and Cannon
In attendance	Mr D Laverick – Independent Person
Apologies	Ms A Davies – Independent Person

5. Appointment of Chair

Resolved: That Councillor Perrett be appointed to chair the meeting.

6. Declarations of Interest

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

7. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 4 on the grounds that it contains information relating to individuals. This information is classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

8. Complaints against Members of a Council covered by the Joint Standards Committee

Members considered complaints made against Members of a Council covered by the Joint Standards Committee and were

asked to decide whether, and how, the matters should be pursued.

The substance of the complaints related to alleged breaches of the Code of Conduct by Members at a meeting at which they were in attendance.

The report of the Deputy Monitoring Officer and the views of the Independent Persons were noted.

Members considered the following options:

- Decide that no further action be taken or,
- Refer the matter to the Monitoring Officer for investigation
- Consider whether some other action may be appropriate

Having considered the evidence provided in support of the complaints, it was

- Resolved:
- (i) That no further action be taken against the Members concerned.
 - (ii) That the Sub-Committee was pleased to note that the Council of which the Councillors concerned were members had sought the support of the Local Councils' Association and that the Monitoring Officer had offered his assistance in this process. The Sub-Committee recommended that this support included putting in place appropriate training for the Clerk and the Councillors.
 - (iii) That it be recommended that the Council concerned reviews its Standing Orders to ensure that they take into account the "Open and Accountable Local Government" guidance issued by the Department for Communities and Local Government in August 2014. Consideration should also be given as to whether there was a need to raise awareness of this guidance with other local councils.

- Reasons:
- (i) The Sub-Committee considers that the Code of Conduct did not apply in this situation as the Members present were not acting as representatives of the parish council.

- (ii) To support the Council in its work.
- (iii) To ensure that councils are aware of the guidance.

Chair

[The meeting started at 2.30 pm and finished at 3.00 pm].

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Joint Standards Committee

3rd August 2016

Report of the Monitoring Officer

Review of Complaints for the last Municipal Year

Summary

1. This annual report provides an overview of the standards complaints received during the previous municipal year.

Complaints received

2. The table below describes the complaints handled during the last municipal year.

City or Parish Councillor	Complainant	Date Received	Outcome	Date Concluded
City (complaint against two councillors)	Councillor	13/11/2014	Sub Committee referred for investigation. Investigation concluded no breach.	18/6/2015
City	Member of the public	10/6/2015	MO decision. Any breach too minor to justify action	26/6/2015
City	Member of the public	24/6/2015	MO decision no breach.	13/7/2015
City	Member of the public	13/7/2015	MO decision. Outside of jurisdiction – private matter	15/7/2015
City	Councillors	18/8/2015	Attempted informal resolution. Failed. Referred to	12/11/2015

			Standards Sub. Committee who asked Member to reflect on his actions.	
Parish (complaint against 3 Councillors)	Member of the public	28/9/2015	Sub Committee referred for investigation. Breach identified by one Councillor. Apology to be offered to achieve informal resolution	
Parish (complaint against 13 councillors)	Member of the public	14/1/2016	MO referred for investigation. Breach identified. To be referred for hearing.	
City	Member of the public	30/8/2015 (additional information submitted until 27/9/2015) 31/8/2015	MO decision. First complaint no action as any breach had been dealt with by apology already offered. Second complaint no breach	16/10/2015 28/10/2015
City	Member of public	11/4/2016	Sub committee referred for investigation	

3. Nine complaints were received last year including two from the same person against the same Councillor. A tenth complaint was ongoing from the previous year. The previous year had seen a record number of complaints at eleven. In comparison the previous two years had seen five and seven complaints.
4. Two complaints related to Parish Councillors in that capacity and the rest concerned City Councillors. Both Parish complaints were against multiple councillors of the same Parish. As in previous

years Parish Councillors received fewer complaints in relation to their overall numbers than did City Councillors.

5. During the course of the last year two Councillors were the subject of more than one complaint. One of these was the Councillor referred to above who was the subject of separate complaints by one person, neither of which was felt to merit investigation. The other Councillor was the subject of one complaint in respect of which no breach was identified and one which is currently the subject of investigation. That Councillor was also the subject of complaints in the previous year in respect of which no breach was identified.
6. The most common reason for a complaint was that a Member had allegedly failed to treat someone with respect or, in the case of City Councillors, had brought the Council into disrepute. Other complaints included allegations which related to failure to register an interest, failure to declare an interest and conferring a disadvantage on a person.
7. Three investigations were initiated. This is the same number as in each of the last two years. One of these cases is ongoing. One identified a breach of the code of conduct which has been identified as suitable for informal resolution and one case has been referred for a hearing. A fourth investigation from the previous year was completed during the last Municipal year and concluded that there had not been a breach of the code.
8. No hearings took place during the year. The forthcoming hearing will therefore only be the second since the current standards regime came into effect in 2012 and the first to be conducted under new procedures which the Committee adopted in 2014.
9. Cases where no obvious breach of the code has been identified have continued to be processed promptly. One case was resolved in two days but two weeks is the norm where delegated powers are used following consultation with the independent persons. Cases take a little longer when they are referred to a Sub Committee or where efforts to resolve a complaint informally have been made but failed. The one full concluded investigation took seven months to resolve.

Recommendations

10. Members are recommended to:

1) Note the report

Reason: To ensure that the Committee continues to make an effective contribution to ethical standards within the City Council.

Contact Details

Author:

Andrew Docherty
Monitoring Officer
Customer and Business
Support Services
Tel No. 01904 551004

**Report
Approved**

Date 19/07/16

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None



Joint Standards Committee**3rd August 2016****Report of the Monitoring Officer****Monitoring Report on Complaints Received****Summary**

1. This report updates the Committee on current business as regards complaints.
2. Since the Committee last met in February four complaints have been received, three of which relate to Parish Councillors and one to a City Councillor. Two of these complaints were submitted in the previous Municipal year and appear within the annual review report on this agenda. Two of the cases are now under investigation. No action has been taken in respect of the others.
3. In total there are currently four cases which are yet to be concluded. In addition to the two new investigations one case is awaiting confirmation that action to achieve an informal resolution has been taken by a Councillor and one has been referred for a hearing.

Recommendations

4. Members are recommended to:

- 1) Note the report

Reason: To ensure that the Committee is aware of current levels of activity.

Contact Details

Author:

Andrew Docherty
Monitoring Officer
Customer and Business
Support Services
Tel No. 01904 551004

**Report
Approved**

Date 19/07/16

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Work Plan for Joint Standards Committee 2016-2017

<u>Meeting Date (3.00pm start)</u>	<u>Items</u>	<u>Notes</u>
Wednesday 3 August 2016	<ul style="list-style-type: none"> • Appointment of Chair • Appointment of Vice-Chair • Monitoring report in respect of complaints received • Review of Complaints for the last municipal year • Feedback from meeting of North Yorkshire and York Standards Committees Chairs and Monitoring Officers 	Standard items for 1 st meeting of municipal year Standard item Annual item
Wednesday 14 September 2016	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 16 November 2016	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 1 February 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 19 April 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item

The following item has been suggested by the Committee at a previous meeting for inclusion in the work plan at an appropriate time:

- Planning Panels (to include how Planning Panels are appointed and operate)

Training and Development

The committee has suggested that a training session be held on the following issue:

- Ethical standards

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