
MEETING	STANDARDS COMMITTEE
DATE	25 JANUARY 2008
PRESENT	COUNCILLORS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR), HORTON (VICE-CHAIR), HUDSON AND CRAWFORD (PARISH COUNCIL MEMBER)
IN ATTENDANCE	CLLR MELLORS (PARISH COUNCIL SUBSTITUTE MEMBER)
APOLOGIES	COUNCILLOR KIRK

22. 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.

23. MINUTES

RESOLVED: That the minutes of the Standards Committee meeting held on 9 November 2007 be approved and signed by the Chair as a correct record.

24. PUBLIC PARTICIPATION

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

25. OUTCOME OF COMPLAINT REGARDING A MEMBER OF NETHER POPPLETON PARISH COUNCIL

Members considered a report which informed them of the outcome of a complaint regarding Councillor John Craven of Nether Poppleton Parish Council.

The complaint involved an allegation that Cllr Craven had failed to declare a prejudicial interest and leave meetings when the Parish Council discussed matters concerning the Poppleton Community Trust (PCT) and had failed to enter his interest in the PCT in the register of members' interests.

The Ethical Standards Officer had found that, since Cllr Craven was a volunteer and not a trustee of the PCT, he was not obliged to register an interest and had no personal, and therefore no prejudicial, interest in

relation to the PCT. Hence, there had been no breach of the Code of Conduct.

RESOLVED: That the contents of the report be noted.

REASON: So that the Standards Committee is kept informed of the outcome of Code of Conduct cases in the City of York area.

26. ETHICAL GOVERNANCE AUDIT

Members considered a report which advised them of further progress made on the Ethical Governance Audit, including the outcome of Stage 2, following the report on Stage 1 submitted to the last meeting.

Stage 2 of the audit was an assessment of the level of awareness of ethical governance issues, by way of a questionnaire completed by Members and Officers. A copy of the final Stage 2 report, published by the Audit Commission in November 2007, was attached as Annex 1. The main conclusions of the survey had been very positive, demonstrating a high level of understanding and compliance with policies and procedures, particularly from Members. However, Officers' responses had been less clear around the codes of conduct.

The audit had concluded that the most significant issues for the Council to address were Equality legislation awareness, Member / Officer culture and Member / Officer relationships. The first issue had been drawn to the attention of the Equalities Officer so that it could be taken into account in future training. Officer and Member workshops were currently being organised to further explore the other issues raised.

Members expressed concern that one councillor had apparently not agreed to abide by the Code of Conduct (page 11 of Annex 1) and that three senior Officers appeared to be unaware of the existence of the Standards Committee (page 28). The Monitoring Officer confirmed that all councillors had in fact signed up to the Code and were bound by it.

RESOLVED: That the outcome of Stage 2 of the Ethical Governance Audit be noted.

REASON: To ensure the maintenance of high standards of ethical conduct in the Council.

27. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Members considered a report which informed them of the provisions of the Local Government and Public Involvement in Health Act 2007 in relation to the ethical framework, and the implications of these for the Standards Committee.

The Act would lead to changed roles for the Standards Board for England (SBE), Standards Committees and Monitoring Officers. The SBE's role would become strategic in nature and only the most sensitive or complex complaints would be handled at national level. Standards Committees and Monitoring Officers would become the hub of the ethical framework, dealing with the receipt of allegations, initial assessment (or 'local filter'), investigation, mediation and local determination, referring serious matters to the SBE where appropriate. The provisions of the Act were set out in more detail in paragraphs 5 to 18 of the report. It was anticipated that the changes would come into effect from 1 April 2008.

The provisions of section 183, 185-195 and 202 of the Act were outlined in paragraphs 5 to 18 of the report. The changes in the Act would mean changes to the composition and terms of reference of the Standards Committee, including the membership. The suggestion to be put to Group Leaders was to increase the membership of York's Standards Committee from six to eleven, with one additional Council member, two more independent members and two more parish council members. Independent members would be selected by public advertisement, followed by an interview. Members expressed the view that the advertising should be done as widely as possible in order to ensure a good response.

RESOLVED: (i) That the contents of the report be noted.

(ii) That the Monitoring Officer be authorised to advertise for up to three independent members of the Standards Committee and to obtain nominations for parish council members, via the Parish Councillors' Association, before the end of March, with a view to making the appointments at full Council in April.¹

REASON: In order to make the essential changes to membership required by the Act.

Action Required

1. Advertise for independent members and approach PCA GR for parish nominations.

28. CONSULTATION ON ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND

Members considered a report which suggested a response to consultation being carried out by the Department of Communities and Local Government (DCLG) on arrangements to implement the provisions of the Local Government and Public Involvement in Health Act in relation to the ethical framework. A copy of the consultation paper, published on 3 January 2008, was annexed to the report.

The report outlined a suggested response to each of the proposals set out in the consultation paper. In summary, the responses supported the

majority of the proposals but made the following points in relation to specific matters:

- Parallel complaint procedures concerning members of more than one authority – where local agreement cannot be reached, the Standards Board should have a role in deciding how the case is dealt with.
- Provision of a written summary to the subject of an allegation – this should only be delayed in the most extreme of cases.
- Suspension of a Standards Committee's powers to make an initial assessment – this should only be used as a last resort and any fees to be charged in such circumstances should be limited to actual costs incurred.
- Joint working – the size and scope of joint arrangements should be a matter for local negotiation.
- Effective date of implementation of the changes – 1 June 2008 would be a more convenient date than 1 April, as it would enable local authorities to recruit additional members to their standards committees.

RESOLVED: That the contents of the report be noted and that a response be sent to the DCLG as suggested in paragraphs 4 to 19 of the report.¹

REASON: In order to provide a response from the City of York Standards Committee on the proposed regulations relating to the conduct of Members.

Action Required

1. Send response to DCLG.

GR

29. REVIEW OF WORK PLAN

Members reviewed the latest version of their work plan for the 2007/08 Municipal Year and agreed some amendments. The amended work plan is attached as Annex 1 to these minutes.

30. ANY OTHER BUSINESS WHICH THE CHAIR DECIDES IS URGENT UNDER THE LOCAL GOVERNMENT ACT 1972.

It was reported under urgent business that Rita Leaman, an independent member of the Standards Committee, had written to resign her membership.

RESOLVED: That the Monitoring Officer be asked to write to Ms Leaman on behalf of the Committee, thanking her for her work as an independent member.¹

Action Required

1. Write letter.

GR

C Bainton, Chair

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