

## **Standards Committee**

- To:** Mrs Christine Bainton (Independent Member, in the Chair)  
Cllrs Horton (Vice-Chair), Waudby, Hudson and Taylor (CYC Members)  
Mr A L Dixon, Mr M R Hall and Mr D Wilson (Independent Members)  
Cllrs Crawford, Mellors and Forster (Parish Council Members)
- Date:** Friday, 22 January 2010
- Time:** 3.00 pm
- Venue:** The Guildhall, York

## **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 20 November 2009.

- 3. Minutes of Sub-Committees** (Pages 9 - 16)  
To approve and sign the minutes of the following meetings of the Standards Committee Sub-Committees:
- Hearings Sub-Committee – meeting held on 6 November 2009
  - Review Sub-Committee – meeting held on 20 November 2009
  - Assessment Sub-Committee – meetings held on 23 November 2009 and 7 December 2009
- 4. 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, 21 January 2010**.
- 5. Review of Hospitality Registers** (Pages 17 - 26)  
This report provides information on the City of York Council's Members' hospitality register and an explanation of work that has been done in relation to the registration of hospitality for Officers.
- 6. Hearings Procedure** (Pages 27 - 36)  
This report seeks approval for a set of procedures which the Standards Committee must have in place in order to support the local determinations framework.
- 7. Raising the Profile of Standards Committee** (Pages 37 - 42)  
This report invites Members to discuss some ideas for raising the profile of the Standards Committee to ensure that it can carry out its wide ranging roles and become a more visible and proactive part of the Council's corporate governance.
- 8. Review of Work Plan** (Pages 43 - 44)  
To review the work plan for the Standards Committee for the remainder of the 2009/10 municipal year. A copy of the latest approved work plan is attached.

**9. Dispensation Requests** (Pages 45 - 52)

This report requests a number of dispensations for Council Members, allowing them to speak at Ward Committee meetings when they may have a prejudicial interest.

*Note: The following annexes to the above report were published with this agenda on 21 January 2010:*

- *Annex A – list of councillors seeking dispensations*
- *Annex B – amended recommendation*

**10. Urgent Business**

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

Democratic Services Officer responsible for this meeting:

Name: Fiona Young

Contact Details:

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

Contact details are set out above.

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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);
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### 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

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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.

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### **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

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MEETING

STANDARDS COMMITTEE

DATE

20 NOVEMBER 2009

PRESENT

MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR)  
COUNCILLORS HORTON (VICE-CHAIR),  
HUDSON, TAYLOR AND WAUDBY  
MR DIXON AND MR HALL (INDEPENDENT MEMBERS)  
COUNCILLORS CRAWFORD, FORSTER AND MELLORS (PARISH COUNCIL MEMBERS)

APOLOGIES

MR WILSON (INDEPENDENT MEMBER)

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**PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS****22. INTRODUCTIONS**

The Chair introduced Alison Lowton, the new Interim Monitoring Officer, and welcomed her to her first meeting of the Standards Committee.

**23. 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.

**24. MINUTES**

RESOLVED: That the minutes of the Standards Committee meeting held on 28 August 2009 be approved and signed by the Chair as a correct record.

**25. PUBLIC PARTICIPATION**

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

**26. REVIEW OF THE OPERATION OF THE LOCAL ASSESSMENT OF COMPLAINTS FRAMEWORK**

Members considered a report which provided information on the numbers and types of complaints received and dealt with by the Council since the introduction of the local assessment of complaints process.

Since May 2008, 7 complaints had been referred to the Assessment Sub-Committee, concerning a total of 6 parish councillors and 16 City councillors. The complaints had related mostly to treating others with disrespect, bringing the authority or the office of councillor into disrepute and failure to declare personal or prejudicial interests. The majority had resulted in a decision of no further action. Two complaints had been referred for investigation, of which one had been referred onwards to a Hearings Sub-Committee.

Having spoken to the external auditor, the Monitoring Officer confirmed that York had received a much lower than average number of complaints compared with other authorities. In the time available, it had not been possible to undertake a full qualitative assessment of the management of the cases dealt with, and Members might wish to receive a more detailed report in respect of future cases. The case dealt with by the Hearings Sub-Committee had raised some issues that could usefully be addressed in a training session. The Committee would also need to agree a pre-hearing process and a procedure for conducting future hearings.

RESOLVED: (i) That a more detailed report be received at a future meeting on the management of complaints to date, including details of the time and resources devoted to complaints, the application of the assessment criteria and whether complaints are being processed within the recommended timescales.<sup>1</sup>

(ii) That a report be received at the next meeting setting out pre-hearing and hearing procedures for approval.<sup>2</sup>

(iii) That a training session be arranged for members of the Standards Committee, addressing the issues raised by the recent case dealt with at the Hearings Sub-Committee.<sup>3</sup>

REASON: To ensure that the Standards Committee maintains proper and effective oversight of the local assessment framework.

Action Required

- |  |     |
|--|-----|
| 1. Schedule update report on complaints process on Standards Committee work plan for a suitable meeting date | FY  |
| 2. Prepare report on hearings processes for meeting on 22/01/10  | AL  |
| 3. Arrange training session on hearings of complaints  | AEO |

**27. OUTSTANDING ISSUES**

Members considered a report which explained the current position in respect of the outstanding issues and reports on the Committee's work plan.

Due to the departure of the previous Monitoring Officer, the Committee's October meeting had been cancelled and the December meeting had been



brought forward to the current meeting date. Where possible, items scheduled for the October and December meetings had been placed on the agenda for the current meeting. However, some items remained outstanding and would need to be re-scheduled and/or dealt with in a different way.

In particular, it was proposed that the matter of an induction pack for new independent members be dealt with by enabling the Committee to review the Members' Handbook already in preparation under the auspices of the Member Development Steering Group. With regard the monitoring of the Member-Officer Protocol, the priority now was to agree a training programme to support the introduction of the Protocol. With regard to joint standards committees, it was clear that the North Yorkshire Police now intended to pursue a joint committee across all the Yorkshire police authorities. However, enquiries could still be pursued with the Fire Authority or other local authorities, if Members so wished.

RESOLVED: (i) That a report on the review of the Planning Code of Good Practice be received at the meeting in January 2010.<sup>1</sup>

(ii) That the Committee review the proposed Members' Handbook to ensure that it contains appropriate material for members of the Standards Committee.<sup>2</sup>

(iii) That the Member training session on Member / Officer relationships arranged for 17 February 2010 be used to launch, and provide training on, the new Member / Officer Protocol.<sup>3</sup>

(iv) That a report be received at a future meeting examining how joint committees are working in other parts of the country.<sup>4</sup>

REASON: To take forward the Committee's work programme.

Action Required

- |  |     |
|--|-----|
| 1. Prepare report on Planning Code of Practice for meeting on 22/01/10                 | AL  |
| 2. Make arrangements to involve Standards Committee in consultation on Member Handbook | AEO |
| 3. Ensure that training session on 17 February includes new Member / Officer Protocol  | AEO |
| 4. Schedule report on joint committees on work plan for a suitable meeting date        | FY  |

**28. REVIEW OF WORK PLAN**

Members reviewed the Standards Committee' work plan for the 2009/10 Municipal Year, in the light of the updated information provided in the previous item.

With regard to item on Substitutes for Standards Committees, previously scheduled for the meeting on 23 October 2009, it was noted that a report was no longer required but that substitute members should be encouraged to attend training sessions and Committee meetings in order to gain experience on Standards issues.

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

a) Meeting on 18 December 2009

This meeting has been cancelled

b) Meeting on 22 January 2010

Add:

- Report on complaints pre-hearing and hearing procedures
- Review of Planning Code of Good Practice (if sufficient progress has been made on this review)

(ii) That a report on the results of the Monitoring Officer's enquiries regarding joint committees be scheduled on next year's work plan, for the meeting in June 2010.

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

## 29. CHAIR'S REMARKS

### a) Independent Members' Forum

The Chair announced that, it had been suggested at this year's Independent Members' Forum that the next Forum should take place in York. The Forum covered the Yorkshire and Humber area and normally attracted about 20 to 25 delegates.

Having discussed the practicalities of hosting this event, it was

RESOLVED: That York be agreed as the venue for the next meeting of the Independent Members' Forum, in October 2010.

### b) Standards for England Conference

At Members' request, the Chair provided a brief verbal update on the Standards for England conference, which had taken place the previous month at the Birmingham Conference Centre.

The conference had been attended by Mrs Bainton, Councillor Horton and Mr Hall. All had been very impressed by the venue and organisation of the conference and had found it useful and constructive.

**PART B - MATTERS REFERRED TO COUNCIL**

**30. MEMBER TRAINING AND DEVELOPMENT POLICY**

Members considered a report which presented a proposed Member Training and Development Policy, produced in consultation with the Member Development Steering Group.

The draft Policy, attached as Annex A to the report, aimed to provide a clear direction and purpose with regard to the provision of training and development opportunities for York's elected Members. Mike Leitch, representative of Local Government Yorkshire and Humber, had assisted in its drafting and had confirmed that it would meet the criteria required to achieve I&DeA Charter status.

The Committee commented that the draft Policy appeared to be very focused upon elected Members and suggested that this be addressed by ensuring that the term 'Members' was clearly defined in the introduction to the Policy as including co-opted and independent members of council bodies.

**RECOMMENDED:** That Council adopt the draft Member Training and Development Policy, subject to the amendment referred to above.

**REASON:** In order to comply with the requirements of the I&DeA Charter.

C Bainton, Chair

[The meeting started at 3.00 pm and finished at 3.55 pm].

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City of York Council

Committee Minutes

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MEETING	STANDARDS COMMITTEE HEARINGS SUB-COMMITTEE
DATE	6 NOVEMBER 2009
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR FORSTER (PARISH COUNCIL MEMBER) COUNCILLOR HUDSON (CYC MEMBER)

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### 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. PUBLIC OR PRIVATE HEARING

Members agreed that the hearing should take place in private and in the presence of the subject member.

### 3. COMPLAINT AGAINST A MEMBER OF CITY OF YORK COUNCIL

Members considered a complaint made against a member of City of York Council, which had been referred to the Hearings Sub-Committee for determination following an investigation.

The complaint related to an allegation that the subject member had failed to comply with paragraphs 9(1), 4, 5(a) and 12(1)(a) of the Code of Conduct. The investigator had found that the subject member had failed to comply with paragraph 9(1), by failing to declare a personal interest, but had not failed to comply with the other paragraphs of the Code. Having considered the investigator's report, on 23 October 2009, the Assessment Sub-Committee had decided to refer the matter to the Hearings Sub-Committee to determine whether the subject member had in fact failed to comply with paragraph 9(1) of the Code and, if so, whether a sanction should be imposed.

The subject member attended the hearing and made a statement.

Having considered all the evidence before them, including the final report of the investigator, the decision notice issued following the Assessment Sub-Committee meeting on 23 October, and the statement made by the subject member, the Sub-Committee

RESOLVED: (i) That the subject member did not fail to comply with paragraph 9(1) of the Council's Code of Conduct.

(ii) That the Chair and Monitoring Officer be authorised to produce a notice of this decision, to be approved by all members of this Sub-Committee before it is issued to the relevant parties.

REASON: To ensure that the Sub-Committee's decision and reasons are properly worded and recorded.

C Bainton, Chair

[The meeting started at 3.00 pm and finished at 3.25 pm].

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MEETING	STANDARDS COMMITTEE REVIEW SUB-COMMITTEE
DATE	20 NOVEMBER 2009
PRESENT	MR DIXON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR HUDSON (CYC MEMBER) COUNCILLOR MELLORS (PARISH COUNCIL MEMBER)

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#### 4. 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.

#### 5. MINUTES

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

#### 6. REVIEW OF THE DECISIONS OF THE ASSESSMENT SUB COMMITTEE ON A COMPLAINT AGAINST TWO MEMBERS OF OSBALDWICK PARISH COUNCIL

Members reviewed a decision made by the Assessments Sub-Committee on 28 August 2009 that no further action be taken in respect of a complaint made against two members of Osbaldwick Parish Council. The review had been requested by the complainant on 8 October 2009, following the issue of a decision notice.

Having considered all the evidence, including the additional documents submitted by the complainant in support of their application for a review, it was

RESOLVED: That the decision of the Assessment Sub-Committee on 28 August 2009 be endorsed and that no further action be taken in respect of this complaint.

REASON: The Review Sub-Committee is in agreement with the decision of the Assessment Sub-Committee and the reasons given for that decision, as set out in the decision notice, and also notes that the complaint relates to matters occurring more than six months ago.

**7. REVIEW OF THE DECISION OF THE ASSESSMENT SUB COMMITTEE  
ON A COMPLAINT AGAINST A MEMBER OF CITY OF YORK COUNCIL**

Members reviewed a decision made by the Assessments Sub-Committee on 28 August 2009 that no further action be taken in respect of a complaint made against a Member of City of York Council. The review had been requested by the complainant on 12 October 2009, following the issue of a decision notice.

Having considered all the evidence, including the additional information submitted by the complainant in support of their application for a review, it was

**RESOLVED:** That the decision of the Assessment Sub-Committee on 28 August 2009 be endorsed and that no further action be taken in respect of this complaint.

**REASON:** The Review Sub-Committee is in agreement with the decision of the Assessment Sub-Committee and the reasons given for that decision, as set out in the decision notice.

A Dixon, Chair

[The meeting started at 2.00 pm and finished at 2.45 pm].



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MEETING	STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE
DATE	23 NOVEMBER 2009
PRESENT	MR HALL (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR CRAWFORD (PARISH COUNCIL MEMBER) COUNCILLOR HORTON (CYC MEMBER)

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### 13. 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.

Cllr Horton declared a personal interest in agenda item 3 (Complaint against a Member of City of York Council), insofar as he knew both the complainant and the subject member in the case.

### 14. MINUTES

RESOLVED: That the minutes of the Assessment Sub-Committee meetings held on 13 October 2009 and 23 October 2009 be approved and signed by the Chair as a correct record.

### 15. COMPLAINT AGAINST A MEMBER OF CITY OF YORK COUNCIL

The Sub-Committee considered a complaint made against a member of City of York Council.

It was alleged that the subject member had breached paragraphs 5, 6(a), 12(1)(c) and 13(2) of the Code of Conduct by failing to declare donations made to their political group, failing to enter such donations in the Register of Members' Interests and using political contacts to influence Council decisions in respect of a particular development in return for political donations.

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

RESOLVED: That no further action be taken.

REASON: The Sub-Committee is satisfied that the subject member did not have a registrable interest arising from a donation to their political group and that the remaining facts alleged, even if proven, would not amount to a breach of the Code of Conduct.

M Hall, Chair

[The meeting started at 10.30 am and finished at 11.05 am].

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MEETING	STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE
DATE	7 DECEMBER 2009
PRESENT	MR DIXON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR FORSTER (PARISH COUNCIL MEMBER) COUNCILLOR TAYLOR (CYC MEMBER)

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#### **16. DECLARATIONS OF INTEREST**

Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

#### **17. MINUTES**

It was noted that none of the members of this Sub-Committee had been present at the meeting held on 23 November 2009.

RESOLVED: That the minutes of the Sub-Committee meeting held on 23 November 2009 be submitted to the Chair for signing at a later date, once they have been verified as a correct record by those members present at the 23 November meeting.

#### **18. COMPLAINT AGAINST FOUR MEMBERS OF CITY OF YORK COUNCIL**

The Sub-Committee considered a complaint made against four Members of City of York Council.

It was alleged that the four subject members had breached paragraphs 8, 9 and 12 of the Code of Conduct then in operation by failing to declare, at a Planning Committee meeting held on 31 January 2005, a personal and prejudicial interest in respect of a planning application submitted by a donor to the political party to which they all belonged.

Having considered all the evidence provided in support of the complaint, it was


RESOLVED: That no further action be taken.

REASON: Due to the length of time that has elapsed since the events the subject of the complaint occurred, and because there are no exceptional circumstances in this case (in accordance with paragraph 6.1 of the Sub-Committee's Terms of Reference and Assessment Criteria).

The Sub-Committee also notes, from the minutes of the Planning Committee held on 31 January 2005, that one of the subject members was not present at that meeting and the complaint against that member is therefore not valid.

Mr Dixon, Chair

[The meeting started at 10.30 am and finished at 10.50 am].

	
<b>STANDARDS COMMITTEE</b>	22 JANUARY 2009
Report of the Interim Head of Civic Democratic and Legal Services	

## REVIEW OF HOSPITALITY REGISTERS

### Summary

1. A review of officer and member hospitality registers is an outstanding item on the Standards Committee's work programme. This report provides some analysis of the member's hospitality register and an explanation of work that has been done in relation to the registration of hospitality for officers. This report only relates to members of the City of York Council and not to members of parish councils.

### Background

#### Members

2. The Member Code of Conduct requires members to register all gifts and hospitality valued at over £25.00. Although the Code does not appear to limit this but it has been generally accepted that this requirement only refers to gifts and hospitality received whilst acting as a councillor. The register has to include information on the source of the gift or hospitality and registration has to take place within 28 days of receiving it.
3. In addition, since the Code was revised in 2007 any gift or hospitality so registered is also a personal interest. Like other interests in the register of interests, a member automatically has a personal interest in a matter under consideration if it is likely to affect someone who gave a member a gift or hospitality that is registered. If that is the case, the existence and nature of the gift or hospitality, the person who gave it and how the business under consideration relates to that person must be declared. Consideration also needs to be given to whether this is also a prejudicial interest.
4. The obligation to declare an interest following receipt of a gift or hospitality ends after 3 years.
5. The Interim Monitoring Officer has recently written to all members reminding them of their obligations under the Code in relation to gifts and hospitality.

## **Officers**

- 6 The guiding principle of the Council's policy on officers being offered gifts and hospitality is:

"The public is entitled to demand of a local government officer conduct of the highest standard and public confidence and his or her integrity would be shaken were the least suspicion to arise that s/he could in any way be influenced by improper motives".

- 7 A copy of the policy is attached at Annex 1

## **Options**

- 8 The Standards Committee is asked to comment on the information in this report.

## **Analysis**

### **Members**

- 9 The register of interests for all members of City of York Council is held both manually and on the Council's website. This includes declarations of gifts and hospitality.
- 10 About half the members of the council have entered gifts and hospitality. A few have entered gifts and hospitality offered but not accepted. Although this is not required by the legislation, this is considered to be best practice.
- 11 Most of the declarations relate either to tickets to the race course or to the Theatre Royal. There is also some hospitality declared from the York City Football Club. Most of the declarations are relatively limited although there are declarations from previous Lord Mayors which indicate that they receive tickets for each and every race meeting for nine years after their term of office as Lord Mayor ended.
- 12 There is nothing in principle wrong with accepting gifts and hospitality when it is registered although members do need to take care that they are not seen to be accepting too many as they may then face criticism that they are seeking personal benefit from their elected role. The main issue is for those members to remember that these declarations constitute personal interests and have to be declared. Depending on the issue, it is likely that the tickets offered to previous Lord Mayors (if accepted, even if subsequently given to someone else) would amount to a prejudicial interest in relation to any matter concerning the race course.
- 13 Administratively members are responsible for maintaining their own up to date register. Officers are informed when it is updated and a hard

copy is printed off and maintained within Democratic Services. Officers need to ensure that entries are being completed properly and that all members are amending their register on a regular basis.

### **Officers**

14 Responsibility for the management of the officers' register of gifts and hospitality rests with individual departments. Internal Audit is responsible for reviewing all the Council's control mechanisms. In accordance with the agreed audit plan for 2009/10, an Internal Audit review of Staff Registers of Interests and Gifts and Hospitality 2009-10 has recently been completed. Work started on 18 November 2009 and was completed on 16 December 2009. The audit looked at the registers for the main establishments in each directorate.

15 The report on the audit found that there are examples of good practice but weaknesses were also identified. The forthcoming organisational restructure will provide an opportunity to reassign responsibilities and ensure consistency across the directorates although some issues will require immediate action to ensure controls are effective.

16 The main issues arising are:

- a. There is no officer responsible for updating and maintaining the registers for the Chief Executive's directorate
- b. Updated declarations are not provided by relevant staff
- c. A list of officers holding registers should be maintained centrally
- d. Annual reviews of registers do not take place
- e. Out of date formats are used for recording gifts and hospitality
- f. Annual reminders of gifts and hospitality policy should be issued to all staff
- g. The policy regarding high value gifts should be clarified

17 The audit report has an action plan to address the concerns which will be taken forward at officer level. The Audit and Governance Committee maintains an overview of the work of Internal Audit.

### **Corporate Priorities**

18 The Standards Committee's overview of the Council's hospitality registers contributes to its key role in maintaining high ethical standards. This in turn is an essential part of the 'Effective Organisation' strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

### **Implications**

19 All relevant implications of the proposals have been considered. There are no implications in any of the areas.

### Risk Management

20 The register of gifts and hospitality for both members and officers forms part of the ethical governance framework of the Council and failure to maintain these registers appropriately may have an adverse impact on the Council's reputation. Appropriate action has been taken in respect of the audit review of the staff register. Oversight of the member register is maintained by officers in Democratic Services and members have been reminded of their responsibilities.

### Recommendations

21 That the Standards Committee comments on the issues raised by this report.

Reason: In order to carry out its role in maintaining high standards of conduct.

### Contact Details

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
Author's name Alison Lowton Title Interim Head Civic Democratic and Legal Services Dept Name Chief Executive's Tel No. 01904 551004	Chief Officer's name Title Chief Officer's name <b>Alison Lowton</b> Title Interim Head Civic Democratic and Legal Services		
	<b>Report Approved</b>	<input checked="" type="checkbox"/>	<b>Date</b> 07/01/10
<b>Specialist Implications Officer(s)</b> <i>None.</i>			
<b>Wards Affected:</b> <i>List wards or tick box to indicate all</i>			<input checked="" type="checkbox"/>
			<input type="checkbox"/>

### Background Papers:

There are no documents which are required to be listed which have been used in the preparation of this report.

### Annexes

Annex 1: Guidance to Officers on Gifts and Hospitality





**HUMAN RESOURCES MANUAL  
PERFORMANCE/STANDARDS**

**ANNEX 1**

**4 GIFTS AND HOSPITALITY**  
**GUIDANCE NOTES FOR EMPLOYEES**

**Introduction**

- 1 This document sets out guidelines on the acceptance of gifts and hospitality by employees. Its objective is to provide clear guidance as to what is acceptable conduct in order to protect the interests of both the Council and its employees.
- 2 The guiding principle of the policy is that:  
  
“The public is entitled to demand of a local government officer conduct of the highest standard and public confidence and his or her integrity would be shaken were the least suspicion to arise that s/he could in any way be influenced by improper motives”.
- 3 The acceptance of gifts and hospitality can inevitably lead to suspicion of improper motives or even bribery and corruption. Even where a gift or hospitality is offered or accepted innocently an employee may place the Council and him or herself in an embarrassing position if:
  - an allegation of improper conduct is later made
  - an employee is unconsciously influenced by the gift or hospitality in carrying out their official duties
  - a precedent is set which is abused by an unscrupulous person.
- 4 It should be realised that if an allegation of improper conduct were to lead to criminal proceedings, the Prevention of Corruption Act 1916 assumes that a gift is given corruptly unless proved to the contrary.
- 5 It is therefore essential that staff act with a high level of caution in the acceptance of any kind of gift or hospitality. Staff should consider whether acceptance would be consistent with these guidelines and whether the decision would be defensible if it were made public. Staff should be alert to the possibility that seemingly innocent approaches may be made to them both in their official capacity or as private individuals with the ultimate aim of influencing the outcome of an official decision (eg planning application, grant award, contract award). In essence employees should not accept any gifts or hospitality which they cannot wholly justify, and where any doubt remains they should consult with their Chief Officer.



## HUMAN RESOURCES MANUAL PERFORMANCE/STANDARDS

- 6 Staff should also be particularly careful about making use of services or goods from firms who are actively engaged in business with the Council. This is particularly relevant where the goods or services are substantial in value or where the provider normally deals with a commercial market rather than a domestic one.
- 7 Under no circumstances must an employee solicit gifts or hospitality of any kind or allow the receipt of any gift to influence them in the conduct of their duties.

### Gifts

- 8 The term gift includes not only money or goods but also services offered to an officer privately at a preferential price because of the employee's official position as a Council employee. In general gifts should not be accepted, however there are a number of exceptional circumstances where gifts may be accepted. If there is any doubt an employee should obtain the approval of his or her Chief Officer before accepting a gift.
- 9 Official gifts from visiting dignitaries or for example representatives from other cities may be accepted on behalf of the Council.
- 10 Token gifts of no great value (e.g. a cake) may be accepted from members of the public where it would cause hurt or ill feeling to refuse. For example if an elderly customer offers a gift as a means of thanking an employee for their help.
- 11 Promotional materials from suppliers may be accepted if they are of minimal value, for example: calendars, diaries and pens. If received such items should be distributed around the office in an equitable manner.
- 12 On occasion gifts of greater value (such as alcohol) are received in circumstances where they cannot be refused, for example in the post. Such gifts should normally be allocated to staff on an equitable basis such as a draw or raffle. However if a person or firm is repeatedly sending gifts of more than token value the relevant manager should write to the giver asking them to cease.
13. Each department will maintain a register recording any gifts received of more than token value. The register will contain the following information:
  - Date of entry into the register
  - The name and address of the person/company making the gift



## HUMAN RESOURCES MANUAL PERFORMANCE/STANDARDS

- The name and position of the person receiving the gift
- The nature and estimated value of the gift and date received
- The action taken to deal with the gift

The register will be reviewed annually by the Department's Chief Officer.

- 14 If an employee is offered money or a gift that is substantial in nature or a gift is offered under circumstances where there is a suspicion that the giver is seeking to influence an officer in the performance of their duties, the gift must be politely but firmly refused and the matter reported at once to the relevant manager and to Internal Audit who will advise on the appropriate course of action.

### **Hospitality**

- 15 Hospitality may be defined as meals, drinks or attendance at social events offered by suppliers or potential suppliers of goods and services or by other interested parties. As with gifts, the acceptance of hospitality must be considered carefully to avoid the possibility of allegations of improper conduct.
- 16 Hospitality should only be accepted where it is in the interests of the Council for an employee to attend the event or entertainment. Hospitality that is excessive given the circumstances or occasion should not be accepted.
- 17 Attendance at hospitality events must be authorised wherever possible by the relevant Chief Officer or an employee to whom this responsibility has been delegated. Acceptable forms of hospitality are:
- attendance at dinners, receptions and ceremonies where an employee is representing the Council;
  - working lunches in sectors where this is a normal and acceptable way of holding business discussions. A free lunch offered as part of a travelling salesman's "pitch" is unlikely to be acceptable;
  - refreshment offered at a site visit, conference or demonstration;
  - other events where, in the view of the authorising officer, attendance will be of benefit to the Council and it is apparent that no reasonable cause of criticism could arise.
- 18 Each department will keep a register, similar to that for gifts, of hospitality received containing the date, location, persons involved, reasons and the



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signature of the authorising officer. This register will be reviewed annually by the Department's Chief Officer.

- 19 An employee attending a hospitality event must bear in mind that they are an official representative of the Council and should not engage in any conduct likely to bring the Council into disrepute (e.g. drunkenness).

**Disciplinary Action**

- 20 An employee found to be acting in contravention of these guidelines may be subject to disciplinary action. If there are grounds for suspicion that an employee has solicited gifts or has allowed the receipt of gifts to influence them in their official duties an investigation will be mounted which may result in criminal proceedings.

**Policy and Procedures agreed at Finance Review Sub-Committee November 1997.**

*If you would like advice or further guidance please contact the Internal Audit Manager.*

PERFORMANCE/STANDARDS

Department: .....

Register of Receipt of Gift(s) and Hospitality

Date of entry	Recipient Name/Position	Donor (Person/Company) Name/Address	Nature and Value of Gift(s)/Hospitality and date received	Action taken to deal with the Gift(s)/Hospitality Authorised by

Reviewed by .....(Chief Officer)  
Date.....




**PERFORMANCE/STANDARDS**

**HUMAN RESOURCES MANUAL**

Reviewed by.....( Chief Officer)

Date.....

	
<b>STANDARDS COMMITTEE</b>	22 JANUARY 2009
Report of the Interim Head of Civic Democratic and Legal Services	

## HEARINGS PROCEDURE

### Summary

1. The Standards Committee needs to ensure that it has in place all the necessary procedures to support the local determinations framework . This report sets out the procedures to be covered from the Assessment Sub Committee decision to investigate to the hearing in front of the Hearings Sub Committee.

### Background

2. The local assessment of complaints was introduced from May 2008 by the Local Government and Public Involvement in Health Act 2007 which amended the Local Government Act 2000. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.
3. The regulations set out the framework for the operation of a locally-based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.
4. The Standards Committee has established the Assessment Sub Committee, the Hearings Sub Committee and the Review Sub Committee to consider complaints received by the authority. These sub committees have terms of reference and there is in addition a set of criteria for the Assessment Sub Committee when considering whether to ask for a complaint to be investigated. There is also a Monitoring Officer protocol for handling complaints.
5. At the moment, the Standards Committee has not adopted a procedure for dealing with cases where the Assessment Sub Committee decides to refer a complaint for investigation. Standards for England have published extensive guidance on this which has been used as the basis for cases so far and for the procedure attached as an appendix to this report.

## **Options**

6. The Standards Committee is asked to comment on and agree the procedure attached as Annex 1 to this report. If the Standards Committee does not agree to a procedure there is a risk that hearings will not be conducted properly which may be prejudicial to members and complaints and to the reputation of the Council.

## **Analysis**

7. The procedure attached at Annex 1 is designed to take the local determination process forward from the decision of the Assessment Sub Committee on the original complaint to the end of any hearing. It does not repeat the terms of reference of the various sub committees but needs to be read in the context of those terms of reference. The intention is that this procedure will be available on the Council's website and will also be sent out following the Assessment Sub Committee's decision.
8. The procedure does not cover detailed administrative processes which need to be undertaken by officers in support of the published process.
9. Standards for England has published extensive guidance on the procedures to follow but this is not accessible to most people and is silent in crucial areas such as the actual hearing. It is important that members are not disadvantaged by not understanding the process being adopted and it is also important that members of the public including complainants are aware of the way in which the Standards Committee carries out its responsibilities.
10. The other aim of the procedure is to ensure that by the time the case gets to the actual hearing, the issues in front of the Sub Committee are clear and understood. The aim is to avoid as far as possible the late submission of information and to ensure that matters in dispute are known so they can be the focus of the hearing.

## **Corporate Priorities**

11. The Standards Committee's management of the local assessment framework contributes to its key role in maintaining high ethical standards. This in turn is an essential part of the 'Effective Organisation' strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

## **Implications**

12. All relevant implications of the proposals have been considered. There are no implications in any of the areas.



### Risk Management

13. The risks associated with agreeing the recommendation are very limited. There are more risks associated with a failure to agree as this would leave the Council without an adopted procedure for dealing with these cases which would be potentially damaging the Council's reputation and prejudicial to members against whom complaints have been made.

### Recommendations

That the Standards Committee agrees to adopt the procedure attached as Annex 1 to this report.

Reason: In order to ensure that a proper process is adopted in managing complaints against members.

### Contact Details

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
Author's name Alison Lowton Title Interim Head Civic Democratic and Legal Services Dept Name Chief Executive's Tel No. 01904 551004	Chief Officer's name <b>Alison Lowton</b> Title Interim Head Civic Democratic and Legal Services		
	<b>Report Approved</b>	√	<b>Date</b> 06/01/10
<b>Specialist Implications Officer(s)</b> None			
<b>Wards Affected:</b> <i>List wards or tick box to indicate all</i>			<b>All</b> x
<b>For further information please contact the author of the report</b>			

### Background Papers:

There are no documents which are required to be listed which have been used in the preparation of this report.

### Annexes:

Annex 1: Procedures after the Assessment Sub committee

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## STANDARDS COMMITTEE – LOCAL COMPLAINTS

### PROCEDURES AFTER THE ASSESSMENT SUB COMMITTEE

1. When a complaint against a Councillor is received, it is considered by the Assessment Sub Committee of the Standards Committee. The Assessment Sub Committee may do one of the following:
  - a) refer the allegation to the Monitoring Officer to arrange a formal investigation of the allegation; or
  - b) refer the matter to the Monitoring Officer to arrange training, conciliation or other permitted alternative steps; or
  - c) refer the allegation to Standards for England; or
  - d) decide that no action should be taken in respect of the allegation; or
  - e) where the allegation is in respect of someone who is no longer a member of CYC or one of its parishes, but is a member of another relevant authority, refer the allegation to the Monitoring Officer of that other authority.

Notice of the Assessment Sub Committee's decision should be sent out within 5 working days.

### Review

2. If the Assessment Sub Committee agrees to take no further action, the complainant has a right to ask for a review. The review must take place within three months of receiving the request for a review. This will be considered by the Review Sub Committee on the papers before it.
3. The Review Sub Committee can make the following decisions:
  - i) refer the allegation to the Monitoring Officer, with an instruction that s/he arrange a formal investigation of the allegation; or
  - ii) refer the matter to the Monitoring Officer directing that s/he arrange training, conciliation or such other appropriate alternative steps as permitted by the Regulations; or
  - iii) refer the allegation to Standards for England; or
  - iv) decide that no action should be taken in respect of the allegation; or

- v) where the allegation is in respect of someone who is no longer a member of CYC or one of its parishes, but is a member of another relevant Authority, refer the allegation to the Monitoring Officer of that other Authority.

Notice of the Review Sub Committee's decision should be sent out within 5 working days.

### **Investigation**

4. If the Assessment Sub Committee decide that there should be a formal investigation, the Monitoring Officer will arrange for that investigation to take place. The final report of the investigation ought to be completed within 6 months of the date of the Assessment Sub Committee decision.
5. The final report of the investigation must be sent to the member complained of, the Standards Committee and any other Standards Committee for an authority where the complained of member is a member. The report may also be sent to the complainant.
6. The report must either find that there has been a failure to comply with the Code, or that there has been no such failure.
7. Following completion of the report, the Assessment Sub Committee will consider the report and decide whether:
  - i) it accepts the finding of no failure to observe the Code of Conduct; or
  - ii) the matter should be referred for consideration at a hearing before the Hearings Sub-Committee; or
  - iii) the matter should be referred to the Adjudication Panel for England for determination (if the Sub Committee believes that the report has disclosed potential breaches of the Code which might lead to a more serious sanction than can be imposed locally).
8. Where there is a finding that there has not been a breach, the Assessment Sub Committee does not have to agree with that finding and may refer the matter for hearing. Where the report finds that there has been a breach, there has to be a hearing.
9. In deciding whether to support the 'no breach' finding, the Assessment Sub Committee can only consider the report. It cannot interview witnesses or take representations from the parties.

### **Pre Hearing Preparation**

10. Where the investigation report finds that a breach of the Code has occurred, a hearing must take place within 3 months of the date when the report was completed.
11. There are a number of steps which need to take place prior to a meeting of the Hearings Sub Committee. The purpose of the pre hearing process is to allow matters at the hearing to be dealt with fairly and efficiently. The pre hearing process should:
  - i) identify whether the member complained of is going to be represented at the hearing by a solicitor, barrister or someone else;
  - ii) identify whether the subject member disagrees with any of the findings of fact in the report;
  - iii) identify whether those disagreements are likely to be relevant to any issue the Sub Committee needs to decide;
  - iv) identify whether evidence about those disagreements of fact will need to be heard during the hearing, what witnesses the member intends to bring and what witnesses the investigating officer/monitoring officer intends to bring;
  - v) clarify the views of the investigating officer/monitoring officer on the issues raised by the member complained of;
  - vi) obtain an outline or statement of what each witness intends to say;
  - vii) clarify whether there are any parts of the hearing which are likely to be held in private;
  - viii) decide whether any part of the investigation report or other documents should be withheld from the public prior to the hearing, because they contain exempt information.
12. Much of this will be done in writing by the Monitoring Officer. Some decisions will be taken in consultation with the Chair of the Hearings Sub Committee.
13. The Monitoring Officer may need to arrange for their role to be carried out by another officer if the Monitoring Officer has been closely involved in the investigation, to avoid any actual or perceived conflicts of interest.
14. It is important to distinguish between the essential facts of the case and any inferences or conclusions based on those facts. The Hearings Sub Committee would normally only hear evidence on disputes over essential facts. It is a matter for the Hearings Sub Committee which

witnesses attend to give evidence. The Hearings Sub Committee may ask for witnesses to attend who have not been called by the other parties. The member complained of may ask to call character witnesses. In general, this evidence is not disputed and can be received in writing.

15. Prior to the hearing, a pre hearing process summary may be produced which:

- sets the time and date of the hearing;
- summarises the allegation;
- outlines the main facts of the case which are agreed;
- outlines the main facts which are not agreed;
- notes whether the member or the investigating officer will attend and/or be represented;
- lists any witnesses;
- sets out the procedure for the hearing.

In more straightforward cases it may not be necessary to undertake the entire pre hearing process, but the member concerned and the investigating officer must be allowed an opportunity to properly present their case. It is important that sufficient time is allocated for the case to be heard.

### **Hearings Sub Committee**

16. The Hearings Sub Committee will meet to determine whether or not a member has breached the Code of Conduct and what sanctions (if any) to impose. This is a formal Committee meeting and not a court. It does not take evidence under oath but decides factual evidence on the balance of probabilities (i.e. that something is more likely than not to have occurred). The Sub Committee has no power to compel witnesses to attend. The Sub Committee can decide not to hear from particular witnesses.

17. The parties to the hearing are the investigating officer and the member complained of. The complainant is not a party nor can they give evidence unless called by either of the other two (or the Hearings Sub Committee itself). If the hearing is held in private, the complainant has no right to attend.

18. The Hearings Sub Committee may govern its own procedure as long as it acts fairly. However, in general the following procedure should be adopted:

- a) any submissions by either party about the conduct of the case including disputes about witnesses, potential new information, new supporting documents and so on. This can include submissions about whether the case should be heard in public or private if this has not been resolved;

***Factual issues***

- b) the investigating officer to present the evidence of fact on which they rely and to call any witnesses;
- c) the member complained of and members of the hearings Sub Committee to ask questions of the investigating officer and/or their witnesses;
- d) the member complained of present the evidence of fact on which they rely and to call any witnesses;
- e) the investigating officer and members of the Hearings Sub Committee to ask questions of the member and/or their witnesses;
- f) both parties to make submissions on questions of fact;
- g) the Hearings Sub Committee to decide its factual findings;

***Whether the facts as found amount to a breach of the Code***

- h) the investigating officer to make submissions about whether the facts as found by the Hearings sub Committee constitute a breach of the Code;
- i) members of the Hearings Sub Committee to ask questions of clarification;
- j) the member to make submissions about whether the facts as found by the Hearings Sub Committee constitute a breach of the Code;
- k) members of the Hearings Sub Committee to ask questions of clarification;
- l) the Hearings Sub Committee to decide whether there has been a breach of the Code;


***What sanction to impose***

- m) the investigating officer to make submissions about factors to be taken into account when the Hearings Sub Committee decides on the appropriate penalty;
- n) members of the Hearings Sub Committee to ask questions of clarification;
- o) the member complained of to make submissions about factors to be taken into account when the Hearings Sub Committee decides on the appropriate penalty;
- p) members of the Hearings Sub Committee to ask questions of clarification;
- q) the Hearings Sub Committee decides on the appropriate penalty.

19 The Hearings Sub Committee will usually announce its decision at the end of the hearing. If possible, a short written notice may be provided on the day but in any event a full written decision will be provided to the parties within two weeks of the hearing. A summary of the decision must be published in at least one local independent newspaper. A summary may also be published on the Council's website. If the

decision is that the member has not breached the Code, the member concerned has to consent to publication.



	
<b>STANDARDS COMMITTEE</b>	22 JANUARY 2009
Report of the Interim Head of Civic Democratic and Legal Services	

## RAISING THE PROFILE OF THE STANDARDS COMMITTEE

### Summary

1. This is an outstanding report on the Standards Committee's work plan. It contains some ideas about what the Standards Committee and individual members of it might do in order to ensure the Committee can carry out its wide ranging roles.

### Background

2. The Standards Committee's role as set out in the Council's constitution includes seeking to promote and maintain a high standard of conduct in the transaction of all Council and Local Council business and to take a general overview on all ethical issues and issues of probity. The reason for raising the profile of the Committee is to take forward this agenda.
3. At the moment, the Standards Committee meets regularly and has undertaken some local determinations. It carries out its role of oversight of the Code of Conduct. However its role does not appear to be widely recognised within the Council and the Committee should consider whether there is more that it could do to develop the wider promotional role.

### Options

4. The Standards Committee can continue to operate in its present way and would still meet the core of its role. Alternatively the Committee could take the broader role as set out in this report and become a more visible and proactive part of the Council's corporate governance. If the Committee is inclined towards the latter approach, there are a range of options as set out in the report which it could take forward.

### Analysis

5. The ideas set out in the following paragraphs are by way of first thoughts to encourage discussion by the Committee. They are not intended as formal proposals and have not been discussed elsewhere in the Council or with Parish Councils. Following this meeting, the intention would be for the Monitoring Officer to take forward any of the

ideas which the Committee supports (together with ideas arising at the meeting) to see whether they can be implemented. There would be a further report which would develop proposals in detail.

### **Media Coverage**

6. One obvious way in which the Standards Committee can try to raise its profile is to seek publicity in the local media. The Chair has been in discussion with the Council's press office about how this might be achieved and it seemed possible that there might be some interest linked to the year of the Volunteer. However this has not yet materialised. The problem with relying on local media coverage is that the Council cannot guarantee any coverage.
7. The Committee could consider whether there was any purpose in developing a newsletter to go to CYC and parish council members and others (CYC officers, parish clerks and so on) which covered national and local issues. This could be published every 6 months or so.

### **Training**

8. Training events are another mechanism by which the Standards Committee can be seen to be involved in the ethical agenda. As the Committee is aware, the Council runs a member development training programme and by the time the Committee meets there will have been a training event on the Code of Conduct for members which the Chair is also attending. A similar event for officers will also have taken place. As well as being important in their own right, both these sessions are also intended to provide an introduction for the theatre workshop on officer member relations which will be held on 17<sup>th</sup> February. All members of the Standards Committee have been invited.
9. In future, consideration could be given to the role of members of the Standards Committee in promoting training events and taking part in them. Members of the Committee may have ideas about the range of training which would assist in promoting high ethical standards.

### **Ethical Governance Champions**

10. All the political groups on the Council are represented on the Standards Committee. Consideration could be given to the elected members of the Standards Committee taking on the role of ethical governance champions within their groups. This could entail ensuring that ethical issues were promoted within the groups and taking responsibility for dealing with perceived ethical issues amongst group members. Ultimately these members could bring perceived issues within their group to the Standards Committee for discussion. However, this is unlikely to happen until all members have confidence in the Committee's ability to deal with issues in a non party political way.

### **Links with Parish Councils**

11. The Standards Committee has the same responsibility for ethical conduct for Parish Councils as it does for City of York Council. That is of course why there are parish council members of the Committee. The way in which the Standards Committee carries out this role is complicated by the fact that Parish Councils are independent of the City Council. Parishes are understandably protective of this independence. It would be useful for those members of the Committee from Parish Councils to give some thought about how best to take this role forward.
12. Some authorities through their Standards Committees have developed close working links with their local Local Councils Association. Others have established working relationships with parish councils in their area both to support the ethical framework and to assist parishes gain Quality status for example. Clearly the latter approach is much wider and has implications beyond the remit of the Standards Committee.

### **Specialising**

13. Members of the Standards Committee could take responsibility for different aspects of the Council's governance structure and develop expertise in the ethical issues relating to that area. For example, individual members could have responsibility for Planning Committee, Licensing Committee, the Executive, Overview and Scrutiny and so on. This could include the key partnerships in which the Council is involved. This could involve attending some of the meetings of these bodies to gain an understanding of the likely ethical issues and to report back to the Standards Committee. In time these links could become more visible and the committees etc themselves could be engaged in discussions around these issues. In time, there may be some mileage in considering joint informal meetings of the Standards Committee and other committees

### **Audit and Governance**

14. The role of the Standards Committee includes liaison as appropriate with the Audit and Governance Committee on 'any matter that may be of common concern to both, principally in relation to any matter arising in relation to corporate governance'. Some thought could be given about how to take this forward in a proactive way. Other councils have established occasional joint meetings of both committees and/or developed joint programmes of work between similar committees which include publicising internally codes of conduct at officer and member level; whistleblowing and so on.

### Corporate Priorities

15. The Standards Committee's role in promoting high ethical standards both within the City of York Council and in parish councils is an essential part of the 'Effective Organisation' strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

### Implications

16. This report contains no concrete proposals and there are therefore no implications in any of the areas.

### Risk Management

17. As this is by way of a discussion paper there are no risks associated with this report.

### Recommendations

That the Standards Committee considers the ideas contained in this report and identifies which activities it would like to be taken forward

That the Standards Committee agrees to receiving a further report in due course containing more detailed proposals for implementation.

Reason: In order to ensure that the Committee's role in promoting high ethical standards is carried out..

### Contact Details

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	<b>Report Approved</b>	√	<b>Date</b> 06/01/10
<b>Specialist Implications Officer(s)</b> None			
<b>Wards Affected:</b> <i>List wards or tick box to indicate all</i>			<b>All</b> x
<b>For further information please contact the author of the report</b>			

**Background Papers:**

**All relevant background papers must be listed here.**

There are no documents which are required to be listed which have been used in the preparation of this report.

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## 2009/2010 Work Plan for Standards Committee

### Ongoing Activities

Local assessment of complaints  
Standards Board Guidance  
Member and Officer Training


<u>Item</u>	<u>Meeting Date</u>	<u>Notes</u>
Report on promoting the work of the Standards Committee	22 January 2010	
Reports on Members' and Officers' Registers of Gifts and Hospitality (including details of current practice throughout the Council on the Officers' Register)	22 January 2010	
Report on complaints pre-hearing and hearing procedures	22 January 2010	
Review of Planning Code of Good Practice	22 January 2010	
Review of Members' Declarations of Interest	1 April 2010	

Items for 2010/11 Municipal Year (dates tba):

- *Report on results of the Monitoring Officer's enquiries regarding joint committees (June 2010)*
- *Review of the Operation of Local Assessments of Complaints*
- *Corporate Complaints Review (annual, following introduction of new system in September 2009)*
- *Annual Report to Council*

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<b>STANDARDS COMMITTEE</b>	22 JANUARY 2009
Report of the Interim Head of Civic Democratic and Legal Services	

### *DISPENSATION REQUESTS*

#### **Summary**

1. This report requests a number of dispensations for members allowing them to speak at Ward committee meetings when they may have a prejudicial interest.

#### **Background**

2. The Standards Committee has the responsibility for considering the grant of dispensations under the Local Government Act 2000.
3. As members of the Standards Committee are aware, where a member has a prejudicial interest in a matter they may not speak and vote when that matter is being considered by the authority (except that they may speak in circumstances where a member of the public also has the right to speak). In some circumstances this may mean that decisions cannot be taken.
4. The City of York Council has Ward Committees in each ward. These are technically area committees within the Local Government Act 1972 so are formal committees of the authority and subject to the same rules as other committees (save for the political balance requirements).
5. The membership of each ward committee is made up of the relevant ward councillors. Each ward committee has a budget which it can use to fund organisations in the ward.
6. The problem in respect of prejudicial interests arises where ward councillors are also members of an organisation in receipt of funding from the ward committee. This will include membership of Parish Councils, trustees of ward based organisations and so on. In this situation the ward councillor is very likely to have a prejudicial interest which will exclude them from decision making. In most instances this would mean that the ward committee was unable to make a decision.

#### **Dispensations**

7. The Local Government Act 2000 gave power to the Standards Committee to grant dispensations which would allow members to participate when they had a prejudicial interest. Dispensations may be granted for speaking only or for speaking and voting.
8. A Standards Committee may grant a dispensation to a member in the following circumstances
  - where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **OR**
  - where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.
9. Clearly the second of these is irrelevant for ward committees. Some ward committees only have two members and since a single member is unable to make a decision at a ward committee, my advice is that it is appropriate for the Standards Committee to use the first reason as that is within the spirit of the legislation.
10. It is for the Standards Committee to decide what criteria to apply when considering a request.
11. By law, a member must submit an application in writing for consideration by the standards committee. It is up to the standards committee whether or not to grant a dispensation and there is no right of appeal from that decision.
12. A standards committee can decide the nature of any dispensation it grants. For example, the dispensation may allow a member to speak and not vote, or to fully participate and vote. The committee can also decide how long the dispensation should apply, although it cannot be longer than four years. After four years has elapsed since a dispensation was granted, it can no longer be used.
13. The decision must be recorded in writing and must be kept with the register of interests maintained by the monitoring officer.

### **Options**

14. This issue only came to light very recently. This is the reason why this report was a late addition to the agenda for the Standards Committee meeting. It has to come to this meeting of the Standards Committee as the Ward Committees will shortly be considering their budgets for the coming year.
15. All members have been asked to submit written requests for dispensations if they believe that one is required in relation to budget setting and grant giving at their ward committee. These written requests are not yet available but will be circulated before the meeting

if possible and certainly at the meeting, together with the precise wording of the recommendation to the Committee as this will have to specify each member and relevant ward committee.

16. The Standards Committee has the option of granting or denying each request. If it is minded to grant the request it can decide how long the exemption should last and whether it is for speaking or for full participation. There would be little point in granting any dispensation which did not allow for full participation.
17. In reaching a decision the Standards Committee will need to balance the prejudicial interest of the member seeking the dispensation to vote against the potential effect on the outcome of the vote (if any) if the member is unable to do so. In exercising this balancing act the Committee needs to consider factors such as whether allowing the member to participate would damage public confidence in the conduct of business; whether the member concerned has a direct financial interest; does the member's participation justified by the member's particular role or expertise.

### **Corporate Priorities**

18. The Standards Committee has a responsibility to consider any requests made. Ward Committees are a part of the Council's decision making process and ensuring that this is done properly is an essential part of the 'Effective Organisation' strand of the Corporate Strategy.

### **Implications**

19. The legal implications have been covered in the report as a whole. There are financial implications if dispensations are not granted as the ward committees will be unable to carry out their responsibilities as set out in the Council's constitution. There are no other implications.

### **Risk Management**

20. There are evident risks associated with not granting the dispensation risks which might mean that the ward committees or some of them were unable to set a budget. There are on the other hand risks of allowing members to participate where they have a prejudicial interest and concern that this might damage the council's reputation. On balance the first risk seems to be the greater one.

### **Recommendations**

- 21 That the Standards Committee grants dispensations to participate fully in ward committees for the purpose of agreeing the budget and for funding decisions. The detailed recommendation will be circulated at a later date and will consist of the names of each councillor and the relevant ward committee.

22 That the Standards Committee grants these dispensations for a period which ends with the local elections in May 2011.

### Contact Details

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	<b>Report Approved</b>	√	<b>Date</b> 14/01/10
<b>Specialist Implications Officer(s)</b> None			
<b>Wards Affected:</b> <i>List wards or tick box to indicate all</i>			<b>All</b> x
For further information please contact the author of the report			

### Background Papers:

**All relevant background papers must be listed here.**

There are no documents which are required to be listed which have been used in the preparation of this report.

### Annexes

None

List of Councillors seeking the dispensation referred to in the report.

<b>Councillors</b>	<b>Dispensation request received</b>
Councillor James Alexander	
Councillor Keith Aspden	YES – Heslington and Fulford Ward Committee
Councillor Nigel Ayre	
Councillor Denise Bowgett	YES – Holgate Ward Committee
Councillor Barbara Boyce	YES – Heworth Ward Committee
Councillor Jenny Brooks	YES – Derwent, Heworth Without & Osbaldwick Ward Committee
Councillor Richard Cregan	
Councillor Sonja Crisp	YES - Holgate Ward Committee
Councillor Andy D'Agorne	YES – Fishergate Ward Committee
Councillor Helen Douglas	YES – Clifton Ward Committee
Councillor Paul Firth	YES – Haxby & Wigginton Ward Committee
Councillor Sandy Fraser	
Councillor Christina Funnell	YES – Heworth Ward Committee
Councillor Steve Galloway	
Councillor Susan Galloway	YES – Westfield Ward Committee
Councillor John Galvin	YES – Bishopthorpe and Wheldrake Ward Committee
Councillor Ian Gillies	
Councillor Julie Gunnell	
Councillor Paul Healey	YES – Rural West York Ward Committee
Councillor Christopher Hogg	
Councillor Tom Holvey	
Councillor David Horton	
Councillor Ben Hudson	
Councillor Keith Hyman	YES – Huntington and New Earswick Ward Committee
Councillor Ceredig Jamieson-Ball	
Councillor Ken King	
Councillor Madeleine Kirk	
Councillor Janet Looker	
Councillor Dave Merrett	
Councillor Richard Moore	YES – Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Jonathan Morley	
Councillor Keith Orrell	YES - Huntington and New Earswick Ward Committee
Councillor Roger Pierce	
Councillor Ruth Potter	YES – Heworth Ward Committee
Councillor Ann Reid	

Councillor Carol Runciman	YES - Huntington and New Earswick Ward Committee
Councillor David Scott	
Councillor Tracey Simpson-Laing	
Councillor Susan Sunderland	
Councillor Dave Taylor	YES – Fishergate Ward Committee
Councillor Christian Vassie	
Councillor Andrew Waller	YES – Westfield Ward Committee
Councillor Brian Watson	
Councillor Richard Watson	
Councillor Joe Watt	YES - Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Irene Waudby	YES - Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Sian Wiseman	YES – Strensall Ward Committee

## Amended Recommendation

That the Standards Committee grants dispensations to the following councillors in relation to their ward committees in order to allow them to participate in budget and funding decisions at the ward committee:

Councillor Keith Aspden	Heslington and Fulford Ward Committee
Councillor Denise Bowgett	Holgate Ward Committee
Councillor Barbara Boyce	Heworth Ward Committee
Councillor Jenny Brooks	Derwent, Heworth Without & Osbaldwick Ward Committee
Councillor Sonja Crisp	Holgate Ward Committee
Councillor Andy D'Agorne	Fishergate Ward Committee
Councillor Helen Douglas	Clifton Ward Committee
Councillor Paul Firth	Haxby & Wigginton Ward Committee
Councillor Christina Funnell	Heworth Ward Committee
Councillor Susan Galloway	Westfield Ward Committee
Councillor John Galvin	Bishopthorpe and Wheldrake Ward Committee
Councillor Paul Healey	Rural West York Ward Committee
Councillor Keith Hyman	Huntington and New Earswick Ward Committee
Councillor Richard Moore	Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Keith Orrell	Huntington and New Earswick Ward Committee
Councillor Ruth Potter	Heworth Ward Committee
Councillor Carol Runciman	Huntington and New Earswick Ward Committee
Councillor Dave Taylor	Fishergate Ward Committee
Councillor Andrew Waller	Westfield Ward Committee
Councillor Joe Watt	Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Irene Waudby	Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Sian Wiseman	Strensall Ward Committee

That the Standards Committee grants these dispensations for a period which ends with the local elections in May 2011.

