

## Notice of a public meeting of the

### Joint Standards Committee

**To:** Councillors Carol Runciman (Chair), Barton, Horton and Taylor (City of York Councillors)  
Councillors Crawford, Martin (Vice-Chair) and Simpson (Parish Council Members)  
Mrs Bainton (Interim Independent Person), Mr Dixon (Interim Independent Person), Mr Hall (Interim Independent Person) and Mr Laverick (Independent Person)

**Date:** Wednesday, 26 June 2013

**Time:** 3.00 pm

**Venue:** The Frank Green Room - 2nd Floor, West Offices, York

### 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 interests

which they may have in respect of business on this agenda.

- 4. Minutes** (Pages 3 - 8)  
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 17 April 2013.
- 5. 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 25 June 2013**.
- 6. Update on the Recruitment of an Independent Person**  
A verbal update will be given on the appointment of an independent person.
- 7. Update on Planning Code of Conduct**  
The Monitoring Officer will give a verbal update on the Planning Code of Conduct.
- 8. Triennial Review of the Committee on Standards in Public Life** (Pages 9 - 12)  
This report advises the Committee on the outcome of a recent review of the Committee on Standards in Public Life (CSPL).
- 9. Monitoring Report in Respect of Complaints Received**  
The Monitoring Officer will give a verbal report in respect of complaints received.
- 10. Review of Work Plan** (Pages 13 - 16)  
Members are asked to review the Committee's work plan.
- 11. Urgent Business**  
Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer responsible for this meeting:

Name: Jayne Carr

Contact Details:

- Telephone – (01904) 552030
- E-mail – [jayne.carr@york.gov.uk](mailto: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

Contact details are set out above.

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- 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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### **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, 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

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<http://democracy.york.gov.uk/ieDocHome.aspx?bcr=1>

City of York Council

Minutes

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MEETING	JOINT STANDARDS COMMITTEE
DATE	17 APRIL 2013
PRESENT	COUNCILLOR RUNCIMAN (CHAIR) (CYC MEMBER) COUNCILLOR BARTON (CYC MEMBER) COUNCILLOR FRASER (CYC MEMBER) – SUBSTITUTE FOR COUNCILLOR SCOTT COUNCILLOR CRAWFORD (PARISH COUNCIL MEMBER) COUNCILLOR SIMPSON (PARISH COUNCIL MEMBER)
IN ATTENDANCE	MR DIXON – INTERIM INDEPENDENT PERSON MR HALL – INTERIM INDEPENDENT PERSON MR LAVERICK – INDEPENDENT PERSON MR CHEETHAM – REPRESENTING PARISH COUNCILS COUNCILLOR MELLORS – REPRESENTING PARISH COUNCILS COUNCILLOR POWELL – REPRESENTING PARISH COUNCILS
APOLOGIES	COUNCILLOR MARTIN (VICE-CHAIR) (PARISH COUNCIL MEMBER) COUNCILLOR SCOTT (CYC MEMBER) COUNCILLOR TAYLOR (CYC MEMBER) MRS BAINTON (INTERIM INDEPENDENT PERSON)

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**31. 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 the business on the agenda. None were declared.

**32. MINUTES**

RESOLVED: That the minutes of the Joint Standards Committee meeting held on 20 February 2013 be confirmed and signed by the Chair as a correct record.

**33. PUBLIC PARTICIPATION**

It was reported that there was one registration to speak at the meeting under the Council's Public Participation Scheme. Referring to the procedures for investigating complaints, Ms Swinburn expressed concern that the procedure did not offer an opportunity for a complainant to appeal against a decision of the Monitoring Officer and Independent Persons. She asked that consideration be given to this matter.

**34. ATTENDANCE BY REPRESENTATIVES OF PARISH COUNCILS**

Parish Council representatives had been invited to attend the meeting to discuss issues relating to the new standards regime. The Chair welcomed them to the meeting and invited them to identify any issues relating to monitoring standards of conduct that they may wish the Committee to address or any support that the Committee might be able to provide for Parishes.

The representatives thanked the Committee for the invitation to attend. They made the following points:

- Parish Councils had been invited to put forward any issues that they would like the Joint Standards Committee to consider. Other than an issue in respect of planning applications, none had been raised.
- Parish Councillors were clear about the Code of Conduct and this was working well. Very few problems arose in respect of the conduct of Parish Councillors and, those that did, could usually be resolved through local discussion. Concerns were expressed regarding the impact that a vexatious complaint could have on a community.
- It was noted that, nationally, a number of complaints about the conduct of Parish Councillors concerned their relationship with the Clerk or with other Parish Councillors. Locally this did not appear to be an issue.
- The main concern regarding the new Code was the lack of sanctions. Nevertheless it was agreed that the fact that a Code was in place did assist in promoting high standards of conduct.
- Discussion took place as to how Parish Councils could be made more aware of the work of the Joint Standards Committee, for example through making the minutes of Joint Standards Committee meetings more easily accessible to them. Some concerns were raised



regarding difficulties in finding information on the Council's website. It was noted that a Community Engagement Task Group was currently looking at these types of issues. One of the Task Group's recommendations was likely to focus on the possibility of a section of the Council's website being allocated to Parish Councils to promote the better sharing of information.

- It was noted that the Local Councils Association was a good source of information and advice.

The Parish Council representatives were thanked for their attendance at the meeting.

### **35. MEMBER OFFICER PROTOCOL**

Members considered a report that asked them to review the current City Council Member Officer Protocol. Members were also asked to consider whether to recommend a similar protocol to Parish Councils.

The following issues were raised in respect of the City Council Protocol (Annex A of the report):

- Paragraph 3.2 – further consideration should be given to the wording of this paragraph.
- Paragraph 6.4 – to be amended to read "*paragraphs 9.1 and 9.2 below*"
- Paragraph 8 – mention should be made of scrutiny review task groups.
- Paragraph 8.1 (b) – "him" to be amended to "him/her"
- Paragraph 9.4 – this paragraph is incomplete
- Paragraph 13.1 – In addition to Ward Members being notified, consideration should be given to also including the relevant Parish Councils.

Consideration was given to the Parish Member/Employee Relations Protocol (Annex B of the report). It was noted that there was no statutory requirement for a protocol to be adopted and that it would be for individual Parish Councils to determine whether they would wish to do so. The following issues were raised:

- Some concerns were expressed as to whether such a protocol was necessary, as some Parish Councils only

employed a Parish Clerk. Other views were expressed that the protocol provided protection for employees.

- Some of the terminology used in the document was not suited to Parish Councils, for example “Chair” or “Members”.
- Paragraph numbers should be included for ease of reference.
- It was suggested that the protocol should be referred to the Local Councils Association and the Parish Council Liaison Board for their views. Councillor Simpson confirmed that, if requested, he would be willing to attend.

- RESOLVED:
- (i) That the City Council Protocol on Officer/Member relations be amended to reflect the points detailed above.<sup>1</sup>
  - (ii) That the views of the Local Councils Association and the Parish Councils Liaison Board be sought on the Parish Councillors/Employee Relations Protocol Group.<sup>2</sup>

- REASONS:
- (i) To add further clarity to the protocol.
  - (ii) To enable further input from Parish Council representatives.

### **36. GUIDANCE FOR COUNCILLORS ON PERSONAL INTERESTS**

Members considered a report that advised them of recently updated guidance issued by the Government in respect of the new standards regime.

Members noted the arrangements that were in place in respect of the recording of interests on City of York Council website.

RESOLVED: That the report be noted.

REASON: To ensure Members are aware of developments in this area.

**37. MONITORING REPORT IN RESPECT OF COMPLAINTS RECEIVED**

The Monitoring Officer gave a verbal report in respect of complaints received.

- One new complaint had been received. A decision had been taken not to carry out an investigation. It was noted that Mr Laverick had declared a potential conflict of interest and had not taken part in this decision. The Monitoring Officer had sought the views of the other Independent Persons.
- An update was given on the case that had been referred for investigation. The investigation had been completed and the investigator had concluded that there had not been a breach of the Code of Conduct. The Monitoring Officer stated that he had agreed with the conclusion that this had been a political and not a personal attack.

RESOLVED: That the update on complaints received be noted.

REASON: To ensure that the Committee is kept updated on complaints received.

**38. REVIEW OF WORK PLAN**

Consideration was given to the Committee's work plan.

An update was given of the arrangements that were being put in place to recruit an additional independent person.

RESOLVED: That the Committee's work plan be approved subject to the following additions:

- Review of Parish Council Protocol – meeting of 11 September 2013.
- Parish Council Representatives to be invited to meet with the Committee – meeting of 16 April 2014.<sup>1</sup>

REASON: To ensure that the Committee has a planned programme of work in place.

Councillor Runciman - Chair

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

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**Joint Standards Committee****26<sup>th</sup> June 2013**

Report of the Monitoring Officer

**Triennial Review of the Committee on Standards in Public Life****Summary**

1. This report advises the Committee of the outcome of a recent review of the Committee on Standards in Public Life (CSPL).

**Background**

2. The CSPL was established in 1994 largely in response to concerns about the unethical behaviour of some Members of Parliament. It has functions of examining concerns about standards of conduct and making recommendations as to changes which may be required to ensure the highest standards of propriety. Its remit now also covers reviewing the funding of political parties.
3. As the Nolan Committee, the CSPL established the Principles of Standards in Public Life which underpinned the previous statutory Code of Conduct for Members and still underpins the present local Code.
4. As a non departmental public body the CSPL is subject to a process of triennial review which aims to provide a robust challenge of the continuing need for the body and to review its control and governance arrangements.
5. A report into the recent triennial review of the CSPL was published earlier this year and is available online at:

<https://www.gov.uk/government/publications/committee-on-standards-in-public-life-triennial-review>

The report, whose recommendations have been broadly accepted by the Government, recommends the retention of the CSPL. Some of the wider issues raised within the report will though be of interest

to Members of the Joint Standards Committee and some of the questions raised as to the role of the CSPL raise interesting questions for the Committee to consider in relation to how it might best perform its own functions.

### **Key Findings of the Review**

6. The Review found that: “the promotion and maintenance of standards in public life, the objective of the CSPL, is likely to be an endless task”. This pointed to a continuing need for an ethics monitor and reviewer. Various options were considered for alternative structures for the CSPL with the outcome being a recommendation that some version of the current CSPL remained the most plausible option. The main features of that body should be:
  - Independence
  - Permanent and self activating – able to anticipate emerging problems and free to decide on its own inquiries
  - Separate from sectoral regulators though cooperating with them informally
  - Focused on broad principles, systems and frameworks – not commenting upon specific complaints
7. The report comments on how well the CSPL has performed in respect of these factors. It is fair to say that the picture is mixed.
8. In assessing the performance of the CSPL it was noted that there had been criticism that the committee had lost its way, no longer makes much impact and scratches around for things to do. The Committee had been slow to initiate an inquiry into the M.P’s expenses and had not initiated an inquiry into lobbying. It had been criticised for not adding much to what was already known in its inquiry into party funding. The report concludes that these are all fine judgments but the net effect has been that the CSPL has had less impact than it had in earlier years.
9. The report notes that the CSPL has a long list of areas it plans to cover over the next three years including the implications of greater involvement of the private and voluntary sectors in delivering public services, the adequacy of current arrangements for detecting and preventing electoral fraud, the effectiveness of current

arrangements in respect of lobbying, ethical standards in the police and the roles of media in promoting and maintaining standards. The Committee has also indicated that it may wish to look at local government standards in the light of the abolition of the former regime. It notes that this is a heavy work programme even if some issues might better be addressed by other regulators. Given falling budgets the report suggest that there needs to be a change in working practices, greater clarity, a concentration of resources and fundamental changes in approach.

10. Amongst the changes suggested are a move away from slow moving inquiries based on gathering and considering opinions at public hearings. A move to gathering evidence through seminars and the use of the internet was welcomed. The report recommends that the CSPL should be bolder in picking topics and look ahead to emerging problems. The CSPL members are urged to be cautious about commenting on current scandals and controversies. The report suggests that the CSPL should not have as one of its objectives improving public trust and confidence in public bodes and holders of public office. It suggests that public trust depends less in regulators than on the conduct and attitudes of those being regulated.

### **Conclusion**

11. The full report runs to only sixteen pages plus annexes and makes interesting reading. While many of the issues raised are specific to the CSPL and are relevant to an exclusively strategic regulator, consideration of the report does offer a chance to reflect on the role of the Standards Committee as we move into an era of “steady state” for the new regime. In particular the challenge to look ahead and identify emerging issues might be just as relevant for the Standards Committee as for the CSPL and some of the issues already identified by the CSPL for their own work plan are clearly of relevance in a local government context.

### **Recommendations**

12. Members are recommended to:
  - 1) Note the report and consider any implications for the future work plan of the Committee

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**

**CBSS**

*Tel No. 01904 551004*

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**Report  
Approved**

**Date** 07/06/13

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

**All**

**For further information please contact the author of the report**

**Background Papers:**

None



## 20012/2014 Work Plan for Joint Standards Committee

<u>Meeting Date</u>	<u>Items</u>	<u>Notes</u>
<b>28 November 2012 at 3.00pm</b>	<p><i>Monitoring report in respect of complaints received</i></p> <p><i>Protocol for handling complaints and assessment criteria</i></p> <p><i>Dispensations</i></p> <p><i>Registers of gifts and hospitality</i></p>	
<b>20 February 2013 at 3.00pm</b>	<p><i>Monitoring report in respect of complaints received</i></p> <p><i>Review of the new Code of Conduct</i></p> <p><i>Planning Code of Good Practice</i></p> <p><i>Meeting with Group Leaders</i></p> <p><i>Presentation of finalised Procedures for Handling Complaints</i></p>	<i>As agreed at meeting of 28 November 2012 (minute 16)</i>
<b>17 April 2013 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• <i>Monitoring report in respect of complaints received</i></li> <li>• <i>Invite representatives from parish councils</i></li>   <li>• <i>Review of Member Officer Protocol (to include Parish Councils as well as CYC)</i></li> <li>• <i>Guidance for Councillors on Personal Interests</i></li> </ul>	<p><i>Standard item</i></p> <p><i>As agreed at meeting on 20 February (minute 25)</i></p> <p><i>As agreed at meeting of 28 November 2012 (minute 19)</i></p> <p><i>Agenda item at request of Monitoring Officer</i></p>
<b>26 June 2013 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• Appointment of Chair for municipal year</li>   <li>• Appointment of Vice-Chair for municipal year</li> </ul>	

	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Update on Planning Code of Practice</li> <li>• Update on the recruitment of independent person</li> <li>• Committee on Standards in Public Life Triennial Review</li> </ul>	<p>Standard item</p> <p>As agreed at meeting of 20 February 2013 (minute 29)</p> <p>As agreed at meeting of 20 February 2013 (minute 30)</p>
<b>11 September 2013 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Parish Council Protocol on Parish Councillors/Employee Relations</li> </ul>	<p>Standard item</p> <p>As agreed at meeting of 17 April 2013 (minute 36)</p>
<b>13 November 2013 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> </ul>	<p>Standard item</p>
<b>19 February 2014 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> </ul>	<p>Standard item</p>
<b>16 April 2014 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Parish Council Representatives to be invited to meet with the Committee</li> </ul>	<p>Standard item</p> <p>As agreed at meeting of 17 April 2013 (minute 38)</p>
<b>June/July 2014</b>	<ul style="list-style-type: none"> <li>• Appointment of Chair for municipal year</li> <li>• Appointment of Vice-Chair for municipal year</li> <li>• Monitoring report in respect of complaints received</li> <li>• Review of the arrangements for handling complaints.</li> </ul>	<p>Standard item</p> <p>As agreed at meeting of 28 November 2012 (minute 19)</p>

*To be included:*

- *Promoting ethical standards (as agreed at meeting of 20 February 2013 – minute 25)*
- *Review of the Code of Conduct (as agreed at meeting of 20 February 2013 – minute 28)*

- *Guidance on hospitality (as agreed at meeting of 20 February 2013 – minute 28)*
- *Review of Code of Conduct (as agreed at meeting of 20 February 2013 – minute 28)*

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