
MEETING	JOINT STANDARDS COMMITTEE
DATE	20 FEBRUARY 2013
PRESENT	COUNCILLOR RUNCIMAN (CHAIR) (CYC MEMBER) COUNCILLOR BARTON (CYC MEMBER) COUNCILLOR CRAWFORD (PARISH COUNCIL MEMBER) COUNCILLOR MARTIN (VICE-CHAIR) (PARISH COUNCIL MEMBER) COUNCILLOR SCOTT (CYC MEMBER) COUNCILLOR TAYLOR (CYC MEMBER)
IN ATTENDANCE	MR DIXON (INTERIM INDEPENDENT PERSON) MR LAVERICK (INDEPENDENT PERSON) COUNCILLOR ALEXANDER (ITEMS 1 TO 4) COUNCILLOR D'AGORNE COUNCILLOR GILLIES (ITEMS 1 TO 4)
APOLOGIES	COUNCILLOR SIMPSON (PARISH COUNCIL MEMBER) MRS BAINTON (INTERIM INDEPENDENT PERSON) MR HALL (INTERIM INDEPENDENT PERSON)

WELCOME

Mr Laverick, independent person, was welcomed to his first meeting of the committee.

22. 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.

23. MINUTES

RESOLVED: That the minutes of the Joint Standards Committee meeting held on 28 November 2012 be approved and signed by the Chair as a correct record.

24. PUBLIC PARTICIPATION

It was reported that there were no registrations to speak at the meeting under the council's Public Participation Scheme.

25. ATTENDANCE BY GROUP LEADERS

Group Leaders from City of York Council were in attendance for this item. A report had been circulated which suggested possible issues for discussion. The report also drew attention to the fourteenth report of the Committee on Standards in Public Life.

Group Leaders were invited to identify any issues relating to monitoring standards of conduct and the committee's arrangements for dealing with complaints that they would wish the committee to address.

Councillor Alexander stated that there were longstanding problems in respect of the political culture within the council. Although attempts had been made to address this issue, the culture remained and the new Members of all parties had settled into the same culture. This had resulted in complaints being lodged that were largely political, which caused unpleasantness and which wasted resources. He suggested that the Committee made recommendations as to how this culture could be changed, for example considering whether it would be useful to bring in an external consultant to support this process. The Monitoring Officer and the Joint Standards Committee also needed to be robust when dealing with vexatious attacks.

Councillor Gillies stated that there were differences in the way some people viewed political attacks. Nevertheless he would not wish to see personal attacks being made outside of the political arena. He expressed concern that the powers of the Standards Committee had been reduced. He stated that it was important that the Committee did not waste time on insignificant

issues although he acknowledged that there were differing perceptions as to what people would designate as a frivolous. Nevertheless it was also important that people had the opportunity to make a complaint if they believed this to be necessary.

Councillor D'Agorne stated that he agreed that there had been some instances in the past when the procedures that had been followed were not appropriate in view of the nature of the complaint. Most complaints seemed to have been political in nature. Councillor D'Agorne stated that he regretted some of the changes that had been made to the standards regime. It was important to avoid bureaucratic procedures when there were very few sanctions available to the committee. The Monitoring Officer had a useful role to play and carried out this role well. It was important to make the best of the situation and to promote good practice, for example through the use of model procedures.

The Monitoring Officer stated that although he had some concerns about the new standards arrangements, he did welcome the way in which complaints were now assessed. The process now allowed for early and robust decision making. He asked the Group Leaders about the role they would play in the new arrangements. Councillor Gillies suggested that Group Leaders could play a role in mediating or arbitrating on issues to see if they could be resolved at an early stage rather than escalating to a formal complaint.

The Independent Person asked about the arrangements that were in place in respect of Group Leaders' meetings. Councillor Alexander stated that the Group Leaders met in advance of full council meetings but explained that some Group Leaders had to consult with their Group prior to any decisions being taken and this sometimes caused difficulties.

The Independent Person drew attention to the work of the Committee on Standards in Public Life. He stated that the new arrangements in respect of the standards regime would be kept under review and drew attention to the need to promote high standards of ethical behaviour. He stated that this went beyond ensuring that Members complied with a code of conduct. He questioned how Members were fulfilling their responsibilities in this area, for example ensuring that contracts that were delivered by third parties were delivered in an ethical way.

Members agreed that it was important that ethical considerations were given full consideration, for example during the procurement process, and they agreed that that they would wish to give further consideration to this matter at a future meeting.¹ Referring to a suggestion that a separate item on ethical implications be included on the agenda for Cabinet meetings, Councillor Alexander stated that good ethics were embedded in all the decision-making that was taking place and hence he did not believe this to be necessary.

Parish Council representatives suggested that the review of the new arrangements had focused on City of York Councillors and that there was also a need to look at the situation in respect of parish councils. A number of complaints that had previously arisen had been in respect of parish councillors. It was noted that Yorkshire Local Councils Association had circulated guidance to assist parish councils. It was agreed that representatives of Parish Council Chairs should be invited to attend the next meeting.²

Referring to comments made by a member of the committee that political attacks should be restricted to meetings and should not continue in the form of letters to the media or comments on Twitter, Councillor Alexander explained that it was often difficult to prevent Members from using the media in this way as it was sometimes necessary to respond to an attack that had been made by another Group. Referring to suggestions that there was a need to better publicise the positive work that was carried out by the Joint Standards Committee in promoting high standards of conduct, Group Leaders commented that, although they supported this recommendation, the media culture was such that it tended to focus on more negative aspects.

Concerns were expressed regarding the limited sanctions that were open to the committee in the event of a breach of the code. The Monitoring Officer recognised this as a potential problem but stated that the committee had never yet had to handle a complaint that could not have been dealt with under the sanctions that were currently available.

The Group Leaders were thanked for their attendance at the meeting.

The Chair requested that if, arising from the discussions, Members identified further items for inclusion on the

committee's work plan these be notified to the Monitoring Officer.

RESOLVED: That the report, and the issues identified during the discussion be noted.

REASON: To promote high standards of ethical conduct.

26. ARRANGEMENTS FOR HANDLING COMPLAINTS

Members considered a report that asked them to adopt new procedures for dealing with complaints and new criteria for making decisions as to whether a complaint should be investigated. The procedures had been updated to reflect discussions that had taken place at previous meetings.

Members were asked to consider the issues raised in paragraphs 3 and 4 of the report and identify any additional changes to the draft procedures which may be considered necessary. Members noted that under the previous arrangements it had been the practice to establish sub-committees so as to exclude City Councillors from the same political group as either a complainant or the subject Member. It may be more difficult to do this now given the removal of Independent Members. Members agreed that this should be an aspiration but, because of the difficulties in achieving this, it should not be a requirement. Likewise it would be useful if the Chair or Vice-Chair were to chair sub-committee meetings but the committee agreed that, in order to provide flexibility, this should not be a requirement. The important factor was to ensure that the Members were able to demonstrate their independence and impartiality when carrying out their work.

Consideration was given to suggested amendments to the wording of the Assessment Criteria for complaints, as put forward by the Independent Person. The Monitoring Officer confirmed that the criteria were in accordance with the guidance issued by the Standards Board.

RESOLVED: (i) That a statement be included within the procedures stating that "Ordinarily a sub-committee will be chaired by the Chair or Vice-Chair of the Joint Standards Committee and comprise of other

members selected to demonstrate their impartiality”

- (ii) That, subject to the inclusion of the above statement, the revised procedures and assessment criteria, as per Annexes A and B of the report, be adopted as the Committee’s arrangements for handling complaints.

REASON: To ensure consistency in the judgements made about complaints.

27. MONITORING REPORT IN RESPECT OF COMPLAINTS RECEIVED

The Monitoring Officer gave a verbal report in respect of complaints received. He stated that there had been no new complaints lodged since the last meeting. The complaint that had been referred to at the previous meeting had been investigated by an officer from North Yorkshire County Council. Witnesses had been interviewed and the investigating officer’s report was now awaited.

RESOLVED: That the update on complaints received be noted.

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

28. FIRST REVIEW OF NEW CODE OF CONDUCT

Members considered a report that provided them with the opportunity to reflect on the introduction of the new Codes and identify any issues which the Committee may be able to address.

It was noted that two internal training sessions had been held for City Councillors. A question had been raised as to the new local requirement to register hospitality which was offered but not accepted. The specific issue related to conferences. Members received flyers containing invitations to free or discounted conferences on a fairly regular basis and generally did not respond to them. The committee agreed that, in

general, if a conference was open to all Members on commercial terms, there should not be a requirement to register the invitation. If, however, a personal invitation was issued to a Member at rates that were more favourable than to other delegates, it would be appropriate for this to be registered. It was agreed that, at a future meeting, further consideration would be given to guidance on hospitality.¹

Consideration was given to the types of circumstances in which it would be appropriate for the Monitoring Officer to grant dispensations. Examples were given of the type of circumstances that could arise, for example in relation to Members' own planning applications.

Clarification was sought as to whether the Independent Persons were subject to the Code of Conduct. The Monitoring Officer confirmed that they were not subject to the Code but there was an expectation that they would comply with the standards that it set out. If the committee felt it necessary, Independent Persons could be asked to sign a declaration on their appointment.

- RESOLVED:
- (i) That the following guidance apply in respect of the requirement to register offers of hospitality to the conferences referred to in paragraph 5 of the report...
“In general, if a conference is open to all Members on commercial terms, there is no requirement to register the invitation. If, however, a personal invitation is issued to a Member at rates that are more favourable than to other delegates, it would be appropriate for this to be registered”.
 - (ii) That the Monitoring Officer be delegated the power to grant dispensations enabling a Member to make representations to Council meetings in circumstances where a member of the public has identical rights.
 - (iii) That the report be noted and a further similar report be included in the Committee's work plan for the next Municipal Year.²

- REASONS:
- (i) To clarify the expectations imposed on Members.
 - (ii) To avoid any uncertainty as to Members' legal position.
 - (iii) To allow Members to monitor the implementation and impact of the new standards regime.

29. PLANNING CODE OF GOOD PRACTICE

Members considered a report that asked them to refer a revised Planning Code of Good Practice for consultation with relevant Members and Officers.

The Monitoring Officer stated that the Code of Good Practice had been substantially rewritten and was based on the Local Government Association and ACSeS model.

Members were asked to consider whether to identify any changes that they would like to see to the draft Planning Code. The Monitoring Officer stated that he was satisfied that the draft code was an accurate reflection of the current legal position.

Members stated that there was a need to amend paragraph 3.2 to read "hospitality valued at £50 or more".

RESOLVED: That the Monitoring Officer be requested to consult with relevant Members and Officers on the draft Code and report the outcome of that consultation to the Committee.¹

REASON: To ensure that any new Code is fit for purpose.

30. REVIEW OF WORK PLAN

Consideration was given to the committee's work plan.

It was agreed that it would be useful to invite some Chairs of parish councils to attend the next meeting. It was suggested

that this be done through the Yorkshire Local Councils Association.

Members also discussed strategies as to how to recruit additional independent persons. It was noted that the Audit and Governance Committee was also seeking to appoint an independent person and hence there was the possibility of working jointly to raise awareness of these vacancies. It was suggested that the local press be approached regarding the possibility of an article being included on the appointment of the Mr Laverick. Members agreed that, in addition to promoting the positions in the media, contact be made with the following organisations to raise awareness of the vacancies:

- Other local authorities
- Rotary Clubs
- Magistrates Supplemental List

Members were asked to contact the Monitoring Officer with any further suggestions regarding recruitment of the independent persons.

The following additions to the work plan were agreed:

- Invite representatives from parish councils to attend the next meeting (as per minute 25)
- Ethical standards (as per minute 25)
- Update on the recruitment of additional independent persons
- Review of Code of Conduct (as per minute 28)
- Guidance on hospitality (as per minute 28)
- Update on Consultation re revised Planning Code of Good Practice (as per minute 29)

RESOLVED: That, subject to the inclusion of the items detailed above, the committee's work plan be approved.

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

Clr Runciman - Chair

The meeting started at 3.00 pm and finished at 4.45 pm.