

Meeting	Joint Standards Committee
Date	11 September 2013
Present	Councillor Runciman (Chair) (CYC Member) Councillor Barton (CYC Member) Councillor Crawford (Parish Councillor) Councillor Horton (CYC Member) Councillor Taylor (CYC Member)
In attendance	Mr Hall (Independent Person) Mr Laverick (Independent Person)
Apologies	Councillors Martin and Simpson (Parish Councillors)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

12. WELCOME

Mr Nicholas Hall, newly appointed independent person, was welcomed to his first meeting of the Committee.

The Chair read out a letter of thanks from Mrs Christine Bainton, former interim independent person.

13. DECLARATIONS OF INTEREST

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

14. MINUTES

Resolved: That the minutes of the Joint Standards Committee meeting held on 26 June 2013 be confirmed and signed by the Chair as a correct record.

15. PUBLIC PARTICIPATION

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

16. REVIEW OF COMPLAINTS

Members considered a report that provided an overview of the standards complaints received during the previous municipal year and which reminded Members of the processes they had agreed for handling complaints.

Members were reminded that the Standards Committee had made a deliberate decision not to include a review mechanism in the procedures post the Localism Act but had built in a safeguard by requiring the independent persons to be consulted on each complaint. Complaints could also be referred to a sub committee for determination if appropriate.

Discussion took place as to whether it was necessary to identify whether complainants were former councillors or whether it was more appropriate for these complainants to fall within the status "member of public". It was agreed that, for reporting purposes, the designation "former councillor" not be used in future reports, although the committee would wish to be made aware if there was a particular increase in such complaints.

The Monitoring Officer gave a verbal update on recent complaints:

- The investigation in respect of a parish councillor, which had been referred to at the last meeting, was due to be completed in the next few weeks.
- A further complaint had been received in respect of a Parish Councillor.
- A complaint had been received in respect of a City of York Councillor and had been referred for investigation.

Resolved: (i) That the report on the review of complaints for the municipal year be noted.

(ii) That the previous decision to dispense with a review mechanism be confirmed.

(iii) That the verbal update on recent complaints received be noted.

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

17. PLANNING CODE OF GOOD PRACTICE

Members considered a report that provided an update in respect of the production of a local planning code of good practice.

Members noted the amendments that had been made to the draft that had previously been considered by the Committee. The amendments, detailed in paragraph 4 of the report, took into account the recently published revised Local Government Association “Probity in Planning” guidance.

It was noted that the Council’s existing code went further than the new guidance in that the code stated that Members should not act as the lead spokesman for a group supporting or opposing a development. This advice was not contained in the guidance. Instead the guidance suggested that whenever a councillor, whether or not a committee member, spoke on behalf of a lobby group they should withdraw from the meeting after the public speaking session. Members were asked to consider whether to replicate this advice.

Members suggested the following amendments to the draft code:

- Greater clarity in the wording of the code to better differentiate between Members of Council and Members of Planning Committees
- Replicate the advice in the LGA guidance in respect of Members of Council withdrawing from meetings after the public speaking session in the circumstances when they have spoken on behalf of a lobby group.
- Deletion of paragraph 7.3
- Paragraph 10.3 to include reference to the requirement to comply with National Planning Guidance.
- Paragraph 14.1 to be amended to read “prescribed *training*”

It was agreed that copies of the amended code would be circulated to Members of the committee via email prior to it being forwarded to Council for approval¹.

Members agreed that, although the code contained some advice which was only of relevance to City Councillors, it would be appropriate for the Code to be sent to Clerks of Parish Councils and to give consideration as to how training in planning

issues could best be made available to parish councillors and ward planning committees as well as members of the Planning Committee.

- Resolved:
- (i) That the Monitoring Officer be delegated to make the agreed amendments to the draft code prior to its submission to Full Council.
 - (ii) That it be recommended to Council that the Planning Code of Good Practice be adopted.
 - (iii) That the Monitoring Officer ensure that Planning Committee Members are made aware of the requirements of the code.
 - (iv) That arrangements be made to ensure that appropriate training is made available to those involved in planning matters.

Reason: To ensure that planning decisions are made openly, impartially and for justifiable reasons.

Action Required

1. Update Code for circulation

AD

18. UPDATE ON PARISH COUNCIL PROTOCOL ON PARISH COUNCILLORS/EMPLOYEE RELATIONS

It was reported that there had been no further feedback on the draft Parish Council Protocol on Parish Councillors/Employee Relations which had been considered at the meeting on 17 April 2013.

Resolved: That this item be deferred to the next meeting.

Reason: To allow further opportunity for feedback on the draft protocol.

19. REVIEW OF WORK PLAN

Consideration was given to the Committee's work plan.

The Monitoring Officer reported that a Councillor in another part of the country had been granted permission to bring judicial review proceedings to challenge the new standards regime.

Members would be kept updated of the outcome and of any implications arising from this case.

It was agreed that, unless further items of business arose in respect of the meeting scheduled for 13 November 2013, the meeting be cancelled.

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

- Update on Parish Council Protocol on Parish Councillors/Employee Relations (next meeting)
- Feedback on the meeting arranged by North Yorkshire County Council for Monitoring Officers, Chairs and Vice-Chairs and Independent Persons (meeting of 19 February 2014)

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

PART B - MATTERS REFERRED TO COUNCIL

20. PLANNING CODE OF GOOD PRACTICE

[See also Part A minute]

Members considered a report that provided an update in respect of the production of a local planning code of good practice.

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- Deletion of paragraph 7.3
- Paragraph 10.3 to include reference to the requirement to comply with National Planning Guidance.
- Paragraph 14.1 to be amended to read “prescribed *training*”

Recommend: That, subject to the agreed amendments, the revised Planning Code of Good Practice be adopted.

Reason: To ensure that planning decisions are made openly, impartially and for justifiable reasons.

Councillor Runciman, Chair
[The meeting started at 3.00 pm and finished at 3.50 pm].