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Meeting	Joint Standards Committee
Date	20 November 2019
Present	Councillors Douglas (Chair), Baker, Carr, Fisher and Rowley (CYC Members) Cllrs Chambers, Rawlings and Wiseman (Parish Council Members)
Apologies	Ms Davies and Laverick (Independent Persons)

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## 22. **Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, which they might have in respect of business on the agenda.

Cllr Wiseman declared a personal interest in Agenda Item 4 (Monitoring Report on Complaints Received), as a member of the parish council involved in case 719 on the list at Appendix A.

## 23. **Minutes**

With reference to Minute 17 (Monitoring Report on Complaints Received), the Vice Chair indicated that she had been unaware of the resolution of case 719 and would like the Monitoring Officer to have discussions with the parish council on the timescales of the case before it was formally closed. The MO agreed to do this.

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 4 September 2019 be approved, and signed by the Chair as a correct record.

## 24. **Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on Agenda Items 4 (Monitoring Report on Complaints) and 7 (Information Report on the Ethical

Standards in Public Life Review). On the former she raised concerns about delays to cases due to a lack of response from one of the Independent Persons, on the latter she highlighted areas where she considered the council was not following best practice.

## **25. Monitoring Report on Complaints Received**

Members considered a report which provided an update on the current position of ongoing complaints.

Anonymised information on the complaints and the stage each one had reached was set out in the table attached as Appendix A to the report. A number of long-running complaints had been submitted by the same person, and the Monitoring Officer (MO) was minded to convene an Assessments Sub-Committee to deal with all these complaints together, once the views of both Independent Persons had been obtained.

In response to questions from Members, the MO confirmed that:

- Case details must remain confidential unless a breach of the Code had been found;
- The committee's role was to have oversight of the procedures and processes and identify any areas for improvement;
- Notes from the last training session would be circulated to Members.
- Future reports would also identify cases where more than one complaint had been made against the same person.

Resolved: (i) That the report be noted.

Reason: To ensure that the committee is aware of current levels of activity.

(ii) That an Assessments Sub-Committee be convened as soon as possible to consider the multiple complaints submitted by the same complainant and determine whether or not all or any of them should be referred for investigation.

Reason: To enable these multiple complaints to be considered by a wider group than the Monitoring Officer alone.

## 26. Update on Review of the Constitution

Members considered a report which provided an update on the progress of the review of City of York Council's (CYC) Constitution.

Proposals to undertake a review had been agreed by the Executive at their meeting on 26 September 2019. A copy of the report to that meeting was attached as Appendix 1. The Constitution review was the first part of a two-stage process, the second being a review of CYC's governance arrangements. Consultation with CYC members and Officers was currently in progress and discussions would be held with political groups. It was hoped that the final draft Constitution would be ready for consideration by Full Council on 26 March 2020.

The Monitoring Officer advised that any proposed changes to the documents within the Constitution that fell within the committee's remit, namely the Members' Code of Conduct and the Protocol on Officer / Member Relations, would be brought to the committee in the new year. However, it was also open to Members to respond to the consultation.

The Chair drew attention to the consultation document sent to all CYC members, suggesting that the committee might agree a joint response to this. It was confirmed that the deadline for submission of responses had been extended to 31 December 2019.

Resolved: (i) That the report be noted.

(ii) That a task group be convened to agree a joint response by the committee to the consultation document circulated to City of York Council Members and to submit their response by the 31 December deadline.

Reason: To enable the committee to feed into the consultation process.

## 27. Procedures for Dealing with Councillor Code of Conduct Complaints

Members considered a report which provided an update on the progress of the task group set up to review the procedures for dealing with Councillor Code of Conduct complaints.

The task group had met on 15 October 2019 and suggested some amendments to the current procedures. These were shown as tracked changes on the document attached as Appendix 1 to the report.

Members gave further consideration to the amended document in the light of the best practice recommendations contained in Annex 2 to the Local Government Ethical Standards report appended to the report at Agenda Item 7 (p.153-156 of the agenda papers).

With reference to 'Best practice 6' in the Ethical Standards report (publishing a public interest test against which allegations are filtered), the Monitoring Officer agreed to look at the practices of other local authorities and advise at the next meeting with regard to this.

Resolved: (i) That the following additional amendments be made to the revised procedures at Appendix 1:

a) Under 'Making a complaint'

- Amend the penultimate paragraph by adding '*or in the interests of clarity*' to the end of the first sentence.
- Amend the last paragraph to include a commitment to inform the complainant of the outcome of their complaint in every case.

b) Under 'Will your complaint be investigated?'

- Re-instate the second paragraph, but with a requirement to consult just one of the Independent Persons and only when the Monitoring Officer is minded to refer a complaint for investigation.

c) Under 'How is the investigation conducted?'

- In the last paragraph, insert '*confidential*' after '*complaint*' in the second line.

d) At the end of the document

- Re-instate the final paragraph (previously included under the heading 'Appeals')

Reason: To reflect the recommendations of the task group while ensuring compliance with best practice.

(ii) That the document at Appendix 1 be amended to include the above changes and circulated to Committee Members.

Reason: So that all members have an up to date copy of the agreed procedures.

(iii) That officers consider the Code of Conduct in the light of the best practice recommendations before bringing it to the committee as part of the constitution review.

Reason: To ensure that this document complies with best practice.

**28. Information Report on the Ethical Standards in Public Life Review and its Impact on Standards Work**

Members considered a report which provided an update on the findings of the Committee for Standards in Public Life (CSPL) as detailed in the report of its most recent review, in January 2019. A copy of that report was attached as Appendix 1.

The CPSL had made 26 recommendations and identified 15 areas of best practice to improve ethical standards in local government, as set out on pages 14-19 of their report.

A commentary on the current arrangements at York against each best practice area was provided in the table at Appendix 2. The documents comprising the ethical framework at York – the Members' Code of Conduct, procedures for dealing with complaints, and the Protocol on Officer / Member Relations – were attached as Appendix 3. All were currently being reviewed, as discussed under previous agenda items (Minutes 26 and 27 refer).

Resolved: (i) That the report of the Committee on Standards in Public Life in relation to local government standards, including the recommendations and areas of best practice for the improvement of ethical standards, be noted.

Reason: To confirm that the committee is aware of the review and its outcomes.

(ii) That the Monitoring Officer be asked to consider the Code of Conduct and the Officer/Member Protocol in the light of the best practice recommendations before bringing them to the committee as part of the Constitution review.

Reason: To ensure that these documents comply with best practice.

**29. Standards work in relation to Parish Councils (discussion item)**

Members discussed matters affecting standards in parish councils (PCs) and how the committee could best support PCs in complying with standards requirements.

The Vice Chair highlighted some specific issues that she considered relevant to PCs in this context, including:

- Recruitment problems, resulting in many members being co-opted rather than elected and thus lacking experience;
- Differences in the size and demographics of PC areas;
- Lack of communication between PCs;
- Lack of awareness within PCs of the standards process and the purpose of the Joint Standards Committee;
- Difficulties in dealing with the public and social media;
- A tendency not to take complaints and sanctions seriously enough.

Members agreed that training and communication were important areas in which the committee could play a role and that the matter should be discussed further at a future meeting.

Resolved: That the Vice Chair draw up some suggestions for discussion with the current or incoming Monitoring Officer, and that a report based on those

suggestions be brought to a future meeting of the committee.

Reason: To enable an informed decision to be made on how best to assist parish councils in dealing with standards issues.

### **30. Review of Work Plan**

Members considered the committee's work plan for the remaining meetings of the current municipal year, to be held on 22 January and 15 April 2020.

With reference to the request made at the 4 September meeting (Minute 21 refers), the Monitoring Officer confirmed that DBS checks for CYC Members did not fall within the remit of the committee but were a risk issue for the council. The matter was currently being discussed with group leaders.

Resolved: That the work plan be approved, subject to the following amendments and additions:

#### Amendments

Move the following items from 22 January to 15 April:

- Planning and pre-determination: advice for Council Members and the role of the committee in disseminating this
- Discussion on the use of informal processes to minimise the number of standards complaints.

#### Additions

Add to 22 January:

- Review of the Constitution (report back from task group)

Add to 15 April:

- Report on how the committee and City of York Council can better support parish councils in their work.

Reason: To follow up on the matters discussed at this meeting and ensure that the committee has a planned programme of work in place for the rest of the year.

Cllr C Douglas, Chair

The meeting started at 4.00 pm and finished at 6.33 pm.