

Standards Committee

- To:** C Bainton (Independent Member, in the Chair),
Councillors Kirk, Horton, Hudson,
R Leaman (Independent Member) and D Crawford
(Parish Council Member)
- Date:** Friday, 10 August 2007
- 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 - 6)
To approve and sign the minutes of the meeting of the Standards Committee held on 8 June 2007.
- 3. 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 5pm on Thursday 9 August 2007 .

- 4. A Presentation on the Committee Management System**
A presentation to the Committee on the City of York Council's committee management system.
- 5. Review of Workplan** (Pages 7 - 8)
To review the workplan for the Standards Committee for the 2007/2008 municipal year.
- 6. Verbal Update on the Review of the Complaints Procedure**
To note the up to date position on the review of the complaints procedure.
- 7. Applications for Dispensation by Bishopthorpe Parish Council** (Pages 9 - 14)
This report sets out details of applications for dispensations received by Councillors Bruce, Jamison, Dale, Livesley, Dunn, Mellors, Green, Thornton, Harrison and Watkins of Bishopthorpe Parish Council in respect of their participation in the St Andrew's Reading Room charity.
- 8. Any other business which the Chair decides is urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Louise Cook

Contact Details:

- Telephone – (01904) 551027
- E-mail – louise.cook@york.gov.uk

For more information about any of the following please contact the Democracy 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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Would you like to speak at this meeting?

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);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

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

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

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.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin tercümesini hazırlamak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel. (01904) 613161.

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話(01904) 613161。

کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

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

Minutes

MEETING	STANDARDS COMMITTEE
DATE	8 JUNE 2007
PRESENT	C BAINTON (INDEPENDENT MEMBER, IN THE CHAIR), COUNCILLORS KIRK, HUDSON PARISH COUNCILLOR B MELLORS (SUBSTITUTE)
APOLOGIES	COUNCILLOR HORTON R LEAMAN (INDEPENDENT MEMBER) PARISH COUNCILLOR D CRAWFORD

PART A – MATTERS DEALT WITH UNDER DELEGATED POWERS

1. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they had in the business on the agenda. Parish Councillor Brian Mellors declared a personal and prejudicial in Agenda Item 5 (Application for Dispensation by Bishopthorpe Parish Council) minute 5 refers, as he is one of the Parish Councillors seeking dispensation.

2. MINUTES

RESOLVED : That the minutes of the meeting of 9 March 2007 be approved and signed as a correct record.

3. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's public participation scheme.

4. REVIEW OF WORKPLAN

Members considered a workplan for 2006/2007 in light of the workplan for 2006/2007. The amended workplan is attached to these minutes.

5. APPLICATIONS FOR DISPENSATION BY BISHOPTHORPE PARISH COUNCIL

RESOLVED: That this item be deferred, and be considered at the next meeting of this committee on 20 July.

REASON: As the meeting was not quorate to make a decision on this item.

6. THE REVISED MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS 2007

Members considered a report which recommended that the Standards Committee recommend to Council adoption of the new Model Code of Conduct for Local Authority Members 2007. The report detailed the main changes to the code.

Paragraph 10 of the report was corrected to refer to paragraph 14 and not paragraph 15.

RESOLVED :

- (ii) That all Members are notified of the need to renew their Registration of Interests within 28 days of adoption
- (iii) That a copy of the revised Code of Conduct be provided to every Member of Council

REASON : To ensure that the Council operates an up-to-date Code of Conduct in compliance with Statutory Regulations.

PART B - MATTERS REFERRED TO COUNCIL

7. THE REVISED MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS 2007

Members considered a report which recommended that the Standards Committee recommend to Council adoption of the new Model Code of Conduct for Local Authority Members 2007. The report detailed the main changes to the code.

Paragraph 10 of the report was corrected to refer to paragraph 14 and not paragraph 15.

RECOMMENDED :

- (i) That the Council adopt the revised Code Of Conduct with effect from 1 August 2007.

REASON : To ensure that the Council operates an up-to-date Code of Conduct in compliance with Statutory Regulations.

C BAINTON

Independent Member, In the Chair

The meeting started at 3.10 pm and finished at 4.10 pm.

2007/2008 Workplan for Standards Committee

Ongoing Activities

Cases referred for investigation or determination
 Database of Standards Committee topics
 Standards Board Guidance
 Parish Council Issues
 Member and Officer Training

Programme of New Work

<u>Programme of New Work</u>	<u>Meeting Date</u>	<u>Communication / Strategic Activity</u>
Confidentiality and Transparency – Conclusions of the Executive on the report of the Scrutiny Panel	26 January 2007	Report gone to Executive and all recommendations approved. The two matters referred to SMC have been completed.
Amendments to the Members' Code of Conduct	26 January 2007	An informal meeting to be held before the introduction of the code.
Advice to Elected Members re activities during the purdah period	26 January 2007	Completed
Ethical Governance Audit	26 January 2007	To be considered at the meeting of 20 July.
Presentation on new Committee Management System	June 2007	A 15 minute slot to be arranged at the 20 July meeting.
Annual Report	23 March 2007	At the meeting of 14 March 2008.

Report of the Committee on Standards in Public Life	TBA	Completed.
Parish Councils – Good Practice at Meetings	May 2007	To be put on hold depending upon the complaints that come in. Remove from workplan.
Review of the Complaints Procedure	June 2007	This is out for consultation with Officers. To be considered at this meeting on 20 July and then to be considered by the Social Inclusion Working Group.
Employee Code of Conduct – Member/Officer training.	2006/07	To be considered at the September meeting.
Member Officer Relations Protocol	September	
Preparation for Local Determination	November	
<u>Programme of New Work</u>	<u>Meeting Date</u>	<u>Communication / Strategic Activity</u>
Full Ethical Audit	2006/07	Yes As per earlier item.
Comprehensive Performance Assessment (CPA) – contribution of Standards Committee	The November 2007 meeting at the latest	
Assessment of the impact of the Whit Paper on Standards Committee	September 2007	

2007/2008 Workplan for Standards Committee

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STANDARDS COMMITTEE**10 AUGUST 2007**

Report of the Head of Civic, Democratic and Legal Services

APPLICATIONS TO THE STANDARDS COMMITTEE FOR A DISPENSATION BY MEMBERS OF BISHOPTHORPE PARISH COUNCIL**Summary**

1. This report sets out details of applications for dispensations received by Councillors Bruce, Jamison, Dale, Livesley, Dunn, Mellors, Green, Thornton, Harrison and Watkins of Bishopthorpe Parish Council in respect of their participation in the St Andrew's Reading Room charity.

Background

2. Section 81(4) of the Local Government Act 2000 states that participation by a Member in any business which is prohibited by the mandatory provisions (Prejudicial Interests) is not a failure to comply with the Authority's Code of Conduct if the Member has acted in accordance with the dispensation from the prohibition granted by the Authority's Standards Committee in accordance with regulations.
3. The relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 state that a dispensation can be granted to individual Members when over 50% of the Council or a Committee would be prevented from taking part in a meeting because of prejudicial interests or when the political balance of the Council would be upset.
4. Annex 1 sets out the applications for dispensations received from Councillors Bruce, Jamison, Dale, Livesley, Dunn, Mellors, Green, Thornton, Harrison and Watkins of Bishopthorpe Parish Council in respect of their participation in the St Andrew's Reading Room charity. The regulations state that applications must be made in writing explaining why a dispensation is desirable.
5. The Standards Committee is required to consider applications and grant or otherwise a dispensation. In addition, the Standards Committee is required to ensure that the existence, duration and nature of any dispensation is recorded in writing and is kept with the Register of Interests. Members should note that such dispensations can be for no more than 4 years.

Consultation

6. This is a matter for the Standards Committee. Further consultation is not required.

Options

7. The Standards Committee can either grant or refuse the dispensation.

Analysis

8. The information required for consideration is contained in the Annex attached.

Corporate Priorities

9. Compliance with the Local Government Act 2000 contributes to the corporate priority of improving leadership at all levels to provide clear, consistent direction to the organisation.

Implications

10. There are no specific Financial, HR, Equalities, Crime and Disorder, Information Technology, Property or Other implications of the applications. The Legal implications are as set out in this report.

Risk Management

11. Compliance with the provisions of the Local Government Act 2000 ensure that decisions taken by both City of York Council and Parish Councils are robust and in accordance with the appropriate ethical governance framework.

Recommendations

12. The Standards Committee are asked to consider the applications received and either agree to grant the dispensations or may choose not to do so.

Reason: To ensure that the decisions of Bishopthorpe Parish Council are in accordance with the provisions of the Local Government Act 2000.

Contact Details

Author:

Suzan Hemingway
Head of Civic, Democratic &
Legal Services
Chief Executive's Department
Tel No. 551004

Chief Officer Responsible for the report:

Suzan Hemingway
Head of Civic, Democratic & Legal Services

Report Approved



Date 24 May 2007

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1 - The applications for dispensations from Councillors Bruce, Jamison, Dale, Livesley, Dunn, Mellors, Green, Thornton, Harrison and Watkins of Bishopthorpe Parish Council

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City of York Standards Committee
C/O Monitoring Officer
Suzan Hemingway

We the undersigned Bishopthorpe Parish Councillors are making representation to the Standards Committee for dispensation from the provisions of Code of Conduct which prevent participation in decisions where members have a prejudicial interest.

Members of the Parish Council are the sole trustees of the charity St Andrew's Reading Room. This charity is responsible for the village hall. The actual responsibility of running the village hall rests with the Parish Council who for that purpose has appointed a management committee with 3 Parish Councillors and selected users of the village hall.

Thus at discussions in council about the village hall, all councillors would have a prejudicial interest and would be required not to participate.

It is for this for this reason disposition is sought on the grounds that more than 50% of the Parish Council membership would be prevented from taking part in the meetings..

Catherine Bruce

Ian Jamison

Christopher Dale

David Livesley

Andrew Dunn

Brian Mellors

Carole Green

Lisa Thornton

Stewart Harrison

Gordon Watkins

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