
Meeting	Joint Standards Committee
Date	22 January 2020
Present	Councillors Douglas (Chair), Baker, Carr, Fisher and Rowley (CYC Members) Cllrs Chambers, Rawlings and Wiseman (Parish Council Members) Mr Laverick (Independent Person)
Apologies	Ms Davies (Independent Person)

31. Declarations of Interest

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

Cllr Wiseman declared a personal interest in Agenda Item 5 (Monitoring Report on Complaints Received), as a member of the parish council involved in case 719 on the list at Annex A.

32. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 20 November 2019 be approved and signed as a correct record.

33. Minutes of Sub-Committees

Resolved: That the minutes of the Assessments Sub-Committee meeting held on 18 December 2019 be approved and signed as a correct record.

34. 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 a number of items on the agenda, raising issues in particular on declarations of interest in respect

of international travel (Item 6 - Review of the Constitution) and advice to complainants (Item 7 - Code of Conduct Procedures). She also expressed the view that the Whistleblowing Update (Item 10) should have been a written, not verbal, report and suggested that Urgent Business (item 10) ought to be the first item on the agenda.

Members later discussed the above suggestion and

Resolved: That Urgent Business be listed as the first item on the committee's agenda in future.

Reason: So that members of the public can be made aware at an early stage in the meeting if urgent business is to be discussed.

35. 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 Annex A to the report. A number of linked cases had now been concluded, as detailed in Annex A. Three new complaints had been received in relation to one subject member; these were on hold pending investigation of the conduct by another party. The previous Monitoring Officer (MO) was still maintaining oversight of some cases.

In response to questions from Members, it was confirmed that:

- The complainant and subject members had all been informed of the outcome of the cases in Annex A;
- The previous MO was awaiting 3rd party responses on cases 740 and 751;
- Investigation reports on cases 723 and 730 would be finalised shortly;
- The MO was of the view that the concerns expressed regarding case 730 could be addressed via Planning guidance in the Constitution, and Member training.

Resolved: That the report, and the information provided at the meeting, be noted.

Reason: To confirm that the committee is aware of the current levels of activity and able to provide oversight of the complaints procedure.

36. Review of the Constitution: Constitution Review Survey, Members' Code of Conduct and Protocol on Officer / Member Relations

Members considered a report which provided an update on the progress of the review of City of York Council's Constitution, including the committee's response to the Constitution Review Survey, and sought their views on proposed amendments to the Members' Code of Conduct and to the Protocol on Officer/Member Relations.

The response to consultation prepared by the working group convened for that purpose at the last meeting (Minute 26 refers) was attached as Annex 1 to the report. Proposed amendments to the Code of Conduct and Officer / Member Protocol were shown as tracked changes in the documents at Annexes 2 and 3 respectively.

In response to Members' questions, the Monitoring Officer confirmed that:

- The total sum of gifts / entertainment declared by each Member did not accrue year on year; however a record was maintained of declarations from previous years.
- The value of the gifts / entertainments that must be declared was not currently subject to legislation, but might be in future.
- She would look into other queries raised in relation to current practice and policies on international travel, multiple gifts of low value and parking permits.

After a full debate, during which the Chair noted that issues relating to parish councils' codes of conduct could be discussed as part of the item relating to parish councils already on the work plan for the next meeting, it was

Resolved: (i) That the working group's response to the Constitution Consultation Survey, at Annex 1 to the report, be noted and approved.

(ii) That the amendments proposed to the Members' Code of Conduct in the light of the Best

Practice Recommendations of the Committee on Standards in Public Life, as set out in Annex 2, be approved, and that further amendments be made to ensure consistency in the terms used to describe councillors (i.e. 'Councillors' or 'Members' and not a mixture of both).

(iii) That the amendments proposed to the Officer / Member Protocol, as set out in Annex 3, be approved, and that further amendments be made to:

- Ensure consistency in the terms used to describe councillors, as in (ii) above
- Add a sub-paragraph under paragraph 5, on the right of Officers to lodge complaints about Members under the Code of Conduct process.

Reason: To ensure that those documents within the Council's Constitution that fall within the remit of Joint Standards Committee are accurate, up to date and effective.

(iv) That an item on Member development with regard to the Code of Conduct and Officer / Member Protocol be placed on the work plan for the next municipal year.

Reason: So that the committee can have an input into the training and education received by Members on these matters.

37. Procedures for dealing with Councillor Code of Conduct Complaints

Members considered the final version of the procedures for dealing with Councillor Code of Conduct complaints, alongside a matter raised that might have an effect on the procedures.

The procedures, attached as Annex 1 to the report, incorporated the amendments agreed by Members at the last meeting (Minute 27 refers). Cllr Carr proposed a further amendment that would give elected City of York Council Members the option to exclude co-opted parish councillors from membership of any sub-committee dealing with a complaint against them. This proposal was not seconded. Having debated the matter and received the advice of the Monitoring Officer, it was

Resolved: That the Complaints Procedures attached at Annex 1 to the report be approved and finalised without further amendment.

Reason: To ensure that the procedures adopted by the council for dealing with complaints concerning the behaviour of elected Members are compliant with legal requirements and remain fit for purpose.

[At this point, the Monitoring Officer left to attend another meeting.]

38. Update on the Whistleblowing Policy

Members received a verbal update from the Deputy Monitoring Officer on the progress of the council's new Whistleblowing Policy.

It was reported that the Policy had been taken to the Audit & Governance (A&G) Committee on 4 December 2019 (Minute 39 of that meeting refers), where the comments of the Joint Standards Committee had been noted. The Policy was due to be considered by the council's Corporate Management Team (CMT) this month prior to approval of the final version by the Chief Executive.

The Chair expressed concern at the lack of clarity in the process and the time it had taken to progress the Policy.

Resolved: That the update be noted and that the finalised version of the Whistleblowing Policy be brought to the next meeting of the Joint Standards Committee.

Reason: To ensure that the committee is aware of the contents of the approved Policy.

39. Review of Work Plan

Members considered the committee's work plan for the final meeting of the current municipal year, to be held on 15 April 2020.

Resolved: (i) That the work plan for the 15 April meeting be approved subject to the following amendments and additions:

Amended item:

- Planning and pre-determination: advice for CYC *and* Parish Council Members, and the role of JSC in disseminating this advice.

Additional items:

- Update on Whistleblowing Policy – final version, with a written cover report.
- Update on DBS procedures

(ii) That the following item be added to the plan for the next Municipal Year:

- Member Development (with reference to the Code of Conduct and Officer / Member Protocol)

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

Cllr C Douglas, Chair

The meeting started at 4.00 pm and finished at 5.40 pm.