

## **Standards Committee**

**To:** Christine Bainton (Independent Member, in the Chair),  
Councillors Kirk, Horton (Vice-Chair) & Hudson, Rita  
Leaman (Independent Member) and Don Crawford  
(Parish Council Member)

**Date:** Friday, 28 September 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 - 8)

To approve and sign the minutes of the meeting of the Standards Committee held on 10 August 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 27 September 2007.

**4. Applications for Dispensation by (Pages 9 - 16)  
Bishopthorpe Parish Council**

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.

5. **Review of Workplan** (Pages 17 - 18)  
To review the workplan for the Standards Committee for the 2007/2008 municipal year.
6. **Register of Interest for Standards Committee**  
A reminder on completion of registration of interest forms.
7. **Presentation on the Standards Board Code of Conduct**  
A presentation to the Committee on the Standards Board Code of Conduct.
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](mailto: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.

## About City of York Council Meetings

### 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

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MEETING	STANDARDS COMMITTEE
DATE	10 AUGUST 2007
PRESENT	COUNCILLORS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR), CRAWFORD (PARISH COUNCIL MEMBER), ASPDEN (SUBSTITUTE), SCOTT (SUBSTITUTE) AND WATT (SUBSTITUTE)
APOLOGIES	COUNCILLORS KIRK, HORTON, HUDSON AND LEAMAN (INDEPENDENT MEMBER)

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### 1. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they had in the business on the agenda. No interests were declared.

### 2. MINUTES

RESOLVED: That the minutes of the meeting of 8 June 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. A PRESENTATION ON THE COMMITTEE MANAGEMENT SYSTEM

Board members received a presentation which covered the City of York Council's committee management system, Modern.gov.

Members were informed that Modern.gov was introduced:

- to comply with the new e-Government target:
  - R5** Public access to reports, minutes and agendas from past council meetings including future meetings, diary updated daily.
- to speed the circulation of agenda and reports
- to simplify and integrated many of the functions of Democracy and Members Support Group.

Modern.gov is an Internet accessible computer system which integrates:

- Calendar of meetings
- Forward Plan
- Agendas, minutes and reports
- Register of members' interests
- Members' attendances
- Parish Councils information
- Outside Bodies information
- ...and more

Members suggested establishing a user group involving co-opted Members and appropriate external representatives to inform the Council about user ability of the system

Members suggested that contact information and appointment details in relation to the independent standards chair should be available on system.

Members commented that some service description for areas which Executive Members and other Committee's were responsible would be helpful when trying to locate their particular issues.

RESOLVED: To note and thank officers for the presentation.

REASON: To inform Members of the system used by the public, officers and all Councillors.

**5. REVIEW OF WORKPLAN**

Members considered a workplan for 2007/2008. The amended workplan is attached to these minutes.

Members expressed a wish to be kept informed on a regular basis on recently lodged case's referred to the Standards Board for England.

**6. VERBAL UPDATE ON THE REVIEW OF THE COMPLAINTS PROCEDURE**

Members received a verbal update on the review of the complaints procedure.

Members were informed that the Head of Civic, Democratic & Legal Services would be leaving early September and Colin Langley, former Head of Legal and Deputy Chief Executive at City of Sunderland Council would be the interim, working 4 days a week, on a 4-6 month contract.

Members were informed that the Assistant Director of Public Services would be leading on drafting a complaints procedure and suitable guidance for staff on dealing with persistent complainants. As part of a consultation exercise on this he would be reporting to social inclusion working groups as well as the Standards Committee.

RESOLVED: That the up to date position on the review of the complaints procedure be noted.

REASON: To keep Members informed on developments of the complaints procedure.

**7. APPLICATIONS FOR DISPENSATION BY BISHOPTHORPE PARISH COUNCIL**

Members consider a report that set 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 Andres Reading Room Charity.

Members wished to advise Parish Councillors that in principle they had no objection to the independent running of the village.

Members agreed to defer this item providing that the Parish Council and Trustees provided information in relation to the following prior to the next meeting:

- Quorate requirements for both the Parish Council and the Charity
- Minimum number of Trustees required by the Charity
- Trust documents
- Non-parish Councillors be nominated as Trustees for the Charity
- Prejudicial interests

**RESOLVED:** That this item be deferred, and be considered at the next meeting of this committee on 28 September 2007.

**REASON:** To ensure Members questions are answered before a decision can be made.

C BANTON

Independent Member, In the Chair

The meeting started at 3.00 pm and finished at 4.32 pm.

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## 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	Completed
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	Completed
Employee Code of Conduct – Member/Officer training.	2006/07	To be considered at the September meeting.
Applications to the Standards Committee for a Dispensation by Members of Bishopthorpe Parish Council	June 2007	Deferred to <b>28 September 2007</b>
Member Officer Relations Protocol	28 September 2007	
Preparation for Local Determination	November	
<b><u>Programme of New Work</u></b>	<b><u>Meeting Date</u></b>	<b><u>Communication / Strategic Activity</u></b>
Full Ethical Audi	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 White Paper on Standards Committee	28 September 2007	
Action Plan on the Ethical Governance Audit Report.	28 September 2007	
News and Jobs feature on subsidiary to Standards Board for England (to be done when Ethical Audit results are out)	2007	



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**STANDARDS COMMITTEE****28 September 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:**

Colin Langley  
Interim Head of Civic,  
Democratic & Legal Services  
Chief Executive's Department  
Tel No. 551004

**Chief Officer Responsible for the report:**

Colin Langley  
Interim Head of Civic, Democratic & Legal  
Services

**Report Approved**



**Date** 13 Sept 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

Annex 2 – A copy of the letter sent to the Clerk to 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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The Clerk to Bishopthorpe Parish Council  
Mrs C Godfrey  
3 Appleton Court  
Bishopthorpe  
YORK  
YO23 2RY

17<sup>th</sup> August 2007

Dear Mrs Godfrey

**Re: City of York Standards Committee Meeting, Friday 10 August 2007**

As you are no doubt aware, the City of York Council's Standards Committee met on 10 August 2007. On the Agenda at that meeting was an application for dispensation submitted by ten Bishopthorpe Parish Councillors in respect of their participation in the St Andrew's Reading Room Charity.

I understand that Councillor Livesley was due to attend the meeting to answer any questions regarding the application that members of the Standards Committee may wish to ask. Unfortunately, Councillor Livesley was unwell and unable to attend.

The Standards Committee felt that in the absence of any applicant, they were in some difficulty in satisfying themselves that it was in the public interest to grant the dispensation as suggested by the advice from the Standards Board for England. They therefore agreed to defer this matter to the next meeting of the Standards Committee on 28 September 2007.

In the interim however, they felt it would be helpful to have some further information available to the Committee in advance of the next meeting. They have therefore asked me to forward the following questions to you in the hope that you can provide the information and it can be circulated to members of the Committee.

1. What are the quorate requirements for both the Parish Council and the Charity?
2. What are the minimum number of Trustees required by the Charity?
3. Is it permissible to nominate non-parish Councillors as Trustees for the Charity?
4. Are there any other prejudicial interests arising out of membership of both bodies or is the interest simply due to participation in both the Parish Council and the Trust.

5. Specifically, are any members of the Parish Councillors family or close friends employed or benefiting significantly from the Charity?
6. Has advice been sought from the Charities Commission regarding this issue?
7. Is it possible to have sight of any Trust documents?

I have been asked to stress to you that the above information is requested in an attempt to enable the Standards Committee to understand the nature of the interest and to clarify whether it is in the public interest to give this dispensation to enable the Charitable Trust to continue with the participation of these Parish Councillors.

I look forward to hearing from you.

Yours sincerely

Suzan C Hemingway  
Head of Civic, Legal & Democratic Services

CC. Cllr. Brian Mellors, 44 Sim Balk Lane, Bishopthorpe, York, YO23 2QQ

## 2007/2008 Workplan for Standards Committee

### Ongoing Activities

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 Database of Standards Committee topics  
 Standards Board Guidance  
 Parish Council Issues  
 Member and Officer Training

### Programme of New Work

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**Programme of New Work**

	<b><u>Meeting Date</u></b>	<b><u>Communication / Strategic Activity</u></b>
Full Ethical Audi	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 White Paper on Standards Committee	28 September 2007	
Ethical Governance Audit Report action plan	28 September 2007	
Article in News and Jobs (to be done when Ethical Audit results are out)	2007	