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| MEETING   | STANDARDS COMMITTEE  |
| DATE      | 16 MARCH 2012  |
| PRESENT   | MRS BAINTON (INDEPENDENT MEMBER IN THE CHAIR)<br>COUNCILLORS SCOTT (VICE-CHAIR), BARTON, RUNCIMAN AND TAYLOR (CITY OF YORK COUNCIL MEMBERS)<br>COUNCILLORS FORSTER AND MELLORS (PARISH COUNCIL MEMBERS)<br>MR DIXON (INDEPENDENT MEMBER) |
| APOLOGIES | COUNCILLOR CRAWFORD AND MR HALL  |

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **14. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. None were declared.

### **15. MINUTES**

RESOLVED: That the minutes of the Standards Committee meeting held on 20 January 2012 be approved and signed by the Chair as a correct record.

### **16. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **17. PLANNING FOR STANDARDS ARRANGEMENTS**

Members noted that there were a number of tasks that were still to be performed to enable the new standards arrangements to be implemented from 1 July 2012. Consideration was given to a task list that detailed the key actions required.

RESOLVED: (i) That the list of tasks to be carried out in preparation for the implementation of the new arrangements be noted.

(ii) That an additional meeting of the

Committee be held on Thursday 17 May  
2012 at 3.00pm.

REASON: To prepare for the implementation of the new  
standards arrangements.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **18. NEW STANDARDS ARRANGEMENTS**

Members considered a report that updated them on progress with the putting in place of new arrangements for dealing with standards issues affecting City of York Council and the local Parish Councils with effect from 1 July 2012. Members were reminded that the Council would need a new Code of Conduct in place from that date and would need to make arrangements for dealing with complaints that the Code had been breached. Such arrangements would cover Parish complaints as well as complaints against City Councillors. The legislation required an independent person to be involved in certain aspects of handling complaints.

#### **(i) Transitional Arrangements**

Members had previously been advised that the new legislation did not permit an existing independent member of the Committee to take on the role of an independent person. Members were advised that there had now been an indication from Government that provisions would be introduced enabling existing independent members to act as independent persons for a transitional period. It was unclear what conditions, if any, might attach to such appointments and whether the vacancy would still need to be advertised.

#### **(ii) Code of Conduct**

The Monitoring Officer informed the committee that the Local Government Association had taken on work, which had been started by ACSES, to develop a model code and NALC had been working on a Parish Model Code. The publication of these had been delayed, in part, because the Regulations had not yet been issued. Those Regulations would define Disclosable Pecuniary Interests (DPIs) which would need to be registered and would

prevent Members participating in meetings. Failure to comply with these provisions would be a criminal offence.

The Committee's attention was drawn to difficulties that the Council might have in considering a model Code and adopting a new Code before 1 July given the dates of scheduled Council meetings. The Committee was therefore asked to consider making a recommendation to Council regarding interim arrangements that should be put in place if Council is unable to adopt a new Code in time. It was suggested that the interim position could be to continue to use the existing Code with the addition of a requirement to register and declare DPI's.

(iii) Standards Committee

Consideration was given to the results of the consultation that had taken place with parish councils. The majority of those who had responded had indicated support for a joint committee. Committee members felt that this was the best option given that it would allow for voting Parish Members. Members commented that it was regrettable that the law did not allow for voting independent members.

(iv) Arrangements for dealing with complaints

Further consideration was given to the arrangements for dealing with complaints. Annex 3 of the report detailed suggested procedures based on the committee's recommendations at their last meeting. The Committee confirmed its support for the Monitoring Officer to be given powers to filter complaints and seek local resolutions where appropriate. Concerns were expressed that the procedure did not offer the right of appeal to a councillor who had been found to have breached the Code and asked that such a right be added to the draft procedures.

(v) Independent Persons

Discussion took place regarding the role of the independent person and the number that should be appointed. It was agreed that two independent people should be appointed and that they would both be consulted if allegations were made regarding a breach of the Code. By appointing two people to carry out this role

there would also be opportunities for them to support each other.

(vi) Dispensations

Further discussion took place regarding a mechanism by which Parish Councillors would be able to obtain dispensations from requirements to disclose interests. It was suggested that the Standards Committee could be asked to deal with such issues.

RECOMMEND: That Council be recommended:

- (i) To adopt an interim Code of Conduct, whereby the existing Code continued with the addition of a requirement to register and declare Disclosable Pecuniary Interests, until Council was in a position to adopt a new Code at its meeting on 19 July 2012.
- (ii) To establish a joint Standards Committee with parish councils. The membership to be as follows:
  - 4 City of York Councillors (one from each of the main political groups)
  - 3 Parish Councillors with voting rights (nominations to be made by the Local Association)

The Standards Committee to have the power to co-opt non-voting community members if this benefits the work of the Committee.

The Chair of the Committee to be appointed by the Committee at its first meeting of the municipal year.

- (iii) That two independent persons be appointed to undertake the

functions set out in the Act and the draft procedures.

REASON: To recommend to Council new arrangements for dealing with standards issues.

C BAINTON

Independent Member, In the Chair

The meeting started at 2.30 pm and finished at 4.00 pm.