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MEETING	STANDARDS COMMITTEE
DATE	14 MARCH 2008
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR), KIRK, HORTON (VICE-CHAIR), HUDSON AND CRAWFORD (PARISH COUNCIL MEMBER)
IN ATTENDANCE	COUNCILLOR MELLORS (PARISH COUNCIL SUBSTITUTE MEMBER)

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

### **31. DECLARATIONS OF INTEREST**

Members were invited to declare at this point any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

### **32. MINUTES**

RESOLVED: That the minutes of the Standards Committee meeting held on 25 January 2008 be approved and signed by the Chair as a correct record.

### **33. PUBLIC PARTICIPATION**

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

### **34. REVIEW OF WORK PLAN**

Members reviewed the latest version of their work plan for the 2007/08 Municipal Year. They noted that there were no further meetings of the Committee scheduled for the current Municipal Year but that arrangements would need to be made to short list and interview applicants for independent membership of the Committee (Minute 36 refers).

### **35. THE ANNUAL REPORT OF THE STANDARDS COMMITTEE**

Members considered a report which presented a review of the work carried out by the Standards Committee during the Municipal Year 2007/08.

The report detailed the meetings, membership and work programme of the Committee over the past year and highlighted the changes due to take place from 1 April 2008 as a result of the Local Government and Public

Involvement in Health Act 2007. It outlined the results of the Ethical Governance Audit, the outcome of complaints received by the Monitoring Officer and the Committee's first application to grant a dispensation. It was noted that there had been only one complaint received against a member of City of York Council, compared to five in the previous year.

It was suggested that the Chair of the Standards Committee should attend Council to present the Annual Report, although previous practice had been for the Vice-Chair, who was a Member of Council, to perform this role. The Monitoring Officer agreed to look into the procedures to facilitate this.<sup>1</sup>

RESOLVED: That the contents of the report be approved and that the report be submitted to Council for consideration.<sup>2</sup>

REASON: To fulfil the constitutional requirement for an annual report to Council from the Standards Committee.

Action Required

1. Check on procedures to enable Chair to present report at Council. GR  
GR
2. Include Annual Report on agenda for Council meeting on 10 April.

## **36. STANDARDS COMMITTEE - CONSTITUTIONAL CHANGES**

*[See also under Part B minutes]*

Members considered a report which asked them to recommend to Council certain changes to the constitution and composition of the Standards Committee, in order to meet the provisions of the Local Government and Public Involvement in Health Act 2007 (the Act) and associated requirements.

As reported at the last meeting, the provisions requiring the Committee to undertake the role of carrying out initial assessments of complaints were expected to come into effect from 1 April 2008. To enable it to perform this role, it was proposed to increase the size of the Committee to 11, comprising 4 City councillors, 4 independent members and 3 parish councillors. An advertisement had been placed in the local press for independent members but to date only one response had been received. It was suggested that the deadline for applications be extended, pending a targeted 'recruitment' process focused upon groups such as the local magistracy, church organisations and York CVS. With regard to parish councillor members, it was proposed that Cllr Mellors, the current substitute, be appointed to full membership. A further nomination had been sought from the Yorkshire Local Councils Association but this had not yet been received.

Further changes were required to enable the Committee to set up sub-committees in order to carry out assessments, re-assessments and hearings under the Act. It was also proposed to amend the terms of

reference to give effect to the Ethical Governance Audit's recommendation that the Committee be given an oversight role in respect of complaints handling and Ombudsman investigations. Finally, it was suggested that the Council's Members' Allowances Scheme be revised to enable payment of allowances to be withdrawn from a member suspended from office due to failure to comply with the Code of Conduct. Details of the amendments to the Constitution required to give effect to these changes were set out in Annexes A and B to the report.

RESOLVED: (i) That the contents of the report be agreed.

(ii) That the process of selecting applicants for the role of Independent Members be extended to enable further applications to be sought by targeting local organisations, and that a decision on arrangements to interview the applicants be postponed pending receipt of further applications.<sup>1</sup>

REASON: In order to determine the nominations for independent membership of the Standards Committee, once sufficient applications have been received.

Action Required

1. Approach local organisations to encourage applications for independent membership. GR

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

### **37. STANDARDS COMMITTEE - CONSTITUTIONAL CHANGES**

*[See also under Part A minutes]*

Members considered a report which asked them to recommend to Council certain changes to the constitution and composition of the Standards Committee, in order to meet the provisions of the Local Government and Public Involvement in Health Act 2007 (the Act) and associated requirements.

As reported at the last meeting, the provisions requiring the Committee to undertake the role of carrying out initial assessments of complaints were expected to come into effect from 1 April 2008. To enable it to perform this role, it was proposed to increase the size of the Committee to 11, comprising 4 City councillors, 4 independent members and 3 parish councillors. An advertisement had been placed in the local press for independent members but to date only one response had been received. It was suggested that the deadline for applications be extended, pending a targeted 'recruitment' process focused upon groups such as the local magistracy, church organisations and York CVS. With regard to parish councillor members, it was proposed that Cllr Mellors, the current substitute, be appointed to full membership. A further nomination had

been sought from the Yorkshire Local Councils Association but this had not yet been received.

Further changes were required to enable the Committee to set up sub-committees in order to carry out assessments, re-assessments and hearings under the Act. It was also proposed to amend the terms of reference to give effect to the Ethical Governance Audit's recommendation that the Committee be given an oversight role in respect of complaints handling and Ombudsman investigations. Finally, it was suggested that the Council's Members' Allowances Scheme be revised to enable payment of allowances to be withdrawn from a member suspended from office due to failure to comply with the Code of Conduct. Details of the amendments to the Constitution required to give effect to these changes were set out in Annexes A and B to the report.

- RECOMMENDED:
- (i) That Councillor Brian Mellors (substitute Parish Representative) be made a full member of the Standards Committee, together with the representative selected by the Yorkshire Local Councils Association.
  - (ii) That Council seek a nomination from the Green Party Group for membership of the Standards Committee.
  - (iii) That Council adopt the revised Article 8 of the Constitution, as set out at Annex A to these minutes.
  - (iv) That Council adopt the revised functions of the Standards Committee as set out at Annex B.
  - (v) That provision be included in the Members' Allowances Scheme to withdraw members' allowances during the period a Member is suspended from office as a result of the finding of the Adjudication Panel for England or the Standards Committee that the Member had failed to comply with the Members' Code of Conduct.

REASON: To enable the Standards Committee to comply with the provisions of the Local Government and Public Involvement in Health Act 2007 and to give effect to the recommendations of the Ethical Governance Audit and the Monitoring Officer.

Action Required

1. Refer Part B minute to Council.

GR

C Bainton, Chair

[The meeting started at 3.00 pm and finished at 3.25 pm].

## Article 8

### The Standards Committee

#### The Standards Committee

- 1 The Council will establish a Standards Committee composed of:
  - i. *four* Councillors (who may not include the Executive Leader);
  - ii. *four* Independent Members who will have a vote (appointed in accordance with Local Government Act 2000 and its subsidiary regulations) and one of whom will Chair the Committee;
  - iii. *three* Parish Councillors of Parish Councils in the Council's area, who *are* not also City Councillors.
  
- 2 A Parish Council Member must be present when matters relating to Parish Councils or their Members are being considered.

#### General Role

- 3 The Standards Committee will:
  - seek to promote and maintain high standard of conduct in the transaction of all Council and Local Council business.
  - assist in the observation of the Members' Code of Conduct (set out in Part 5 of this Constitution)
  - advise on the adoption, revision or monitoring of the Members' Code of Conduct
  - take a general overview on all ethical issues and issues of probity
  - undertake *assessments, appeals against assessments or conduct hearings* into *complaints received by it directly or into* such matters as are referred to it by and in accordance with the procedural rules of the Standards Board for England
  - submit an Annual Report of the business undertaken by the Committee to Full Council
  - liaise as necessary with the Audit and Governance Committee on any matter that may be of common concern to both, principally in relation to any matter arising in relation to corporate governance,
  - maintain an oversight of complaints handling and Ombudsman investigations



## The Standards Committee

The functions of the Standards Committee are:

Delegated authority	Conditions
<p>To perform all functions given to Standards Committees by the Local Government Act 2000 <i>as amended by the Local Government and Public Involvement in Health Act 2007</i> and any regulations made under those Acts, including:</p>	
<ul style="list-style-type: none"> <li>a promoting and maintaining high standards of conduct by the Members and co-opted Members of the Council</li> <li>b assisting Members and co-opted Members of the Council to observe the code of conduct adopted by the Council under section 51 of the Act</li> <li>c advising the Council on the adoption or revision of a code of conduct</li> <li>d monitoring the operation of the Council's Code of Conduct</li> <li>e advising, training or arranging to train Members and co-opted Members of the Council on matters relating to the Council's Code of Conduct.</li> <li>f function given by any regulations made under Section 66 of the Act (functions in connection with investigations carried out by the Monitoring Officer) and</li> <li>g the equivalent functions of those referred to above in respect of Local Councils and Local Councillors</li> <li>h <i>the assessment of complaints in relation to Councillors and local Councillors, and conducting appeals against those assessments</i></li> <li>i consideration of reports from the Standards Board or the Councils Monitoring Officer in relation to complaints about the conduct of Members and <i>the holding of local hearings.</i></li> <li>j consideration of requests from Members for dispensations regarding the declaration of interests.</li> <li>k consideration of requests from Local Councils and/or Local Councillors for dispensation regarding declarations of interests.</li> <li>l <i>the granting of exemptions from politically</i></li> </ul>	

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*restricted posts in accordance with the Local Government and Housing Act 1989 as amended by the Local Government and Public Involvement in Health act 2007.*

To provide advice to the Council on issues relating to Member/Officer relations.

<b>Delegated authority</b>	<b>Conditions</b>
To provide advice to the Council on any employee Code of Conduct, including any statutory code issued under Section 82 of the Act.	
To ensure that a local investigation into the alleged misconduct of Members is undertaken when such matters are either referred to the Standards Committee by the Standards Board for England or referred to the monitoring Officer for investigation.	In accordance with the Standards Board for England procedures <i>and any procedure agreed by the Standards Committee.</i>
To provide advice to the Council and Local Councils in respect of any issues relating to Member conduct under the current legislation, regulations and the National Code of Conduct for Members .	
To provide advice to the Council and Local Councils of any issues arising out of Member misconduct and report on action which has or ought to be taken by the Council and/or Local Councils.	
<i>To establish Panels consisting of at least 3 members of the Standards Committee to conduct an assessment of a complaint or an appeal against an assessment and a local hearing following receipt of a report from the Monitoring Officer or an Ethical Standards Officer.</i>	<i>Any such Panel shall consist of at least one member of the Council if the City of York, one Independent Member and if the matter relates to a Parish Councillor, one Parish representative. The Monitoring Officer in consultation with the Chairman of the Standards Committee shall have authority to convene a Panel.</i>