

**Notice of a Public Meeting of
Joint Standards Committee**

- To:** Councillor Runciman (Chair), Cannon, Hayes, Kramm and Mercer (CYC Members)
Cllrs Perrett (Vice-Chair) and Wiseman (Parish Councillors)
Ms Davies and Mr Laverick (Independent Persons)
- Date:** Wednesday, 19 April 2017
- Time:** 4.00 pm
- Venue:** The King Richard III Room (GO49) - West Offices

AGENDA

1. Declarations of Interest

Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

2. Minutes (Pages 1 - 6)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 1 February 2017.

3. Minutes of Sub-Committees (Pages 7 - 8)

To approve and sign the minutes of the Assessments Sub-Committee meeting of 31 March 2017.

4. 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 Joint Standards Committee, may do so. The deadline for registering is **5:00 pm on Tuesday 18 April 2017**. To register to speak please contact the Democracy Officer for the meeting on the details at the foot of the agenda.

Filming or Recording Meetings

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

5. Monitoring Report on Complaints Received (Pages 9 - 10)

This report updates the committee on current complaints.

6. Update on Planning Issues (Pages 11 - 16)

At previous meetings Members have requested information in relation to a number of planning issues and also recommended certain actions. This report updates the Committee in respect of those matters.

7. Parish Representation on the Joint Standards Committee (Pages 17 - 20)

This report seeks the views of the Committee on how best to fill the Parish vacancy.

8. Review of Work Plan

(Pages 21 - 22)

Members are asked to give consideration to the committee's work plan for 2017-18.

9. Urgent Business

Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – jayne.carr@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Joint Standards Committee
Date	1 February 2017
Present	Councillors Runciman (Chair), Cannon, Hayes, Kramm and Mercer - CYC Members Councillors Perrett (Vice-Chair) and Wiseman - Parish Councillors
In attendance	Mr Laverick – Independent Person
Apologies	Ms Davies – Independent Person

19. **Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. No additional interests were declared.

20. **Minutes**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 9 November 2016 be approved as a correct record and then signed by the Chair.

21. **Minutes of Sub-Committees**

Resolved: That the minutes of the Hearings Sub-Committee meeting held on 19 December 2016 be approved as a correct record and then signed by the Chair.

Matters Arising – Members’ consideration of planning applications

The Chair drew Members’ attention to a letter that had been sent by a member of the public to members of the committee. The letter included suggested arrangements that could be put in place when Members were dealing with planning applications to

address some of the issues that had been raised during consideration of a recent complaint.

Members gave consideration to the suggestions and agreed that:

- Consideration should be given to the putting in place of guidance in respect of Planning Site Visits and how these would be conducted. This guidance should be made available on the Council's website and at the site visits¹.
- The Joint Standards Committee would review the Members' Code of Conduct and consider whether any revisions were required.
- The Chair of a committee should continue to be responsible for notifying public speakers when, in accordance with the Council's Public Participation Scheme, they had reached their three-minute time allocation. Members did, however, recognise that it could be off-putting for speakers to be interrupted to be notified that their time allocation was nearing completion. For this reason Members recommended that the possibility of purchasing a traffic-light timing system be explored².
- That, in the training provided to Members of the Planning Committees, the importance of ensuring that Members avoided acting in a way that gave the perception that they were not giving full consideration to an application be highlighted. Chairs of Planning Committees could also make reference to this at the start of the meetings³.

Resolved: That, at the next meeting, feedback be given on the progress made in actioning the suggestions that had been put forward.

Action Required

- | | |
|---|--------|
| 1. Prepare guidance notes for site visits | AD, MS |
| 2. Explore possibility of purchasing the equipment and the associated costs | DS, JP |
| 3. Incorporate into training provided by Planning Officers | MS |

22. Public Participation

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

23. Monitoring Report on Complaints Received

Members considered a report which provided an update on current business as regards complaints.

Resolved: That the report be noted.

Reason: To ensure that the committee is aware of current levels of activity.

24. Planning Panels

Members considered a report which updated the Committee on discussions that had taken place with officers who support Planning Panels.

The Monitoring Officer stated that there had been general support for the suggestions put forward by the Committee at their last meeting, although some concerns had been raised regarding the resourcing of some of the recommendations, particularly as the Planning Panels did not have administrative support.

Members noted that training was currently being arranged by the Neighbourhoods and Planning Teams. Members expressed concern that the training for parish councillors and planning panel members would not now be held jointly as had been originally proposed. This issue would be raised at the forthcoming Yorkshire Local Councils Association meeting.

It was noted that officers had agreed that it would be helpful for a simple code of conduct to be drawn up and that the Monitoring Officer had agreed to assist with its preparation. Members agreed that the code of conduct should be covered in the proposed training for Panel Members¹.

Members noted that City of York Council saw the Planning Panels as serving a useful role in non-parished areas although, unlike Parish Councils, they were not statutory consultees when planning applications were considered. Members agreed on the importance of ensuring that the highest standards of conduct were maintained during the planning application process and suggested that it may therefore be advisable for a more consistent approach to be applied in respect of Planning Panels.

To enable further consideration to be given to this issue, Members requested that the following additional information be provided in respect of the current arrangements that were in place²:

- The number of planning panels
- The number of members on each planning panel
- Any arrangements that were in place to report back to the relevant Ward Committee
- Clarification as to whether CYC officers were in attendance at Planning Panel meetings

Referring to the arrangements that were in place for Planning Panels to inform the Planning Department of their views on applications, Members recommended that a standard form be produced which required the inclusion of the following information³:

- The planning application
- The date of the Planning Panel meeting at which the application was considered
- A list of the attendees at the Planning Panel meeting
- Any declarations of interest

Resolved: (i) That the report be noted.

(ii) That a further report be presented at the next meeting to update the committee on progress in implementing the agreed actions.

Reason: To ensure that the Committee is aware of the outcome of the discussions that are taking place in respect of Planning Panels.

Action Required

- | | |
|--|----|
| 1. When available, include in the training sessions delivered by Planning Officers | MS |
| 2. Obtain requested information | JC |
| 3. Action the committee's recommendation | MS |

25. Review of Work Plan

Members gave consideration to the committee's work plan and were invited to put forward items for inclusion on future agendas.

Resolved: That the work plan be approved subject to the following additions¹:

- Review of the Member Code of Conduct (meeting of 19 April 2017 or June 2017)
- Update report on Planning Panels (meeting of 19 April 2017)
- Update report on implementation of recommendations in respect of handling of planning applications (meeting of 19 April 2017)

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

Action Required

1. Prepare requested reports

AD

Councillor Runciman, Chair

[The meeting started at 4.00 pm and finished at 4.50 pm].

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City of York Council

Committee Minutes

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	31 March 2017
Present	Councillors Runciman (Chair), Hayes and Perrett
In attendance	Mr Laverick and Ms Davies

9. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they might have in respect of business on the agenda. No additional interests were declared.

10. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 3 on the grounds that it contains information relating to an individual. This information is classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

11. Complaint against a Member of a Council covered by the Joint Standards Committee

Members considered a complaint made against a Member of a Council covered by the Joint Standards Committee and were asked to decide whether, and how, the matter should be pursued.

The substance of the complaint related to alleged breaches of the Code of Conduct by a Member at a meeting at which they were in attendance.

The report of the Monitoring Officer and the views of the Independent Persons were noted.

Members considered the following options:

- Decide that no further action be taken or,
- Refer the matter to the Monitoring Officer for investigation
- Consider whether some other action may be appropriate

Having considered the evidence provided in support of the complaint, it was

Resolved: That no further action be taken by the Joint Standards Committee.

Reason: That, whilst not condoning the behaviour of the Member concerned, the sub-committee noted that the Member had apologised to the complainant, considered the fact that political free speech has a high level of protection and that allowance should in any case be given for the pressures of a committee environment and they also believed that these were more appropriately matters for the Group Whip.

Councillor Runciman, Chair

[The meeting started at 1.00 pm and finished at 1.25 pm].



Joint Standards Committee**19th April 2017****Report of the Monitoring Officer****Monitoring Report on Complaints Received****Summary**

1. This report updates the Committee on current complaints.
2. Since the Committee last met in January two new complaints have been received both against City Councillors relating to behaviour in Council meetings. Both were both brought by other Councillors.
3. The first case was referred to an Assessment Sub Committee which determined that no action was required in the circumstances. The second complaint was withdrawn.
4. The Committee has previously expressed a view that complaints between Councillors should generally be discouraged and that the standards system primarily exists for members of the public to raise ethical concerns. The Committee may wish to remind Group Leaders and Whips of their views on this matter.

Recommendations

5. Members are recommended to:
 - 1) Note the report
 - 2) Instruct the Monitoring Officer to write to Group Leaders and Whips to remind them that the Committee expects that they will be proactive in seeking to resolve differences between Councillors and to ask them to use their influence to avoid standards complaints being submitted.

Reason: To ensure that the Committee is aware of current levels of activity and that the standards complaints system is used for its primary purpose.

Contact Details

Author:

Andrew Docherty
Monitoring Officer
Customer and Business
Support Services
Tel No. 01904 551004

**Report
Approved**



Date 06/04/17

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None



Joint Standards Committee**19th April 2017****Report of the Monitoring Officer****Update on planning issues****Summary**

1. At previous meetings Members have requested information in relation to a number of planning issues and also recommended certain actions. This report updates the Committee in respect of those matters.

Planning Panels

2. At the last meeting a question was raised about the provision of training for Planning Panel Members. The relevant Officers have confirmed that this training is being provided internally through the Planning team. It is Officers' understanding that the Local Councils Association is arranging training for Parish Councils.
3. The Monitoring Officer has prepared a draft code of conduct for Planning Panels for discussion. This appears at annex one. Members' views are particularly sought as to whether the draft is at the right level, whether it is practical enough and whether any key points have been missed.
4. Answers have been obtained to specific questions asked by Members as follows:
 - *The number of planning panels – Six.*
 - *The number of members on each planning panel – between 3 and 15 although this can vary.*
 - *Any arrangements in place to report back to the relevant Ward Committee – only that the Panel appointments are made at the Ward Committee.*

- *Clarification as to whether CYC officers were in attendance at Planning Panel meetings – Officers do not regularly attend*

5. Members' recommendation that a standard format be used to inform the Planning team of the Planning Panels' views on applications has been passed to the relevant Officers.

Members' consideration of planning applications

6. Members recommended at the last meeting that consideration should be given to the putting in place of guidance in respect of Planning Site Visits and how these would be conducted. This has been taken forward and draft guidance is close to being finalised. If available it will be circulated at the meeting.
7. The option of purchasing a traffic light system for timing speakers has been pursued. A potential supplier has now been identified. This possibility remains under active consideration.
8. The Committee's recommendation that during training emphasis is given to the importance of ensuring that Members avoided acting in a way that gave the perception that they were not giving full consideration to an application; has been passed to the Planning team.

Recommendations

9. Members are recommended to:
 - 1) Note the update on action since the last meeting
 - 2) Approve the draft code of conduct for Planning panel Members for further consultation

Reason: To support high ethical standards in planning processes.

Contact Details

Author:

Andrew Docherty
Monitoring Officer
Customer and Business
Support Services
Tel No. 01904 551004

**Report
Approved**

Date 06/04/17

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Annexes

Annex One – Draft Code of conduct for Planning Panels

Background Papers:

None

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Code of Conduct for Ward Planning Panel Members

1. Background

- 1.1 Planning panels are made up of residents appointed at Ward Committee meetings who come together to discuss and respond to local planning applications. Planning Panels operate in non parished areas of the city.
- 1.2 Planning panel representations do not have a special status in the planning system. They are treated in the same way as any other representations from members of the public. Nevertheless because the Panels have been established through the City Council there is a particular expectation that Panels will operate in accordance with high ethical standards. This Code aims to help Planning Panels to do so and is based on the Nolan principles. Members of Planning Panels should follow this code whenever they are acting in that capacity.

2. Code of Conduct

2.1 Selflessness

Representations put forward by Planning Panels should be made in the interests of the community living in the Ward and not for any personal motive.

2.2 Integrity

Planning Panel Members must not involve themselves in applications which affect them personally. They should withdraw from the consideration of any application made by themselves, a relative, a friend or other close associate or their employer.

They should not take part in the consideration of any other application which might affect them more than other people in the Ward such as an application by a near neighbour.

In cases of doubt they should declare their interest and seek the opinion of other Members as to whether they can properly participate.

2.3 **Objectivity**

Planning panel Members must make their representations fairly and on merit. They must act without discrimination and bias.

2.4 **Accountability**

Planning panel Members are accountable to the Ward Committee for their work and must be prepared to respond to questions from the Ward Committee in relation to it.

2.5 **Openness**

Planning panel Members should be open as to the reasons for their representations and as to any personal interests they have in a particular application.

2.6 **Honesty**

Planning panel members should be truthful.

2.7 **Leadership**

Planning panels should work in a respectful way but Members should be prepared to challenge each other if they have reason to believe that any of the principles of this Code are being breached.

3. **Private roles**

- 3.1 Members of Planning Panels may respond to consultations on planning applications in their personal capacity and nothing in this code prevents that. However, when doing so, they must not hold themselves out as acting as a Planning Panel member.



Joint Standards Committee**19th April 2017****Report of the Monitoring Officer****Parish representation on the Joint Standards Committee****Summary**

1. This report seeks the views of the Committee on how best to fill the current Parish vacancy.

Background

2. Under the previous statutory arrangements there was a requirement to have Standards Committees comprised, in the case of York, of City Councillors, Parish Councillors and Independent Members. These arrangements were very much valued locally.
3. The Localism Act 2011 abolished these arrangements and made the City Council entirely responsible for the dealing with complaints about breaches of codes of conduct by City and local Parish Councillors. Like many Councils the City Council chose to retain a Standards Committee to perform this work and to promote ethical standards. Because of the value placed on the previous arrangements the City Council invited Parish Councils to join that Committee and also invited the independent persons to attend and contribute at its meetings.
4. In order to ensure that Parish Councillors had the same status and voting rights at meetings of the Committee as their City colleagues, the City Council established a Joint Committee. Technically this is a Joint Committee between the City Council and each Parish Council which appoints Members. Parish membership has, since the Committee's inception, been arranged through the Yorkshire Locals Council's Association (YLCA).
5. Last year when a vacancy arose only one Parish Councillor put themselves forward for consideration and she therefore received the Association's nomination. The Committee currently has a

further vacancy and, once again, only one nomination has been received.

6. The small number of nominations may suggest that Parish Councils do not value the current arrangement. However, this does not appear to be the case. At a recent meeting of the Committee Members heard from the Chief Executive of the YLCA of the value that the Association place on this arrangement.
7. It may therefore be that there is a lack of knowledge in Parish Councils as to what the role of Standards Committee Member entails and this may be limiting the pool of volunteers. A suggestion has therefore been made that the Committee could host an event to try to develop some interest in its work.
8. At this stage the Committee has three main options. It could:
 - a) Recommend that the City Council approve the current nomination.
 - b) Consider ways in which more interest in the role could be created and, thereafter, ask YLCA to undertake a further recruitment exercise.
 - c) Undertake a review of the Joint Committee arrangements and consider whether an alternative arrangement might allow for more effective engagement with Parish Councils.

Recommendations

9. Members are recommended to:
 - 1) Consider the options identified in paragraph 8 of the report and identify a way forward.

Reason: To ensure that the City Council effectively engages with Parish Councils in promoting high standards of ethical conduct for all local Councillors.

Contact Details

Author:

Andrew Docherty
Monitoring Officer
Customer and Business
Support Services
Tel No. 01904 551004

**Report
Approved**

Date 06/04/17

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

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Work Plan for Joint Standards Committee 2017-2018

<u>Meeting Date</u> (4.00pm start time)	<u>Items</u>	<u>Notes</u>
Wednesday 7 June 2017	<ul style="list-style-type: none"> • Appointment of Chair • Appointment of Vice-Chair • Monitoring report in respect of complaints received • Review of Complaints for the last municipal year • Review of Member Code of Conduct 	<p>Standard items for 1st meeting of municipal year Standard item</p> <p>Annual item (as agreed at meeting of 1 February 2017)</p>
Wednesday 2 August 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 4 October 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 29 November 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 31 January 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 18 April 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item

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