

Joint Standards Committee

- To:** Cllrs Douglas (Chair), Baker, Carr, Douglas, Fisher and Rowley (CYC Members)
- Cllrs Chambers, Rawlings and Wiseman (Parish Council Members)
- Ms Davies and Mr Laverick (Independent Persons)
- Date:** Wednesday, 24 July 2019
- Time:** 4.00 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

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 - 4)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 17 June 2019.

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 Joint Standards Committee, may do so. The deadline for registering is **5:00 pm on Tuesday, 23 July 2019**. 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_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

- 4. Monitoring Report on Complaints Received** (Pages 5 - 8)
To receive a routine update report on recent standards complaints.
- 5. Review of Work Undertaken by the Joint Standards Committee in 2017/18 and 2018/19** (Pages 9 - 20)
This report provides information on work undertaken by the committee in the preceding two municipal years, including its contribution to the review of the council's Whistleblowing Policy.
- 6. Review of the Constitution**
To receive a verbal update from the Interim Monitoring Officer on the planned review of the council's Constitution and how the committee can feed into that review.
- 7. Review of Work Plan** (Pages 21 - 22)
To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.
- 8. Urgent Business**
Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:
Name: Fiona Young
Contact Details:
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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

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 مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Minutes

Meeting	Joint Standards Committee
Date	17 June 2019
Present	Councillors Carr, Douglas, Fisher and Rowley (CYC Members) Councillors Rawlings and Wiseman (Parish Council Members) Mr Laverick (Independent Person)
Apologies	Councillor Baker (CYC Member) Councillor Chambers (Parish Council Member) Ms Davies (Independent Person)

1. Appointment of Chair

Three nominations for Chair were moved, seconded and then voted on in turn, as set out below with the results of the votes:

Nominee	Mover	Seconded	Votes for	Votes against	Abstentions
Parish Cllr Wiseman	Parish Cllr Rawlings	Cllr Rowley	3	2	1
Cllr Rowley	Parish Cllr Wiseman	Parish Cllr Rawlings	1	2	3
Cllr Douglas	Cllr Douglas	Parish Cllr Wiseman	3	2	1

In view of the tied vote, Members agreed to support the convention followed since the inception of the Joint Standards Committee that the Chair should be a member of City of York Council and the Vice Chair should be a parish council member. It was therefore

Resolved: That Cllr Douglas be appointed as Chair of the committee.

2. Appointment of Vice Chair

With reference to the result of the votes already taken and Members' agreement to follow the convention, as set out in Minute 1 above, it was

Resolved: That Parish Councillor Wiseman be appointed as Vice-Chair of the committee.

3. Declarations of Interest

Members were asked to declare at this point in the meeting 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. None were declared.

4. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 13 February 2019 be approved and signed as a correct record.

5. Public Participation

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

6. Review of Work Plan and Meeting Dates

Members considered the committee's work plan and meeting dates for the current municipal year.

During their discussion, Members stressed the importance of avoiding any further delay to standards business, given the issues that had arisen during the previous year. They agreed that an additional meeting was required, before the next scheduled meeting in September, in order to receive a full update on the current status of any ongoing standards complaints, reviews and other work recently undertaken by the committee.

Members noted that the current provisional meeting dates, all on a Thursday, had been arranged before the full membership of the committee was confirmed. They agreed that it would be

more convenient, in terms of their other commitments, to meet on a Wednesday.

Members also sought clarification on the appointment of substitutes to the committee, expressing the view that there should be parity between CYC and parish council members. The Monitoring Officer agreed to look into this matter.

Resolved: (i) That an additional meeting of the committee be held at 4:00 pm on Wednesday, 24 July 2019.

Reason: To ensure that business is not unnecessarily delayed.

(ii) That the existing provisional meeting dates all be moved from Thursdays to Wednesdays and then confirmed in the diary, as follows:

- 5 September 2019 – move to 4 September 2019
- 21 November 2019 – move to 20 November 2019
- 23 January 2020 – move to 22 January 2020
- 16 April 2020 – move to 15 April 2020.

Reason: To provide a better fit for Members' diaries.

(iii) That the work plan be confirmed, subject to the amendments to the meeting dates agreed in (ii) above and the additions set out below:

Items for the next meeting, on 24 July 2019:

- An update on any ongoing standards complaints;
- An update on the review of the council's whistleblowing policy;
- An update on any other work recently carried out by the committee, including items on the last work plan for 2018/19;
- An initial report or discussion on how the committee can feed into the review of the Constitution.
- Work plan for 2019/20


Items for future meetings:

- A review of the openness and transparency of Joint Standards meetings, to include the question of whether they should be recorded.

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 5.00 pm.

	
Joint Standards Committee	24 July 2019
Report of the Interim Monitoring Officer	

Monitoring Report on Complaints Received

Summary

1. This report is to update the Committee on the position regarding ongoing complaints.

Background

2. The table below provides information about ongoing complaints and in particular the stage each one has now reached.

Case Ref.	City or Parish	Date Received	Nature of Complaint	Status
225	City	29/8/2017	Standards issues raised during investigation of whistleblowing complaint.	MO received investigation report which found no breach. MO agreed with findings and case was determined on 23.4.2019
719	Parish	18/9/2018	Alleged breach of confidentiality and attempt to secure an advantage for an individual in relation to a recruitment process.	Investigation report received. MO and IPs agree with findings in the report. Meeting arranged with subject member to discuss findings and explore possible local resolution.

720	City	26/2/2019	This complaint alleges that the subject member's conduct was disrespectful.	The complaint was sent to the IPs in March 2019. A response from one of the IPs is awaited. MO has chased.
721	City	19/2/2019	This complaint alleges that the subject member acting in a manner that was not impartial.	The complaint was part of a more serious complaint against an Officer and it was agreed with the IPs that this investigation should be concluded before the member complaint could be progressed. At the time of the conclusion of that investigation the subject member had indicated that they would not be re-standing for Council and so the complaint could not be progressed.
722	City	14/6/2019	This complaint alleges that a comment by the subject member on social media was disrespectful.	The complaint was sent to the IPs on 24/6/2019. One response is outstanding the MO has chased.
723	Parish (x2)	24/6/2019	This complaint alleges that the subject members have behaved in a manner that is disrespectful.	The complaint was sent to the IPs on 5/7/2019.
724	City	1/7/2019	This complaint concerns the subject members conduct during the election.	The complaint was sent to the IPs on 5/7/2019.

3. Members will see that there are 2 complaints that are long running and the Monitoring Officer is seeking to bring these to a conclusion. The 3 new complaints will be progressed in

accordance with the agreed procedure and further up dates will be brought to all future committee meetings.

Recommendations:

4. Members are recommended to:

Note the report.

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


Author:
Suzan Harrington Interim Assistant Director Legal and Governance. Tel No. 01904 554587

Annexes:

None

Background Papers:

None

	
Joint Standards Committee	24 July 2019
Report of the Interim Monitoring Officer	

Review of Work Undertaken by the Joint Standards Committee 2017/18 & 2018/19

Summary:

1. This report provides the new members of the Joint Standards Committee with information regarding the work undertaken by the committee in the preceding two municipal years.

Background:

2. At the meeting of the Joint Standards Committee on 17 June 2019 members requested an up date on the work of the Committee, including items on the last work plan for 2018/19. The table attached as Annex 1 sets out the work undertaken by the Committee in the last two municipal years.
3. Members will note that the review of the CYC Code of Conduct remains outstanding and should now be concluded as a matter of urgency.
4. With regard to the proposed new Whistleblowing Policy, attached at Annex 2 is an extract from the minutes of the Audit and Governance Committee meeting on 6 February 2019. Members will note the present position and need to consider how they wish to proceed.

Recommendations:

5. Members are recommended to:

- 5.1 Note the contents of this report and the appendices and use the information provided to inform their discussion on their workplan.
- 5.2 Request an update report on the review of the CYC Code of Conduct for Members to be considered at the meeting of the Joint Standards Committee on 4 September 2019.
- 5.3 Request that the task group's views on the proposed up date of the Whistleblowing Policy be collated and submitted to Internal Audit for consideration in the final policy.

Reason:

- 1. To ensure that the Committee has a workplan that reflects what has already achieved and is relevant to its purpose.
- 2. To ensure that the CYC Code of Conduct for Members is up date and reflects good practice.
- 3. To ensure the Whistleblowing Policy has been considered by members responsible for the oversight of the conduct of elected members.

Wards Affected: All

Author:
Suzan Harrington Interim Assistant Director Legal and Governance. Tel No. 01904 554587

Annexes:

Annex 1 – Joint Standards Committee Work Undertaken 2017/18 & 2018/19

Annex 2 – Extract from the Minutes of Audit & Governance Committee meeting on 6 February 2019

Background Papers:

Agendas and minutes of previous Joint Standards Committee meetings

Available online at

<https://democracy.york.gov.uk/ieListMeetings.aspx?CId=140&Year=0>

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Joint Standards Committee

Work Undertaken during 2017/18 and 2018/19

Code of Conduct for Planning Panel Members

5 July 2017

- Draft code approved for consultation

31 January 2018

- Final version approved for circulation to panel members via the Council's Communities & Equalities team.

Current status: Completed.

Review of CYC Code of Conduct

2 August 2017:

- Initial report received
- Task group convened

29 November 2017

- Progress of task group reported – draft revised code to be brought to next meeting.

31 January 2018

- Draft revised code referred back to task group for further consideration.

18 April 2018

- Agreed to circulate draft revised code to political groups for comments prior to consideration at a future meeting, to secure approval before Annual Council in 2019.

13 June 2018

- Approved for inclusion on work plan for 21 November meeting.

21 November 2018

- (Minute 26) Agreed to consider at a later meeting, once ongoing complaints hearings concluded.

Current status: Awaiting further consideration by cttee to confirm and refer to Council for approval. No new date assigned.

Guidance on Civic Gifts

18 April 2018

- Agreed to consult groups & current and former Lord Mayors on the inclusion of guidance on gifts within the Civic Guide

5 September 2018

- Referred back for further consultation.

13 February 2019

- Guidance approved for inclusion in Civic Guide.

Current status: Completed.

Review of Joint Standards Committee's Terms of Reference & Procedures

13 June 2018

- Initial report received
- Task group convened

5 September 2018

- Agreed to circulate draft procedures to political groups & YLCA

21 November 2018

- Draft procedures approved for adoption, subject to amendments and improvements to flow chart.

Current status: Completed.

Review of Whistleblowing Policy21 November 2018

- Added to work plan for 13/2/19 meeting (provided it has been to Audit & Governance Committee in December 2018)

13 February 2019

- Removed from work plan (as not within the remit of JSC), and a task group convened to ensure committee members' views are fed into the review process.

Current status: Task Group has met. Audit and Governance Committee considered the proposed new draft Whistleblowing Policy on 6 February 2019. The Committee suggested that the Joint Standards Committee should be consulted on the document. The amended policy is yet to be taken forward for approval.

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Extract from Audit & Governance Committee Minutes

City of York Council

Committee Minutes

Meeting	Audit & Governance Committee
Date	6 February 2019
Present	Councillors Cannon (Chair), Steward (Vice-Chair), Lisle, Cuthbertson, Kramm, Williams (Items 6 - 16) and Mason Mr Mann (Items 10,11 & 13 - 16) and Mr Mendus (Independent Members)

52. Whistleblowing Policy

Members considered a report discussing whistleblowing activity in the current financial year. The report also included a proposed new whistleblowing policy, for comment.

The Head and Deputy Head of Internal Audit presented the report. They explained that the policy set out to reaffirm the Council's commitment to offer protection to employees who chose to use this process. In response to Member questions they stated:

- There was no complete record held of whistleblowing reports. Veritau and HR were sometimes unaware of instances when line management dealt with the issues themselves. It was agreed reporting arrangements needed strengthening and once there was a more accurate record this could be reported back to Statutory Officers and the Committee;
- This policy was specific to employees who wished to raise issues. There were other channels for Members and members of the public to report concerns, for example the Veritau fraud hotline;
- Investigations would always be undertaken in an expeditious manner, but this was sometimes challenging, given the complexity of some investigations. This made it very hard to set clear time limits; and
- They were happy for Joint Standards Committee to look at the policy, but reiterated that this was a policy for employees. The Deputy Monitoring Officer highlighted that there were separate mechanisms for Members to report issues;

During discussion Members made the following comments:

- Consultation could have included Members from the opposition, Scrutiny Chairs, Joint Standards Committee;
- Detail on best practice from elsewhere could have been looked at;
- Anonymous whistleblowing was no less powerful than other complaints. This judgement should be based on the complaint, not the source;
- 10 working days was too long to make contact with someone who was whistleblowing. An immediate acknowledgement (within 1 working day) should be given to the individual, even if it would take time to give a fuller response;
- The policy should be as accessible as possible, perhaps advertised via posters in the workplace. The previous policy contained the line 'If in doubt, raise it' which was effective and could be retained;
- The line 'disciplinary action may be taken...' (3.3, p. 124) could be changed to read 'disciplinary action *will* be taken...'
- Members should have some oversight of NDA's, perhaps via Staffing Matters & Urgency Committee;
- Where a whistleblowing report involved a Councillor, the Joint Standards Committee should be involved as soon as possible; and
- A key issue was for HR to now keep a full and accurate record of whistleblowing incidents. This figure should be reported to this Committee on a regular basis. The importance of this should be highlighted in the Manager's Whistleblowing Policy.

In relation to discussion on Non-disclosure agreements Officers stated they were unsure of the exact detail of Member involvement in Non-disclosure agreements, but would look into this for Members. It was suggested this be discussed under the Forward Plan (minute item 57).

Resolved: Members noted the whistleblowing activity during 2018/19 and provided comments on the proposed new policy and guidance.

Reason: In accordance with the committee's responsibility to assess the effectiveness of the council's counter fraud arrangements including the whistleblowing

policy and other relevant counter fraud policies and plans.

Councillor Cannon, Chair

[The meeting started at 5.30 pm and finished at 8.10 pm].

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Work Plan for Joint Standards Committee 2019-2020

<u>Meeting Date</u> (4.00pm start time)	<u>Items</u>	<u>Notes</u>
Wednesday 24 July 2019	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received and any 2018/19 cases still ongoing. • Update on the committee's recent work, including items on the last work plan for 2018/19. • Update on the review of the whistleblowing policy. • Discussion on how the committee can feed into the review of the Constitution. • 2019/20 work plan. 	Standard item
Wednesday 4 September 2019	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 20 November 2019	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 22 January 2020	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 15 April 2020	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item

Item to be assigned to a date: Review of the openness and transparency of Joint Standards Committee meetings.

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