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MEETING	JOINT STANDARDS COMMITTEE
DATE	17 APRIL 2013
PRESENT	COUNCILLOR RUNCIMAN (CHAIR) (CYC MEMBER) COUNCILLOR BARTON (CYC MEMBER) COUNCILLOR FRASER (CYC MEMBER) – SUBSTITUTE FOR COUNCILLOR SCOTT COUNCILLOR CRAWFORD (PARISH COUNCIL MEMBER) COUNCILLOR SIMPSON (PARISH COUNCIL MEMBER)
IN ATTENDANCE	MR DIXON – INTERIM INDEPENDENT PERSON MR HALL – INTERIM INDEPENDENT PERSON MR LAVERICK – INDEPENDENT PERSON MR CHEETHAM – REPRESENTING PARISH COUNCILS COUNCILLOR MELLORS – REPRESENTING PARISH COUNCILS COUNCILLOR POWELL – REPRESENTING PARISH COUNCILS
APOLOGIES	COUNCILLOR MARTIN (VICE-CHAIR) (PARISH COUNCIL MEMBER) COUNCILLOR SCOTT (CYC MEMBER) COUNCILLOR TAYLOR (CYC MEMBER) MRS BAINTON (INTERIM INDEPENDENT PERSON)

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**31. 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 the business on the agenda. None were declared.

**32. MINUTES**

RESOLVED: That the minutes of the Joint Standards Committee meeting held on 20 February 2013 be confirmed and signed by the Chair as a correct record.

### **33. PUBLIC PARTICIPATION**

It was reported that there was one registration to speak at the meeting under the Council's Public Participation Scheme. Referring to the procedures for investigating complaints, Ms Swinburn expressed concern that the procedure did not offer an opportunity for a complainant to appeal against a decision of the Monitoring Officer and Independent Persons. She asked that consideration be given to this matter.

### **34. ATTENDANCE BY REPRESENTATIVES OF PARISH COUNCILS**

Parish Council representatives had been invited to attend the meeting to discuss issues relating to the new standards regime. The Chair welcomed them to the meeting and invited them to identify any issues relating to monitoring standards of conduct that they may wish the Committee to address or any support that the Committee might be able to provide for Parishes.

The representatives thanked the Committee for the invitation to attend. They made the following points:

- Parish Councils had been invited to put forward any issues that they would like the Joint Standards Committee to consider. Other than an issue in respect of planning applications, none had been raised.
- Parish Councillors were clear about the Code of Conduct and this was working well. Very few problems arose in respect of the conduct of Parish Councillors and, those that did, could usually be resolved through local discussion. Concerns were expressed regarding the impact that a vexatious complaint could have on a community.
- It was noted that, nationally, a number of complaints about the conduct of Parish Councillors concerned their relationship with the Clerk or with other Parish Councillors. Locally this did not appear to be an issue.
- The main concern regarding the new Code was the lack of sanctions. Nevertheless it was agreed that the fact that a Code was in place did assist in promoting high standards of conduct.
- Discussion took place as to how Parish Councils could be made more aware of the work of the Joint Standards Committee, for example through making the minutes of Joint Standards Committee meetings more easily accessible to them. Some concerns were raised

regarding difficulties in finding information on the Council's website. It was noted that a Community Engagement Task Group was currently looking at these types of issues. One of the Task Group's recommendations was likely to focus on the possibility of a section of the Council's website being allocated to Parish Councils to promote the better sharing of information.

- It was noted that the Local Councils Association was a good source of information and advice.

The Parish Council representatives were thanked for their attendance at the meeting.

### **35. MEMBER OFFICER PROTOCOL**

Members considered a report that asked them to review the current City Council Member Officer Protocol. Members were also asked to consider whether to recommend a similar protocol to Parish Councils.

The following issues were raised in respect of the City Council Protocol (Annex A of the report):

- Paragraph 3.2 – further consideration should be given to the wording of this paragraph.
- Paragraph 6.4 – to be amended to read “*paragraphs 9.1 and 9.2 below*”
- Paragraph 8 – mention should be made of scrutiny review task groups.
- Paragraph 8.1 (b) – “him” to be amended to “him/her”
- Paragraph 9.4 – this paragraph is incomplete
- Paragraph 13.1 – In addition to Ward Members being notified, consideration should be given to also including the relevant Parish Councils.

Consideration was given to the Parish Member/Employee Relations Protocol (Annex B of the report). It was noted that there was no statutory requirement for a protocol to be adopted and that it would be for individual Parish Councils to determine whether they would wish to do so. The following issues were raised:

- Some concerns were expressed as to whether such a protocol was necessary, as some Parish Councils only

employed a Parish Clerk. Other views were expressed that the protocol provided protection for employees.

- Some of the terminology used in the document was not suited to Parish Councils, for example “Chair” or “Members”.
- Paragraph numbers should be included for ease of reference.
- It was suggested that the protocol should be referred to the Local Councils Association and the Parish Council Liaison Board for their views. Councillor Simpson confirmed that, if requested, he would be willing to attend.

- RESOLVED:
- (i) That the City Council Protocol on Officer/Member relations be amended to reflect the points detailed above.<sup>1</sup>
  - (ii) That the views of the Local Councils Association and the Parish Councils Liaison Board be sought on the Parish Councillors/Employee Relations Protocol Group.<sup>2</sup>

- REASONS:
- (i) To add further clarity to the protocol.
  - (ii) To enable further input from Parish Council representatives.

### **36. GUIDANCE FOR COUNCILLORS ON PERSONAL INTERESTS**

Members considered a report that advised them of recently updated guidance issued by the Government in respect of the new standards regime.

Members noted the arrangements that were in place in respect of the recording of interests on City of York Council website.

RESOLVED: That the report be noted.

REASON: To ensure Members are aware of developments in this area.

### **37. MONITORING REPORT IN RESPECT OF COMPLAINTS RECEIVED**

The Monitoring Officer gave a verbal report in respect of complaints received.

- One new complaint had been received. A decision had been taken not to carry out an investigation. It was noted that Mr Laverick had declared a potential conflict of interest and had not taken part in this decision. The Monitoring Officer had sought the views of the other Independent Persons.
- An update was given on the case that had been referred for investigation. The investigation had been completed and the investigator had concluded that there had not been a breach of the Code of Conduct. The Monitoring Officer stated that he had agreed with the conclusion that this had been a political and not a personal attack.

**RESOLVED:** That the update on complaints received be noted.

**REASON:** To ensure that the Committee is kept updated on complaints received.

### **38. REVIEW OF WORK PLAN**

Consideration was given to the Committee's work plan.

An update was given of the arrangements that were being put in place to recruit an additional independent person.

**RESOLVED:** That the Committee's work plan be approved subject to the following additions:

- Review of Parish Council Protocol – meeting of 11 September 2013.
- Parish Council Representatives to be invited to meet with the Committee – meeting of 16 April 2014.<sup>1</sup>

**REASON:** To ensure that the Committee has a planned programme of work in place.

Councillor Runciman - Chair

The meeting started at 3.00 pm and finished at 4.15 pm.