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| MEETING        | JOINT STANDARDS COMMITTEE  |
| DATE           | 28 NOVEMBER 2012   |
| PRESENT        | COUNCILLOR RUNCIMAN (CHAIR) (CYC MEMBER)<br>COUNCILLOR BARTON (CYC MEMBER)<br>COUNCILLOR CRAWFORD (PARISH COUNCIL MEMBER)<br>COUNCILLOR MARTIN (VICE-CHAIR) (PARISH COUNCIL MEMBER)<br>COUNCILLOR SCOTT (CYC MEMBER)<br>COUNCILLOR SIMPSON (PARISH COUNCIL MEMBER)<br>COUNCILLOR TAYLOR (CYC MEMBER) |
| IN ATTENDANCE: | MR DIXON (INTERIM INDEPENDENT PERSON)  |

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

### **11. 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. None were declared.

### **12. MINUTES**

RESOLVED: That the minutes of the Joint Standards Committee meeting held on 12 September 2012 be approved and signed by the Chair as a correct record.

### **13. PUBLIC PARTICIPATION**

It was reported that there were no registrations to speak at the meeting under the council's Public Participation Scheme.

#### 14. APPOINTMENT OF INDEPENDENT PERSONS

*[See also Part B minute]*

Members received a report that provided an update on progress in recruiting independent persons to support the standards function.

The Appointments Panel had met in October and proposed to recommend the appointment of Mr David Laverick to fill one of the roles. The Panel had agreed that further efforts should be made to secure more applications before making a further recommendation for appointment.

Consideration was given to the arrangements to be put in place pending the appointment of two independent persons. It was agreed to recommend that the interim independent persons continue in this role. This would also ensure a smooth transition.

Members considered ways in which to attract further applications for the position as Independent Person. It was agreed that the following measures should be explored:

- An article in the local press highlighting the committee's role in raising standards and promoting awareness of the vacancy for an independent person.
- Advertising the position via York CVS.
- Advertising the position on the Public Appointments Commissioner website or newsletter.

Members were invited to forward any further suggestions to the Monitoring Officer for consultation with the Chair.

- RESOLVED:
- (i) That the recommendation to Council that Mr David Laverick be appointed as an independent person be endorsed.
  - (ii) That, until a full complement of independent persons has been appointed, it be recommended to Council that the existing former independent persons be requested to continue to act in this role.

- (iii) That, to secure further interest and applications for the position of Independent Person, the suggestions detailed above be explored<sup>1</sup>.

REASON: To ensure that the Council has appropriate arrangements in place for handling complaints against Members.

Action Required

1. Explore suggested recruitment strategies

AD

**15. MONITORING REPORT IN RESPECT OF COMPLAINTS RECEIVED**

The Monitoring Officer gave a verbal report in respect of complaints received. Since the previous meeting two complaints had been lodged:

- The first of the complaints related to a breach of the Code in respect of the Register of Interests. This had been investigated and appropriate action taken.
- The second of the complaints had been lodged very recently and hence there had not yet been the opportunity to investigate.

RESOLVED: That the update on complaints received be noted.

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

**16. ARRANGEMENTS FOR HANDLING COMPLAINTS**

Consideration was given to a report that reminded Members of the procedures adopted for dealing with complaints prior to the new regime being initiated. The report proposed some changes to these procedures and also proposed some criteria to be adopted in assessing what action to take in respect of a complaint.

Members gave consideration to the proposed changes and agreed that it was also important to build additional flexibility into the criteria.

- RESOLVED:
- (i) That the Monitoring Officer be requested to make the changes referred to in the report to sections 3 and 5 of the Procedures for Handling Complaints.
  - (ii) That additional flexibility be added to the procedures allowing for informal resolutions to be achieved following an investigation.
  - (iii) That the former assessment criteria, updated to reflect the current procedures, be adopted for use in making the initial judgement in respect of complaints.
  - (iv) That copies of the updated procedures be circulated by email to the Committee and presented at the next meeting<sup>1</sup>.
  - (v) That the Complaints Procedures be reviewed in July 2014 (or earlier if this proves necessary)<sup>2</sup>.

- REASONS:
- (i) To add further clarity to the procedures.
  - (ii) To ensure that the procedures operate in a fair way.
  - (iii) To ensure consistency in the judgements made about complaints.
  - (iv) To ensure that the effectiveness of the complaints procedures is monitored.

Action Required

- 1. Update procedures to reflect agreed changes
- 2. Update Committee's workplan

AD  
JC

## 17. DISPENSATIONS

*[See also Part B minute]*

Consideration was given to a report that provided Members with information about the dispensation provisions available under the new regime, reminded Members of existing arrangements and identified some particular issues for consideration.

Discussion took place as to the circumstances in which it may be appropriate to grant a dispensation. Members stated that it was also important that dispensations that had been granted were recorded on the agenda papers for meetings.

The Chair drew Members' attention to guidance that had been issued by the National Association of Local Councils (NALC) on the issue of dispensations.

- RESOLVED:
- (i) That the Monitoring Officer be delegated powers to grant dispensations in the circumstances described in the report.
  - (ii) That dispensations which fall outside the powers delegated to the Monitoring Officer be considered by the Joint Standards Committee or a Sub-Committee of the Committee.
  - (iii) That it be recommended that agenda papers for meetings record dispensations that had been granted.

REASON: To ensure that the Council business may proceed effectively.

## 18. REGISTER OF GIFTS AND HOSPITALITY

Consideration was given to a report that sought Members' views on guidance relating to the register of gifts and hospitality.

The following amendments to the wording of the guidance were agreed:

- Question 2 – answer to be amended to read “...*In the circumstances when the Sheriff is also an Elected*

*Member the Sheriff is required to abide by the same rules as for the Lord Mayor. If the Sheriff is not an Elected Member he is advised that he should comply with the rules”.*

- Question 4 – answer to be slightly expanded to urge particular caution if the hospitality is only being offered to the Member.
- Question 6 – answer to include *“If in doubt guidance should be sought from the Monitoring Officer”*.
- Question 7 – wording *“if in doubt”* to be removed from the answer.
- Question 8 – include an explanation as to why this has been included in the Code.

RESOLVED: That, subject to the agreed amendments, the model questions and answers be approved as guidance to Councillors.

REASON: To ensure that Members and the public can be clear as to the Joint Standards Committee’s expectations.

## **19. REVIEW OF WORK PLAN**

Consideration was given to the committee’s work plan for 2012/13.

The following additions to the work plan were agreed:

- Ratification of the updated procedures and assessment criteria for handling complaints to be included on the agenda for meeting of 20 February 2013 (see minute 16)
- Item on the Review of Member Officer Protocol (17 April 2013) to cover Parish Councils as well as CYC.
- Review of the arrangements for handling complaints to be included on the agenda for meeting in July 2014 (see minute 16)

RESOLVED: That, subject to the inclusion of the items detailed above, the committee’s work plan for 2012/13 be approved<sup>1</sup>.

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

Action Required

1. Update workplan

JC

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

### **20. APPOINTMENT OF INDEPENDENT PERSONS**

*[see also Part A minute]*

Members received a report that provided an update on progress in recruiting independent persons to support the standards function.

The Appointments Panel had met in October and proposed to recommend the appointment of Mr David Laverick to fill one of the roles. The Panel had agreed that further efforts should be made to secure more applications before making a further recommendation for appointment.

Consideration was given to the arrangements to be put in place pending the appointment of two independent persons. It was agreed to recommend that the interim independent persons continue in this role. This would also ensure a smooth transition.

Members considered ways in which to attract further applications for the position as Independent Person. It was agreed that the following measures should be explored:

- An article in the local press highlighting the committee's role in raising standards and promoting awareness of the vacancy for an independent person.
- Advertising the position via York CVS.
- Advertising the position on the Public Appointments Commissioner website or newsletter.

Members were invited to forward any further suggestions to the Monitoring Officer for consultation with the Chair.

- RECOMMENDED: (i) That Mr David Laverick be appointed as an independent person.
- (ii) That, until a full complement of independent persons has been appointed, the existing former independent persons be requested to continue to act in this role.

REASON: To ensure that the Council has appropriate arrangements in place for handling complaints against Members.

## 21. DISPENSATIONS

*[See also Part A minute]*

Consideration was given to a report that provided Members with information about the dispensation provisions available under the new regime, reminded Members of existing arrangements and identified some particular issues for consideration.

Discussion took place as to the circumstances in which it may be appropriate to grant a dispensation. Members stated that it was also important that dispensations that had been granted were recorded on the agenda papers for meetings.

RECOMMENDED: That agenda papers for meetings record dispensations that had been granted.

REASON: To ensure that the Council business may proceed effectively.

Councillor Runciman, Chair

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