

City of York Council	Minutes
Meeting	Joint Standards Committee
Date	21 November 2018
Present	Councillors Runciman (Chair), Cannon (for Agenda Item 4 only), Hayes, Kramm and Richardson (CYC Members) Councillors Thornton and Wiseman (Vice-Chair) (Parish Council Members)
In Attendance	Mr Laverick, Independent Person
Apologies	Councillor Chambers (Parish Council Member) Ms Davies (Independent Person)

## **22. Declarations of Interest**

Members were asked to declare 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.

## **23. Minutes**

Resolved: That the minutes of the Joint Standards Committee meeting held on 5 September 2018 be approved and signed as a correct record.

## **24. Public Participation**

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

## **25. Monitoring Report on Complaints Received**

Members received a routine update report on recent standards complaints. Since the committee's last meeting in September, one ongoing case had been concluded and six new cases had come forward. Details were set out in the table at paragraph 2 of the report.

An issue was raised with regard to the convening of a Hearings Sub-Committee to hear one of the cases on the list. Following a discussion, Cllr Cannon announced her intention to resign from

the Joint Standards Committee. She left the meeting at this point.

Members expressed concerns about the time taken to finalise investigations in some cases and the costs resulting from this. The Monitoring Officer confirmed that these issues would be examined once the ongoing cases had been concluded.

The Chair and Members wished to place on record their thanks to Cllr Cannon for her work on the Joint Standards Committee.

Resolved: That the report be noted.

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.

**26. Procedures for dealing with Councillor Code of Conduct Complaints**

Members considered a report which provided an update on the progress of the Task Group in reviewing the procedures for dealing with complaints about Councillors' conduct.

The Task Group had suggested amendments to the Complaints Procedure, as set out in Annex 1 to the report, and created a flow chart and an Independent Persons' Protocol, attached as Annexes 2 and 3 respectively.

The Task Group had also considered consultation comments on the proposed revised Code of Conduct and was not minded to make any changes. However, the committee had already said they wanted to ensure issues arising from ongoing cases were addressed before recommending the revised code to Council.

After a full discussion, it was

Resolved: (i) That the amended Complaints Procedure at Annex 1 be approved and adopted, subject to the following additional amendments to the text on page 5 (p.17 of the agenda papers):

- Remove the reference to '*his* powers' in the last sentence under the heading 'Will your complaint be investigated'.

- Re-word the first part of the last paragraph under the heading ‘How is the investigation conducted’ to read as follows:  
*‘Investigations will be completed within three months of the investigator being instructed. If there are good reasons why this is not possible...’*

- (ii) That the complaints flow chart at Annex 2 be approved and adopted, subject to the council’s Communications team being asked to improve the design of the chart and make it clearer.
- (iii) That the Independent Persons’ Protocol at Annex 3 be approved and adopted.

Reason: To ensure that the procedures adopted by the Committee remain fit for purpose.

- (iv) That the Code of Conduct be brought back to the committee for approval and recommendation to Council at a later meeting, once the current ongoing complaints hearings have been concluded.

Reason: To ensure that any issues arising from the ongoing cases are addressed.

## **27. Case Law Update - Harvey v Ledbury Town Council Summary**

Members considered a report which advised them of a recent High Court decision that had implications for the Committee and the Councils for which it was responsible.

Details of the case and decision were set out in paragraphs 2 to 9 of the report. Essentially, the High Court had ruled in favour of a councillor who challenged the Town Council’s decision to impose sanctions against her under its grievance procedures. This had shed doubt on the extent to which grievance procedures could be used to deal with complaints by employees against councillors.

The National Association of Local Councils (NALC) had written to government and the Committee on Standards in Public Life (CSPL) to express concern that confining all complaints about

councillors to the code of conduct process would over-burden monitoring officers and lead to delays. As the CSPL was currently reviewing local government arrangements, the matter might well be picked up by them.

Following a discussion of the issues raised by the case, it was

Resolved: That the report be noted.

Reason: To confirm that the committee is aware of this important case.

## **28. Review of Work Plan**

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

Resolved: That the work plan be approved, subject to the allocation of the following item to the meeting on 13 February 2019:

- the City Council's Whistleblowing Policy and its link to ethical standards (provided this has been considered by the Audit & Governance Committee in December 2018).

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

Cllr C Runciman, Chair

The meeting started at 4.05 pm and finished at 5.00 pm.