

---

Meeting	Joint Standards Committee
Date	4 September 2019
Present	Cllrs Douglas (Chair), Baker, Carr, Fisher and Rowley  Cllrs Chambers and Rawlings (Parish Council Members)  Mr Laverick (Independent Person)
Apologies	Cllr Wiseman (Parish Council Member)  Ms Davies (Independent Person)

---

#### **14. 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.

#### **15. Minutes**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 24 July 2019 be approved and signed as a correct record.

#### **16. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on matters within the committee's remit, expressing concern about the lack of a requirement for councillors to be DBS checked and about a number of issues relating to the standards process in York.

With the consent of the Chair, Cllr Warters then addressed the committee in relation to Agenda Item 4 (Monitoring Report on Complaints Received), identifying himself as the subject

member in one of the cases and expressing the view that details of all cases should be in the public domain.

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

Members considered a report which provided an update on the current position of ongoing complaints.

Anonymised information on the complaints and the stage that each one had reached was set out in the table at paragraph 2 of the report. One of the listed cases (no.724) had been resolved and the complainant and subject member informed. The Monitoring Officer (MO) reported that, since publication of the report, case no. 719 had also been resolved. A number of complaints had been submitted by the same individual, and the MO would liaise with the Independent Persons on the best way to deal with these.

During their discussion, Members agreed there was a need both to minimise delay and to consider how the volume of complaints might be reduced. Options could include providing advice to council members on responding to planning queries from the public and discussions with Group Leaders on issues arising between City of York Council (CYC) members.

Resolved: (i) That the report be noted.

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

(ii) That future reports include information on the source of the complaints; that is, how many have been received from members of the public, from council members or former members, and from council officers.

Reason: So that the committee is better placed to consider how to reduce the number of complaints received.

## **18. Review of the Procedures for dealing with Councillor Code of Conduct Complaints**

Members considered a report which provided information on the review of the procedures for dealing with Councillor Code of

Conduct Complaints, and the Code of Conduct itself, that had been undertaken by the previous committee in November 2018.

The report and annexes considered by the committee at their meeting on 21 November 2018 were attached as Appendix 1 to the report. The committee had agreed at that meeting to adopt an amended Complaints Procedure and to defer approving and recommending the Code of Conduct to Council until after the outstanding complaints hearings had been concluded.

Resolved: (i) That a task group be convened to re-consider the amended Complaints Procedure and associated documents and to bring back their recommendations to the committee.

(ii) That the membership of the task group comprise Cllrs Baker, Chambers, Fisher and Rawlings, with other members of the committee to submit any comments they may have to the task group by email.

(ii) That the Procedure and the Code of Conduct then be recommended to Full Council for approval.

Reason: To ensure that the procedures adopted by Council for dealing with complaints concerning the conduct of elected members are compliant with legal requirements and fit for purpose.

## **19. Whistleblowing Policy**

The MO provided a verbal update on the current position of the review of the CYC's Whistleblowing Policy.

She confirmed that the comments of the Joint Standards Committee task group on the policy had been fed into the process and assurances given that they had been taken into account. The matter was not currently listed on the Audit & Governance Committee's forward plan; however, steps would be taken to determine when it would be considered by that committee. The MO would have sight of the report before its publication.

Resolved: That the update be noted and the committee be kept informed of any further progress.

Reason: So that the committee is clear on how the revised Whistleblowing Policy will operate in the context of the Code of Conduct and Standards procedures.

**20. Joint Standards Committee Meetings - Transparency and Substitutes**

The MO provided a verbal update on matters raised at the last meeting concerning the use of substitute members at Joint Standards Committee meetings and the potential for webcasting future meetings to ensure transparency.

With regard to substitutes, there was nothing to prevent them being appointed, via Full Council, for either CYC or parish council members of Joint Standards Committee (JSC), should the committee so wish. Alternatively, a decision could be taken not to appoint substitutes.

With regard to webcasting, this was a matter of sufficient resources being available. A business case had been submitted for additional resources to appoint a full time Webcasting Assistant. This had now been approved and recruitment would begin shortly. Consideration could therefore be given to webcasting JSC meetings, while taking account of the sensitive issues often discussed by the committee. In response to questions from Members, the MO confirmed that:

- Public speakers could submit written documents at council meetings, but the contents of these would not be minuted.
- Officers would look for the report on which the original decision to webcast council meetings was based.

Resolved: (i) That substitute members not be used at meetings of the Joint Standards Committee.

Reason: To ensure consistency in the membership of the committee and its sub-committees.

(ii) That meetings of the Joint Standards Committee be webcast as soon as the necessary resources are available.

Reason: To ensure the transparency of the committee's meetings.

(ii) That, prior to their next meeting, Members receive a copy of the report on which the original decision to webcast council meetings was based and / or a briefing on that decision.

Reason: To ensure clarity on the details and context of the decision to webcast council meetings.

(iii) That written comments may be received at meetings of the committee from public participants.

## **21. Review of Work Plan**

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

In discussing the work plan a query was raised as to whether DBS checks fell within the remit of the committee. The Monitoring Officer agreed to clarify this.

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

### **Meeting on 20 November 2019**

- Update on the review of the Constitution.
- Feedback from the task group on review of the Complaints Procedure.

Plus the following items agreed for inclusion at the meeting on 24 July and omitted in error from the work plan attached to the agenda:

- Information report on the Ethical Standards in Public Life review and its impact on standards work
- Review of standards work in relation to parish councils (discussion item)

### **Meeting on 22 January 2020**

- Update on the Whistleblowing Policy
- Planning and pre-determination – advice for council members and the role of JSC in disseminating this.
- Discussion on the use of informal processes to minimise the number of standards complaints.

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 5.55 pm.