

Standards Committee

- To:** Mrs Christine Bainton (Independent Member, in the Chair)
Cllrs Horton (Vice-Chair), Waudby, Hudson and Taylor (CYC Members)
Mr A L Dixon, Mr M R Hall and Mr D Wilson (Independent Members)
Cllrs Crawford, Mellors and Forster (Parish Council Members)
- Date:** Friday, 25 June 2010
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

- 1. Declarations of Interest**
At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.
- 2. Minutes** (Pages 3 - 14)
To approve and sign the minutes of the meeting of the Standards Committee held on 22 January 2010.
- 3. Minutes of Sub-Committees** (Pages 15 - 20)
To approve and sign the minutes of the following meetings of the Standards Committee Sub-Committees:
 - Assessment Sub-Committee – meetings held on 28 January 2010 and 30 April 2010;
 - Review Sub-Committee – meeting held on 30 April 2010.

4. 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 Standards Committee, may do so. The deadline for registering is **5:00 pm on Thursday, 24 June 2010**.

5. Annual Monitor of Member Training and Development (Pages 21 - 32)

This report, originally due to come before Standards Committee in April, summarises feedback received from Members in relation to the core programme of Training and Development for 2009/2010, which has now come to a close.

6. Future of the Current Standards Regime (Pages 33 - 34)

This report considers the future of the Standards Committee in the light of Government proposals to 'abolish the Standards Board regime'.

7. Guidance on Blogging (Pages 35 - 38)

This report draws the Committee's attention to a guide for Members on blogging and social networking produced by Standards for England.

8. Cases before the First Tier Tribunal (Pages 39 - 44)

This report identifies some key messages from cases which have been decided recently by the First Tier Tribunal.

9. Plans/work undertaken to promote the Code

To receive a verbal update from the Chair on work recently undertaken and planned within the City of York Council to promote the Code of Conduct.

10. Review of Work Plan (Pages 45 - 46)

To review the work plan for the Standards Committee for the 2010/2011 Municipal Year. A copy of the Committee's last work plan for 2009/10, approved in January 2010, is attached for information.

11. Urgent Business

Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democratic Services Officer responsible for this meeting:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

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
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Contact details are set out above.

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- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

MEETING	STANDARDS COMMITTEE
DATE	22 JANUARY 2010
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR), HORTON (VICE-CHAIR), WAUDBY, HUDSON, TAYLOR, DIXON (INDEPENDENT MEMBER), HALL (INDEPENDENT MEMBER), MELLORS (PARISH COUNCIL MEMBER) AND FORSTER (PARISH COUNCIL MEMBER)
APOLOGIES	MR WILSON AND CRAWFORD (PARISH COUNCIL MEMBER)

31. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllrs Horton and Waudby each declared a personal, non prejudicial interest in agenda item 5 (Review of Hospitality Registers), as former Lord Mayors who had received free tickets to the race course.

Cllrs Taylor and Waudby each declared a personal, non prejudicial interest in agenda item 9 (Dispensation Requests), as Members requesting dispensations.

32. MINUTES

RESOLVED: That the minutes of the Standards Committee meeting held on 20 November 2009 be approved and signed by the Chair as a correct record.

33. MINUTES OF SUB-COMMITTEES

Members noted that the content of the minutes of the sub-committees differed from that of the decision notices issued after the meetings. It was explained that this was because the minutes were intended as a formal public record of the meeting, rather than a detailed record of the decision. However, it was agreed that in future the content of the minutes would be aligned more closely with that of the decision notices.

RESOLVED: That the minutes of the following Sub-Committees of the Standards Committee be approved and signed by the Chair as a correct record:

- Hearings Sub-Committee – meeting held on 6 November 2009
- Review Sub-Committee – meeting held on 20 November 2009
- Assessment Sub-Committee – meetings held on 23 November and 7 December 2009.

34. PUBLIC PARTICIPATION

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

35. REVIEW OF HOSPITALITY REGISTERS

Members considered a report which provided information on the City of York Council's Members' Hospitality Register and an explanation of work carried out in relation to the registration of hospitality for Officers.

The Code of Conduct required Members to register all gifts and hospitality valued at more than £25. Any gift or hospitality so registered was also a personal interest. The register of interests was held both manually and on the Council's website. Members were responsible for updating their own entries. About half of Council Members had registered gifts or hospitality received, mostly in relation to tickets to the race course and Theatre Royal. Some had also registered gifts or hospitality offered but not accepted, in accordance with best practice. The main issue was for Members to remember to declare these as personal interests. The race tickets offered to previous Lord Mayors for nine years after their term of office could also amount to a prejudicial interest.

The Council's policy on gifts and hospitality to Officers, attached as Annex 1 to the report, was presented for information and comments only, as it was not within the remit of the Standards Committee. Management of the Officers' gifts and hospitality register lay with individual departments. A recent internal audit review of the departmental registers had identified examples of good practice but also a number of weaknesses, some of which required immediate action. The audit report included an action plan to address the concerns raised and this would be taken forward at Officer level.

With regard to the Members' register, the Monitoring Officer advised that, where a councillor was in receipt of multiple tickets of varying values, it was acceptable to declare these 'en bloc' at the start or end of the year, with an estimate of the total value. With regard to the Officers' register, Members commented that hospitality from charities should also be included in the definition at paragraph 15 of the policy, as charities were often in receipt of Council grants.

RESOLVED: (i) That the information in the report be noted and that Officers note Members' comments thereon.

(ii) That the Standards Committee review the Members' Hospitality Register on an annual basis.¹

REASON: To enable the Committee to carry out its role in maintaining high standards of conduct.

Action Required

1. Include annual review of Members' Hospitality Register on FY the Committee's work plan

36. HEARINGS PROCEDURE

Members considered a report which sought approval for a procedure that the Standards Committee must have in place in order to support the local determinations framework introduced in May 2008.

Although it had established most of the framework required to deal with complaints against members at a local level, the Standards Committee had not yet adopted a procedure for dealing with cases referred for investigation by the Assessment Sub-Committee. Cases to date had been dealt with in accordance with the extensive guidance published by Standards for England. This guidance had also been used as the basis for the procedure attached as Annex 1 to the report.

The aim of the procedure was to provide clarity on the local determination process, from the decision of the Assessment Sub-Committee on the original complaint to the end of any subsequent hearing. The procedure would be made available on the Council's website and sent out to the parties involved following the Assessment Sub-Committee's decision. The aim was to make members and the public aware of how the Standards Committee carried out its responsibilities and to ensure that, by the time a case reached a hearing, the matters in dispute were clear and understood.

RESOLVED: That the procedure attached as Annex 1 to the report be adopted, subject to paragraph 17 of the procedure being amended to:

- state that the parties to the hearing are the Monitoring Officer and the member complained of;
- clarify the circumstances in which the investigating officer should attend the hearing.¹

REASON: To ensure that a proper process is adopted in managing complaints against Members.

Action Required

1. Make the amendments to paragraph 17 of the procedure AL as requested and make the procedure available on the Council's website

37. RAISING THE PROFILE OF STANDARDS COMMITTEE

Members considered a report which presented some ideas for raising the profile of the Standards Committee and enable it to carry out its wide-ranging roles.

Although the Committee was currently fulfilling its core duties in overseeing the Code of Conduct and carrying out local determinations, its role did not appear to be widely recognised within the Council. The report set out a number of potential routes that members could take should they wish to make the Committee more visible and proactive. They included:

- Seeking local media coverage or publishing a newsletter
- Promoting training events
- Becoming 'ethical governance champions' within political groups
- Building closer links with parish councils
- Individual Committee Members 'specialising' in specific areas of work
- Liaising more closely with the Audit & Governance Committee.

In discussing the proposals, members:

- Sought clarification as to whether the Chair of Standards Committee could contact the Press directly (the previous Monitoring Officer had advised against this).
- Noted the positive participation of parish councils in the recent Code of Conduct training.
- Commented that, at this stage, resources should be aimed at developing the charter between the City and parish councils rather than creating specific links to the Standards Committee.
- Commented that there was probably limited scope for raising the Committee's profile by 'specialising' in particular areas, although attending meetings of other Council bodies would help to give external members an insight into the workings of the City Council.

RESOLVED: That a further report be received in due course containing more detailed proposals for implementation, taking account of the comments made and issues raised by members at this meeting.¹

REASON: To ensure that the Committee's role in promoting high ethical standards is carried out.

Action Required

1. Schedule a report containing detailed proposals on the Committee's work plan for a suitable meeting AL

38. REVIEW OF WORK PLAN

Members reviewed the Standards Committee's work plan for the remainder of the 2009/10 Municipal Year.

RESOLVED: That the work plan circulated with the agenda be approved, subject to the following amendment:

- Review of Planning Code of Good Practice to be moved to the meeting on 1 April 2010.¹

REASON: To allow sufficient time for the review to be progressed and to ensure an organised programme of work for the Committee

Action Required

1. Make the amendment to the work plan

FY

39. DISPENSATION REQUESTS

Members considered a report which presented a number of requests for dispensation for City of York Council Members, to allow them to speak at ward committee meetings when they may have a prejudicial interest.

Each ward in the City of York Council area had a ward committee whose membership comprised the relevant ward councillors. Each ward committee had a budget which could be used to fund organisations in the ward. When a ward councillor was also a member of an organisation receiving such funding, they were likely to have a prejudicial interest which, under the Code of Conduct, would exclude them from decision-making in respect of the budget. This would usually mean that the ward committee was unable to make a decision unless a dispensation was granted by the Standards Committee.

Requests for dispensation must be submitted in writing. It was for the Standards Committee to decide what criteria to apply when considering a request and to decide the nature of the dispensation and how long it should apply (up to a maximum of four years). Applications for dispensation had been received from a total of 22 councillors, as listed in Annex A to the report. All were recommended for approval. Details of each application were made available to members at the meeting. However, it was noted that not all of these included details of the organisations to which the Members in question belonged.

RESOLVED: (i) That dispensations be granted to the following councillors in relation to their ward committees, in order to allow them to participate in budget and funding decisions at the ward committee meetings:

Councillor Keith Aspden	Heslington and Fulford Ward Committee
Councillor Denise Bowgett	Holgate Ward Committee
Councillor Barbara Boyce	Heworth Ward Committee
Councillor Jenny Brooks	Derwent, Heworth Without &

	Osballdwick Ward Committee
Councillor Sonja Crisp	Holgate Ward Committee
Councillor Andy D'Agorne	Fishergate Ward Committee
Councillor Helen Douglas	Clifton Ward Committee
Councillor Paul Firth	Haxby & Wigginton Ward Committee
Councillor Christina Funnell	Heworth Ward Committee
Councillor Susan Galloway	Westfield Ward Committee
Councillor John Galvin	Bishopthorpe and Wheldrake Ward Committee
Councillor Paul Healey	Rural West York Ward Committee
Councillor Keith Hyman	Huntington and New Earswick Ward Committee
Councillor Richard Moore	Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Keith Orrell	Huntington and New Earswick Ward Committee
Councillor Ruth Potter	Heworth Ward Committee
Councillor Carol Runciman	Huntington and New Earswick Ward Committee
Councillor Dave Taylor	Fishergate Ward Committee
Councillor Andrew Waller	Westfield Ward Committee
Councillor Joe Watt	Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Irene Waudby	Skelton, Rawcliffe and Clifton Without Ward Committee
Councillor Sian Wiseman	Strensall Ward Committee

(ii) That the dispensations be granted for a period up to the end of the 2009/10 Municipal Year, on 27 May 2010.

REASON: To enable ward committees to make decisions in respect of their budgets.

(iii) That details of the individual applications for dispensation be made available with the minutes of this meeting.*

REASON: So that the reasons for the dispensations are clear and transparent.

* Note: details of the applications are attached as an annex to these minutes

C Bainton, Chair

[The meeting started at 3.00 pm and finished at 4.35 pm].

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Name of councillor	Ward Committee	Reason for dispensation
Councillor Keith Aspden	Heslington and Fulford Ward Committee	Member of Fulford Parish Council
Councillor Denise Bowgett	Holgate Ward Committee	member of Millenium Green Trust Board which has applied for Ward Funding
Councillor Barbara Boyce	Heworth Ward Committee	Confirmed no prejudicial interest on budget agenda therefore does not require dispensation
Councillor Jenny Brooks	Derwent, Heworth Without & Osbaldwick Ward Committee	Confirmed no prejudicial interest on budget agenda therefore does not require dispensation
Councillor Sonja Crisp	Holgate Ward Committee	member of Millenium Green Trust Board which has applied for Ward Funding
Councillor Andy D'Agorne	Fishergate Ward Committee	Member of Friends of New Walk who are funded by the ward committee
Councillor Helen Douglas	Clifton Ward Committee	Secretary of Clifton Residents Association which receives funding and uses facilities paid for by Clifton Ward Committee
Councillor Paul Firth	Haxby & Wigginton Ward Committee	member of Wigginton Parish Council which has applied for Ward Funding
Councillor Christina Funnell	Heworth Ward Committee	Member of St Nicholas'Fields which has applied for ward funding.
Councillor Susan Galloway	Westfield Ward Committee	Confirmed no prejudicial interest on budget agenda therefore does not require dispensation
Councillor John Galvin	Bishopthorpe and Wheldrake Ward Committee	Confirmed no prejudicial interest on budget agenda

		therefore does not require dispensation
Councillor Paul Healey	Rural West York Ward Committee	Member of the management committee for Poppleton Youth Club who are funded by the committee
Councillor Keith Hyman	Huntington and New Earswick Ward Committee	member of Huntington Parish Council and Parish Council representative at Orchard Park Community Centre
Councillor Richard Moore	Skelton, Rawcliffe and Clifton Without Ward Committee	<p>Chair of organizations submitting the following schemes:</p> <p>SK-10-03 A grant to Rawcliffe Parish Council to install kissing gates at Rawcliffe Grange to stop motorcycles and scooters entering the site. The grant will be match funded from other sources.</p> <p>SK-10-09 A grant to Rawcliffe Parish Council to relocate the gate at the Clifton Moor Community Church to be opposite the door allowing the after school club to move directly to the open space for activities.</p> <p>SK-10-10 A grant to Rawcliffe Parish Council to create a path connecting Staindale Close with Rawcliffe</p>

		<p>Recreation Field. This will link to other paths that are part of 'Routes to School'</p> <p>SK-10-21 A grant to Rawcliffe Parish Council to plant two slow growing trees on the Staindale Close open space. This will include the equipment needed to protect their growth.</p> <p>SK-10-27 A grant to Clifton Backies Management Committee towards the provision of a seating area on Clifton Backies for recreation. The final design and costings will be available after a public consultation event.</p>
Councillor Keith Orrell	Huntington and New Earswick Ward Committee	member of Huntington Parish Council and Parish Council representative at Orchard Park Community Centre and Huntington Burial Board
Councillor Ruth Potter	Heworth Ward Committee	Member of Bell Farm Social Hall and the proposal is to fund children's trips and enabling water to be put onto the site
Councillor Carol Runciman	Huntington and New Earswick Ward Committee	Member of New Earswick PC
Councillor Dave Taylor	Fishergate Ward Committee	Member of Friends of New Walk who

		are funded by the ward committee
Councillor Andrew Waller	Westfield Ward Committee	Confirmed no prejudicial interest on items now on agenda and therefore does not require dispensation
Councillor Joe Watt	Skelton, Rawcliffe and Clifton Without Ward Committee	member of Skelton Parish Council, the Skelton Village Hall Committee and a Trustee of the Skelton Village Hall. These organisations have applied for Ward Funding
Councillor Irene Waudby	Skelton, Rawcliffe and Clifton Without Ward Committee	a member of Rawcliffe Parish Council, the St Mark's Church, Rawcliffe. These organisations have applied for Ward Funding
Councillor Sian Wiseman	Strensall Ward Committee	Member of Earswick Parish Council

City of York Council

Committee Minutes

MEETING	STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE
DATE	28 JANUARY 2010
PRESENT	MR DIXON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR FORSTER (PARISH COUNCIL MEMBER) COUNCILLOR WAUDBY (CYC MEMBER)

19. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

All three Sub-Committee Members declared a personal, non prejudicial interest in agenda item 2 (Complaint against two Members of City of York Council, as one of the subject members in this case was also a member of the Standards Committee.

Cllr Waudby indicated that she had already had sight of the e-mails submitted by the complainant in support of his case, as he had originally circulated these to all Members of City of York Council.

20. COMPLAINT AGAINST TWO MEMBERS OF CITY OF YORK COUNCIL

The Sub-Committee considered a complaint made against two Members of City of York Council.

It was alleged that both subject members had breached paragraph 3 of the Code of Conduct by instructing a police officer, at a public meeting, to harass a member of the complainant's family. It was further alleged that one of the subject members had also breached paragraph 6 of the Code by using their position to protect a person who had abused the same family member.

Having considered all the evidence provided in support of the complaint, it was

RESOLVED: That no further action be taken in respect of this complaint.

REASONS: (i) The Sub Committee is of the view that the complainant has failed to identify the actions (if any) which the Councillors have undertaken which mean that they have breached paragraph 3 of the Code.

(ii) Further, the Sub Committee is mindful of the fact that the complainant has failed to provide any information at all to substantiate his allegations.

(iii) The Sub Committee is concerned that the tone of e mails provided by the complainant could suggest that the complaint was 'trivial, vexatious, malicious, politically motivated or tit for tat.' (Assessment Criteria)

(iv) In addition, the Sub Committee is aware that the complainant's allegations are the subject of an investigation by the Local Government Ombudsman into the actions of the local authority and does not believe that the public interest would be served by instigating another investigation of issues which are within the remit of the Local Government Ombudsman investigation and not obviously within the remit of this Sub Committee.

A Dixon, Chair

[The meeting started at 2.30 pm and finished at 3.00 pm].

MEETING	STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE
DATE	30 APRIL 2010
PRESENT	MR HALL (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR CRAWFORD (PARISH COUNCIL MEMBER), COUNCILLOR HUDSON (CYC MEMBER)

21. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

22. COMPLAINT AGAINST MEMBERS OF CITY OF YORK COUNCIL

The Sub-Committee considered a complaint made against all of the members of City of York Council's West and City Centre Area Planning Sub-Committee.

It was alleged that:

- Subject member A had breached paragraph 9 of the Code by failing to declare a personal and prejudicial interest in relation to a planning application before the Sub-Committee;
- Subject member B had breached paragraphs 5 and 3(1) of the Code by visiting the site in question at a time that misrepresented the objections of the complainants and by failing to bring to order other members of the Sub-Committee who made disrespectful comments at the meeting;
- The remaining subject members had breached paragraphs 3 and 5 of the Code by being inappropriately influenced by the views of subject members A and B and by being disrespectful towards the complainants at the meeting.

Having considered the evidence provided in support of the complaint, it was

RESOLVED: That no further action be taken.

REASON: The Sub-Committee is satisfied, in respect of each subject member, that even if the facts alleged were proven they would not amount to a breach of the Code of Conduct.

M Hall, Chair

[The meeting started at 2.50 pm and finished at 3.10 pm].

MEETING	STANDARDS COMMITTEE REVIEW SUB-COMMITTEE
DATE	30 APRIL 2010
PRESENT	MR HALL (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR MELLORS (PARISH COUNCIL MEMBER) COUNCILLOR HUDSON (CYC MEMBER)

8. DECLARATIONS OF INTEREST

Members were invited to declare at this point any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared, but Cllr Hudson indicated that he had previously received correspondence from the complainant, as had all Members of City of York Council.

9. REVIEW OF THE DECISIONS OF THE ASSESSMENT SUB COMMITTEE ON A COMPLAINT AGAINST TWO MEMBERS OF CITY OF YORK COUNCIL

Members reviewed a decision made by the Assessment Sub-Committee on 28 January 2010 that no further action be taken in respect of a complaint made against two members of City of York Council. The review had been requested by the complainant on 7 March 2010, following the issue of a decision notice.

Having considered all the evidence, including the papers submitted to the Assessment Sub-Committee, the decision notices in respect of each subject member and the points made by the complainant in his review request, it was

RESOLVED: That the decisions of the Assessment Sub-Committee on 28 January 2010 be endorsed and that no further action be taken in respect of this complaint.

REASON: The Review Sub-Committee is in agreement with the decisions of the Assessment Sub-Committee and the reasons given for those decisions, as set out in the decision notices.

M Hall, Chair

[The meeting started at 2.30 pm and finished at 2.45 pm].



Standards Committee

25 June 2011

Report of the Head of Civic Legal and Democratic Services

Annual Monitor of Member Training and Development

Summary

1. In January 2009 Council agreed to introduce a Member Development Policy, giving a commitment to monitor the take-up of development opportunities.
2. The 2009/2010 core programme of Training & Development for members has now come to a close and this report therefore informs members of the take up at events offered together with a summary of feedback received.

Background

3. The Council has put in place effective systems for recording the data it holds in respect of development activities offered to members and the Member Development Steering Group has undertaken to monitor this and report it's findings to the Standards Committee bi-annually. The Steering Group has given this commitment, under the Member Development Policy, approved by Council in December 2009.

Monitoring of Take-Up of Training & Development

4. As part of its commitment to monitoring take-up, in January of 2009 Council introduced an annual minimum requirement relating to the number of development activities Executive/Non Executive members should attend. Council agreed that Executive members should attend a minimum of 12 development sessions and Non-Executive Members a minimum of 8 sessions during the course of a year;

Analysing Take-Up

5. Take up of development opportunities varies according to the nature of the training. Generally, training events targeted at members of a particular committee, e.g. Scrutiny or Planning attract a higher level of attendees than events which focus on specific skills such as chairing meetings, dealing with the media etc.

6. Qualifying activities which count towards the agreed targets include
 - Any session or activity offered in the core programme
 - Relevant information briefings, presentations etc given by a Directorate or an external body
 - Approved conferences, seminars and external training events
 - Police and Fire Authority Training
 - Independent study which is relevant to the role of and elected member including, e-learning, DVD's CD's etc
 - Pre-Council Briefings
7. Details of Members' attendance levels at qualifying events and activities are held on a central database within Democratic Services and for the year 2009/2010 are summarised as follows:
 - 21 Non-Executive Members achieved the minimum target of 8 qualifying 'sessions' and 19 of those exceeded the target
 - 19 Non-Executive Members did not reach their target
 - 5 Executive Members exceeded the target of 12 qualifying 'sessions' however 2 Executive members achieved the minimum target.
 - 4 non Executive Members did not undertake any qualifying events or activities
8. The Member Development Steering Group takes a pro-active role in encouraging Group Members to work towards achieving the agreed targets.
9. This summary report setting out the results of take-up by Members and their performance in meeting the appropriate agreed targets for 2009/10 will be reported to Council at it's meeting in July.
10. Following Council it is the intention to publish the training attendance figures on the Council's web site alongside members allowances and expenses for the same period.
11. By April 2011, Democratic Services will be in a position to measure the success of introducing the targets by comparing the achievement in 2010/11 with those in 2009/2010

Evaluating the Core Programme (including in year additions)

12. In addition to the monitoring of take up at development events another key aspect to measuring the success and effectiveness of the development sessions on offer is measured through feedback received from attendees.

13. Details of feedback received between June 2009 and May 2010 relating to development activities included in the core programme are summarised in Annex A

Summary of Feedback

14. The session held on Local Government Finance was well received by members who found it enjoyable and aimed at the right level. The Steering Group agreed however not to run the session again until 2011/2012 when it would be offered as part of an induction programme following the elections.
15. The expected Revisions to the Code of Conduct did not materialise, however the Interim Head of Civic Legal and Democratic Services took the decision to run with the session as planned. The training focused instead on common issues raised in relation to the Code. Attendance was much higher than expected though predominantly Parish Councils. Feedback was very positive however delegates suggested that more 'practical examples could be incorporated into the session along with more time for discussion at the end. In response to the feedback and requests for similar training in the future, a further session has been included in the 2010/2011 programme with particular focus on Complaints Hearings and Conduct. The session will be delivered by the new Head of Civic Legal and the rules regarding pre-determination and bias.
16. The Theatre Work-Shop around Member/Officer relationships received the most positive feedback of all events offered to date. Although attendance figures were lower than expected, those who took part thought it an excellent way of engaging members and officers in a very delicate area. There was an equal mix of participation from officers and members with participants enjoying the interactive style and the opportunity to break down some of the barriers between members and officers in an informal setting. Feedback from the session also included suggestions for follow up sessions on Members rights to personal information on behalf of constituents and scale of enquiries (how much work is involved). As a result of feedback a session has been included in the 2010/2011 programme Members – 'Need to Know' which will guide members through the complexities of their working relationships with officers with particular focus on the Member/Officer protocol and members right to information.
17. In addition to feedback on the sessions themselves, a number of comments were also made relating to room temperature, quality of refreshments etc. These comments were taken on board when planning the 2010/2011 programme

Options

18. Members can:
 - (i) make recommendations to Council on the level of take-up of development opportunities;

- (ii) make representations to the Member Development Steering Group on the quality and provision of the Core Programme 2009/2010

Corporate Priorities

- 19. Monitoring take up of development events and evaluating the core programme directly supports the Council's Corporate aim of providing of strong leadership, supporting and developing people and encouraging improvement in everything we do.

Implications

- 20. There are no known implications associated with the recommendations.

Risk Management

- 21. In compliance with the Council's risk management strategy, there are no risks associated with the contents of this report other than if Standards Committee were not to refer this report on to Full Council, thus being in breach of the Terms of Reference for the Steering Group agreed by Full Council

Recommendation

- 22. Members are asked to comment on the contents of the report and in particular to make any recommendations to Full Council on the take-up of development opportunities offered in 2009/2010.

Reason

- 23. In order to comply with the monitoring arrangements set out in the Steering Group's Terms of Reference as approved by Council.

Contact Details

Author:

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Senior Member Support Officer

Chief Officer Responsible for the report:

Andrew Docherty
Head of Civic Democratic and Legal Services

Dawn Steel
Democratic Services Manager

Report Approved

Date 16/06/2010

Specialist Implications Officer(s) none

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None.

Annexes:

Annex A – Summary of Evaluation of Core Programme events

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EVALUATION OF CORE PROGRAMME EVENTS FROM JUNE TO NOV 2009

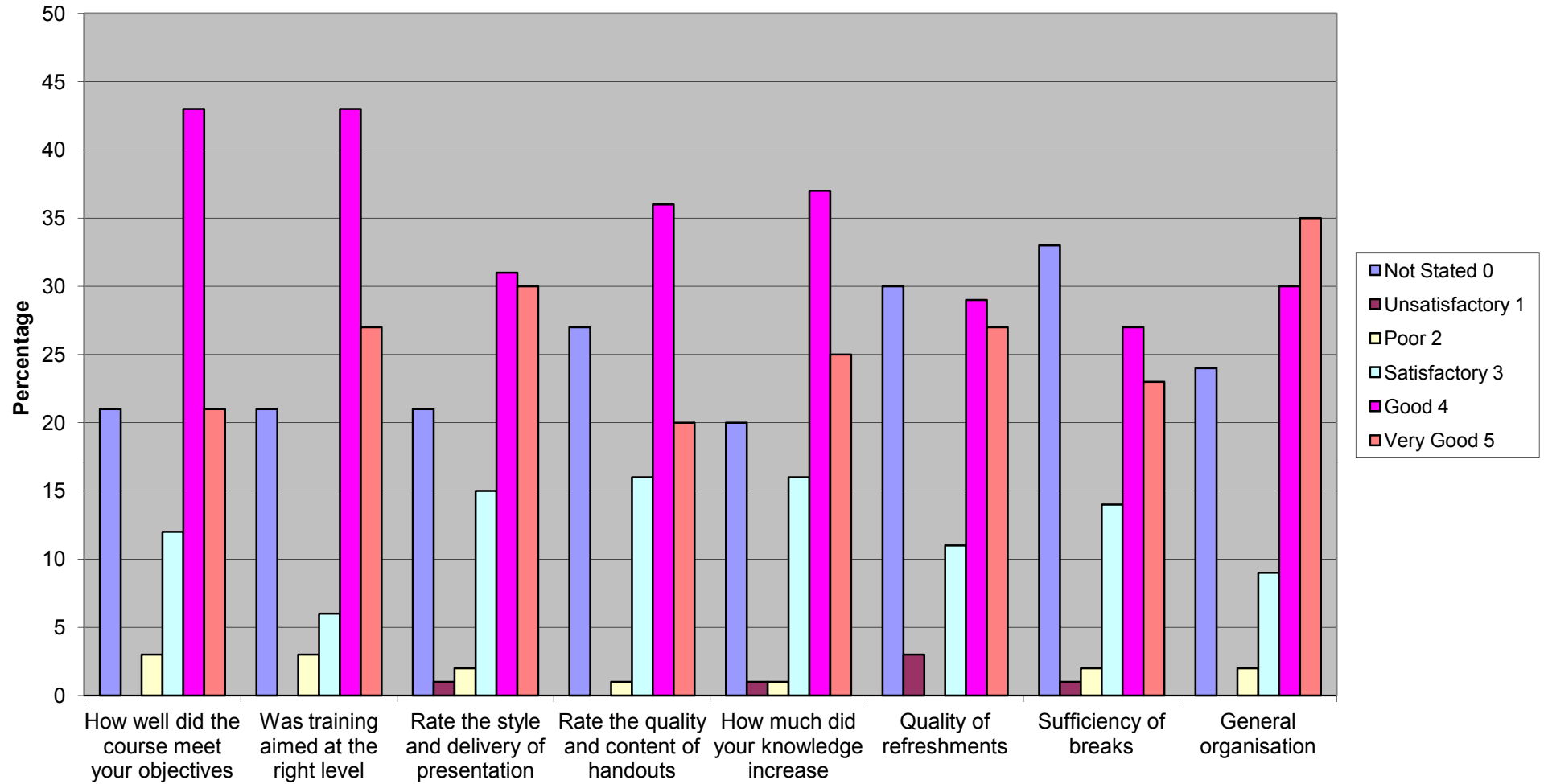
Annex A

	Not Stated	Unsatisfactory	Poor	Satisfactory	Good	Very Good
	0	1	2	3	4	5
How well did the course meet your objectives	21		3	12	43	21
Was training aimed at the right level	21		3	6	43	27
Rate the style and delivery of presentation	21	1	2	15	31	30
Rate the quality and content of handouts	27		1	16	36	20
How much did your knowledge increase	20	1	1	16	37	25
Quality of refreshments	30	3		11	29	27
Sufficiency of breaks	33	1	2	14	27	23
General organisation	24		2	9	30	35

Overall Comments

Very general - Briefing for Audit & Governance Members
 Good general overview - Briefing for Audit & Governance Members
 Room too cold, warm drinks on arrival - The Gambling Act 2005
 Course was helpful - The Gambling Act 2005
 No need for lunch - The Gambling Act 2005
 Title of course may have put some members off - Communication Skills Workshop
 Role play was excellent - Communication Skills Workshop
 Excellent - Corporate Parenting
 Well done - Corporate Parenting
 Happy with Presentation - Planning Updates
 Not to use the Council Chamber - Chairing Scrutiny
 Much better using Mics and committee room 4 - Chairing Scrutiny
 Invite vice-chairs - Chairing Scrutiny
 Separate training for Exec Members - The 4 Principles of Effective Scrutiny
 Officers to be offered similar training - The 4 Principles of Effective Scrutiny
 Very poor, reading from a prepared script - The 4 Principles of Effective Scrutiny
 Repeat the course - Crime & Disorder Training & Awareness Event
 Too many handouts - Crime & Disorder Training & Awareness Event
 Timings were bad and rushed at the end - Crime & Disorder Training & Awareness Event
 Started too late - Crime & Disorder Training & Awareness Event
 Sandwiches with no dressings - Crime & Disorder Training & Awareness Event

Evaluation of Core Programme Events from June - Nov 2009



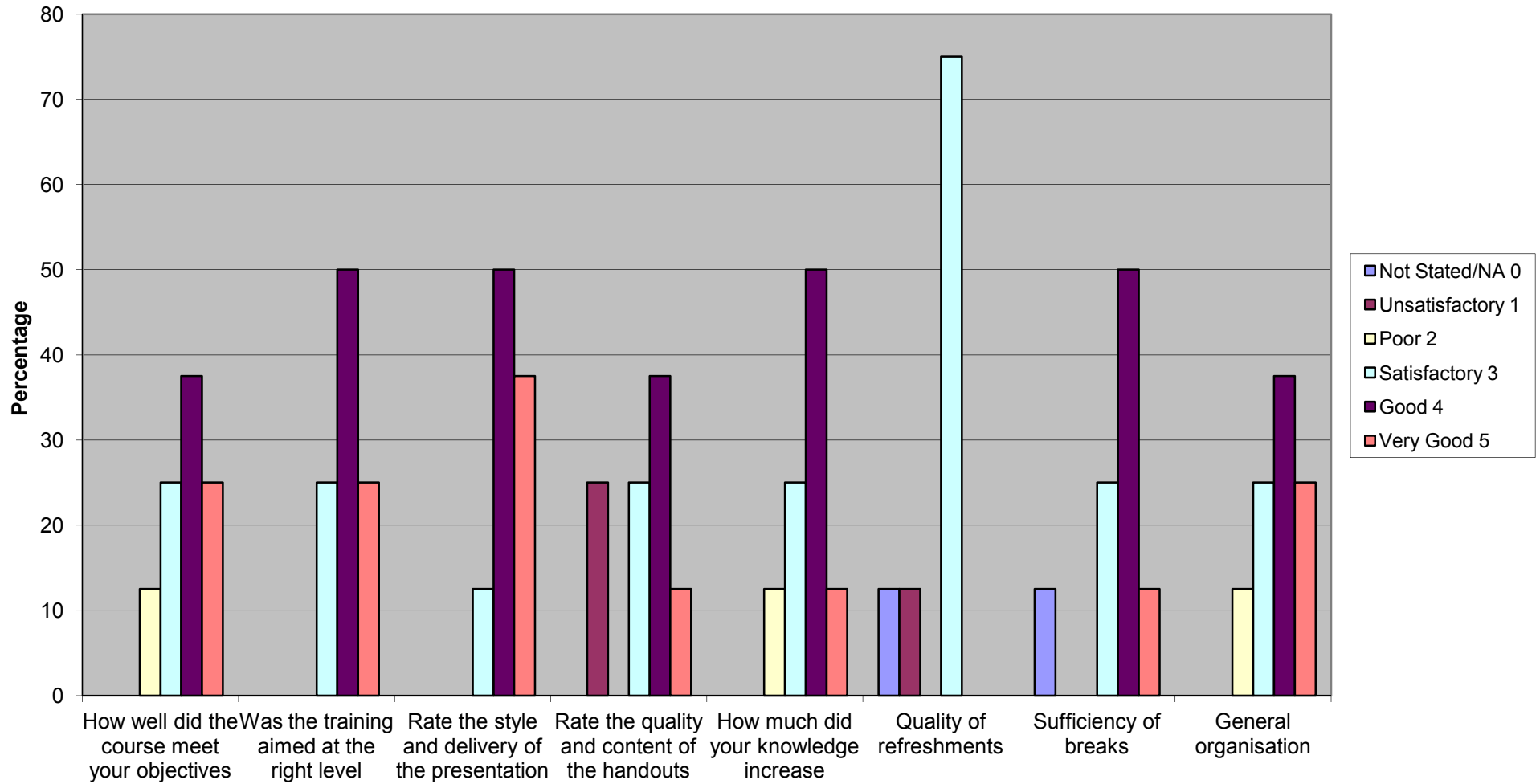
EVALUATION OFF ALL TRAINING SESSIONS FROM NOVEMBER 2009

How the Council Deals with it's Finances	Not Stated/NA	Unsatisfactory	Poor	Satisfactory	Good	Very Good
	0	1	2	3	4	5
How well did the course meet your objectives			12.5	25	37.5	25
Was the training aimed at the right level				25	50	25
Rate the style and delivery of the presentation				12.5	50	37.5
Rate the quality and content of the handouts		25		25	37.5	12.5
How much did your knowledge increase			12.5	25	50	12.5
Quality of refreshments	12.5	12.5		75		
Sufficiency of breaks	12.5			25	50	12.5
General organisation			12.5	25	37.5	25

Overall Comments

Room too cold
 Very cold again.
 Excellent, really enjoyed it - aimed at a good level.

How the Council Deals with it's Finances

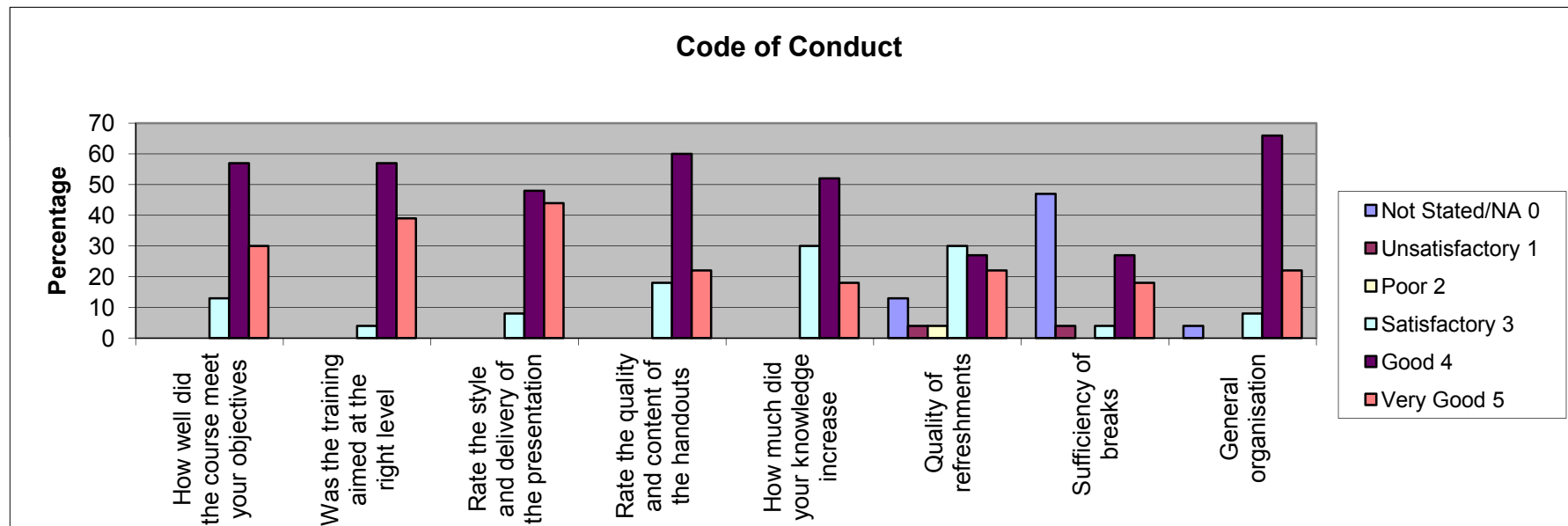


EVALUATION OF ALL TRAINING SESSIONS FROM NOVEMBER 2009


Code of Conduct	Not Stated/NA	Unsatisfactory	Poor	Satisfactory	Good	Very Good
	0	1	2	3	4	5
How well did the course meet your objectives				13	57	30
Was the training aimed at the right level				4	57	39
Rate the style and delivery of the presentation				8	48	44
Rate the quality and content of the handouts				18	60	22
How much did your knowledge increase				30	52	18
Quality of refreshments	13	4	4	30	27	22
Sufficiency of breaks	47	4		4	27	18
General organisation	4			8	66	22

Overall Comments

Useful Session Practical examples would have been helpful, Opportunity for discussion good
Would recommend to colleagues



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STANDARDS COMMITTEE	25 June 2010
Report of the Monitoring Officer	

Future of the Current Standards Regime

Summary

1. The new Government proposes to abolish “the Standards Board regime”. It is unclear what this will mean in practice.

Background

2. The Government announced in the Queen’s Speech that the proposed Decentralisation and Localism bill will include proposals to ‘abolish the Standards Board regime’.
3. The precise scope of the proposals is not yet known and until legislation is past the Standards Committee will continue to perform its statutory roles of promoting high standards of ethical conduct and dealing with complaints that the Code of Conduct has been breached.
4. In the light of this announcement Standards for England has also announced the cancellation of this year’s annual assembly.

Corporate Priorities

5. The Standards Committee’s management of the local assessment framework contributes to its key role in maintaining high ethical standards. This in turn is an essential part of the ‘Effective Organisation’ strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

Recommendations

6. That the Standards Committee ask the Monitoring Officer to keep it apprised of further developments.

Reason: In order to ensure that the Committee can prepare for any changes to its role and continue to support the City and Parish Councils in maintaining high standards of ethical conduct.


Contact Details

Author:	Chief Officer Responsible for the report:		
Author's name: Andy Docherty Title: Head of Civic Democratic and Legal Services Tel No. 01904 551004	Chief Officer's name: Andy Docherty Title: Head Civic Democratic and Legal Services		
	Report Approved	√	Date 07/06/2010
Specialist Implications Officer(s) <i>None.</i>			
Wards Affected: <i>List wards or tick box to indicate all</i>		√	

Background Papers:

All relevant background papers must be listed here.

Letter from Standards for England dates 1st June 2010

	
STANDARDS COMMITTEE	25 June 2010
Report of the Monitoring Officer	

Guidance on Blogging

Summary

1. Standards for England has produced a quick guide for Members on blogging and social networking.

Background

2. In recent years there has been a growth in the numbers of Councillors across the country using new technology as a means of interacting with their constituents. Councillors are using blogs hosted on their own websites and social networking sites such as facebook and twitter. Many Councils (but not the City of York) provide their Members with websites to use for their Council business.
3. There are a few examples of cases where Councillors use of such technology has brought them into conflict with the Code of Conduct. Standards for England has now added to its library of quick guides with a new guide specifically designed to help Councillors to avoid such conflicts. A copy of the Guidance is annexed to this report.

Corporate Priorities

4. Helping Councillors to comply with the Code of Conduct is a key part of the role of the Standards Committee. This in turn is an essential part of the 'Effective Organisation' strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

Recommendations

5. That the Standards Committee ask the Monitoring Officer to draw this guidance to the attention of City Councillors and Parish Clerks.

Reason: In order to support Councillors who may be using or planning to use new technology to assist them to interact with their constituents.

Contact Details

Author:	Chief Officer Responsible for the report:		
Author's name Andy Docherty Title Head of Civic Democratic and Legal Services Tel No. 01904 551004	Chief Officer's name Andy Docherty Head Civic Democratic and Legal Services		
	Report Approved	<input checked="" type="checkbox"/>	Date 07/06/2010
Specialist Implications Officer(s) <i>None.</i>			
Wards Affected: <i>List wards or tick box to indicate all</i>		<input checked="" type="checkbox"/>	<i>tick</i>

Background Papers:

There are no relevant background papers

Annex 1

Blogging Quick Guide – Standards for England

Annex 1

Blogging Quick Guide

Blogging and social networking are effective methods for councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

Standards for England support the use of such media and encourage councillors to get online. You should think about what you say and how you say it, in just the same way as you would when making statements in person or in writing,

You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a councillor. To make sure you comply with the Code of Conduct (the Code) and to ensure your use of online media is well received we suggest the following general hints.

Do

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that by publishing information that you could not have accessed without your position as a councillor you will be seen as acting in your official capacity
- make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.

Don't

- blog in haste.
- post comments that you would not be prepared to make in writing or face to face
- use council facilities for personal or political blogs.

When the Code may apply

Bear in mind the Code when you blog or use social networking sites. You should pay particular attention to the following paragraphs of the Code:

- Disrespect
- Bullying
- Disclosure of confidential information
- Disrepute
- Misuse of authority resources

However, it is difficult to give definitive advice on the application of the Code as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code.

Ethical use of online social media is not limited to what is covered in the Code. We encourage members to respect the [Ten General Principles of Public Life](#). While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and authority.

Find out more

- Please read our [Code of Conduct: Guidance for members 2007](#)
- Call our enquiries line on 0845 078 8181
- Email us at enquiries@standardsforengland.gov.uk

Published on 25th February 2010.

	
STANDARDS COMMITTEE	25 June 2010
Report of the Monitoring Officer	

Cases before the First Tier Tribunal

Summary

1. This report identifies some key messages for cases which have been decided recently by the First Tier Tribunal.

Background

2. The First Tier Tribunal (Local Government Standards in England), which was formerly called the Adjudication Panel, deals with appeals from the decisions of local Standards Committees and also hears cases at first instance where these have been referred to them by an Ethical Standards Officer or a Standards Committee.
3. Until the end of May, nineteen decisions of the Tribunal had been reported in 2010. All of these appear on the Tribunal's website at: <http://www.adjudicationpanel.tribunals.gov.uk/Public/Decisions.aspx>. Many of the decisions are fact specific and they do not operate as formal precedents. However, they can be interesting in their own right and a number of lessons can be learned.

Maintaining Relations

4. As a general observation, it is noteworthy how many of the cases which attain this level of seriousness seem to have started with poor relations between the subject Member and other Members or Officers. Standards for England have promoted the use of mediation in the past to address these kinds of difficulties.

Official capacity?

5. Ever since the Livingstone case a standard defence to an allegation that the Code has been breached has been to claim that the Councillor was not acting in his or her official capacity. The Code only applies where the Councillor:
 - (a) *conducts the business of the Authority (which, includes the business of the office to which he or she is elected or appointed)*
or

(b) *acts, claims to act or give the impression he or she is acting as a representative of the Authority*

6. One of several recent cases where this issue has been raised came up in a case involving a Barking and Dagenham Councillor. The allegation against the Councillor was that:

“On 24th September 2008 a video appeared on Richard Barnbrook’s blog and on Youtube which really appeared to focus/criticise the Borough and press articles more importantly in the latter part of the video he claims that ‘in the last three weeks a young girl had been murdered in an educational establishment in Barking and Dagenham and in the last two weeks two men had been murdered in Barking and Dagenham’. These two statements are lies. There have been no recent murders in the Borough”

7. The issue arose as to whether he was conducting the business of the Authority when he made the video. The Tribunal noted that the High Court had said:

“These are ordinary descriptive English words. Their application is inevitably fact sensitive and so whether or not a person is so acting inevitably calls for informed judgement by reference to the facts of a given case. This also means that there is potential for two decision makers both taking the correct approach, to reach different decisions.”

8. The Tribunal set out its own approach to the decision . The Tribunal thought it relevant that the Appellant was:
- making this video on behalf of the BNP with its primary purpose being party political;
 - not identified as a councillor for Barking and Dagenham;
 - not taking forward an issue relevant primarily to that London Borough;
 - not taking forward an issue on behalf of an individual constituent; and,
 - the video dealt with a range of issues and the Appellant did not concentrate upon issues within the Barking and Dagenham Borough.

The Tribunal was drawn to the conclusion that the making of the video was not proximate enough to the Appellant’s role of councillor as to bring him into the ambit of ‘acting in his capacity as a councillor’. The Tribunal felt that a case could be argued that he was giving the impression that he was acting as such but on balance decided that he was not.

9. By way of contrast, a Parish Councillor from Shropshire was found not to be acting in his official capacity when he referred six fellow Councillors to the police alleging that false statements had been made in an official return.
10. The Tribunal found against him noting that in the first sentence of the letter he referred to West Felton Parish Council *“of which I am a member”* and that he then states: *“It was approved by six Councillors at our meeting on 28 June 2007”*. Although it was true that he could have written to the Police in his private capacity, the whole tone and content of the letter suggested, in the Tribunal’s view, that he was writing as a councillor.
11. The difficulty in over reliance on these cases as precedent is though well illustrated by the fact that two months earlier another Tribunal in a case involving Astley Village Parish had stated:

“The report to the Police was not a breach of the Code of Conduct. In the absence of evidence of malice, wasting police time or other aggravating feature, the Tribunal does not accept that a report of any suspicion of criminal activity, no matter how unreasonably held, to the Police can be a breach of the Code of Conduct.”
12. A number of cases deal with the issue of freedom of speech. In another case from Shropshire the Tribunal considered in some detail the law in this area and, in particular, the grounds for interfering with the freedom of expression rights contained in Article 10 of the European Convention. The Tribunal recognised:

“that the threshold for breaches of this nature had to be set at a level that allowed for the passion and fervour of political debate relating to the efficient running of a council and which allowed for appropriate and robust criticism of the performance of a council function. This is consistent with the objective of maintaining proper standards in public life. However, this was to be balanced with the rights of others, including the right to protection of reputation.”
13. In that case the public criticism of a junior officer was unacceptable. The Tribunal in another case involving Blaby Parish Council put it quite simply:

“The Appellant’s use of some of the words contained in her report of the 13 April 2009 about the Parish Clerk, such as “incompetent”, “abysmal” and “totally inadequate” could not be construed as political or quasi political comments attracting a high level of protection. These comments were in the nature of personal abuse and personal criticism of an officer.”

14. The East Peckham Parish Council case illustrated a trap for the unwary. The Parish Council owned playing fields and a multi-purpose hall in the village of East Peckham. The Parish Council resolved to set up a separate company limited by guarantee to take over the management and control of the playing fields and hall. The Appellants were appointed as two of the directors of the Company as representatives of the Parish Council. They were therefore in a position of general control or management of the Company, needed to register the interest and had a personal interest in the matters relating to the Company when they were discussed and decisions made at the meetings. That interest ought to have been declared by the Directors. They failed to do so at several meetings of the Council.
15. Perhaps less obviously, the Appeals Tribunal found that the Appellants' personal interest was also a prejudicial one as it was an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it was likely to prejudice their judgment of the public interest. The Company ran the hall and playing fields which were rented out. It received grants from the Parish Council for that purpose. The outcome of this case was a direction for Members to receive training.
16. A different trap faced the Councillor who was a member of the Hampshire Police Authority. She took a call from a local news reporter within her role as Chair of the Authority. During her conversation with the reporter the Appellant indirectly confirmed the identity of a person who had made a complaint to the Authority, not by mentioning a name but by confirming the use of the name by the reporter. This breached the requirements of the Code to maintain confidentiality of information provided in confidence. In the circumstances the Tribunal's decision to direct media training was surely the right one.
17. A number of cases deal with the right sanction to impose. The Tribunal regularly refers to its own guidance documents and that produced by Standards for England. In a case where a prejudicial interest had not been declared Bury Standards Committee gave no reasons for deciding the sanction imposed (3 months suspension) and there was no record in the minutes of their proceedings that they took account of the guidance issued by the Standards Board for England. The Council's Monitoring Officer has subsequently confirmed that account was taken of the guidance. The Tribunals said that it would have been good practice to record all the factors taken into account, as well as any which were disregarded. The Tribunal considered that the principal purpose of a sanction in this case was the 'need to impress upon the Appellant the severity of the matter and the need to avoid repetition.' The Guidance suggests that a suspension of less than a month is not likely to have such an effect. However, there was no

evidence of any aggravating features which merited a suspension of more than one month.

18. The Lord Mayor of Coventry had reason though to thank his Standards Committee. He was found to have brought his office into disrepute by having engaged in a sexually explicit conversation at an official function.

The Adjudication Panel for England guidance provided:

“Suspension is likely to be appropriate where the Respondent has been found to have brought his or her office into disrepute...”

The Standards Sub Committee had suspended him for three months. The Appeals Tribunal stated that it may well have imposed a longer period of suspension than that imposed by the Standards sub-committee considering the aggravating factors but accorded appropriate deference to the decision of the Standards sub-committee with its knowledge of the local circumstances and which had the benefit of hearing oral and written evidence.

Recommendations

19. That the Standards Committee note the report and determine whether they would like to see similar reports from time to time

Reason: In order to ensure that the Committee is aware of current good practice.

Contact Details

Author:	Chief Officer Responsible for the report:		
Author's name Andy Docherty Title Head of Civic Democratic and Legal Services Tel No. 01904 551004	Chief Officer's name Andy Docherty Head Civic Democratic and Legal Services		
	Report Approved	√	Date 07/06/2010
	All	<i>tic k</i>	Date
Specialist Implications Officer(s) <i>None.</i>			
Wards Affected: <i>List wards or tick box to indicate all</i>			√ <i>tic k</i>

Background Papers:

All relevant background papers must be listed here.

Letter from Standards for England dates 1st June 2010

2009/2010 Work Plan for Standards Committee

Ongoing Activities

Local assessment of complaints
Standards Board Guidance
Member and Officer Training

<u>Item</u>	<u>Meeting Date</u>	<u>Notes</u>
Report on promoting the work of the Standards Committee	22 January 2010	Report received on 22 January. Further report to be received in due course containing more detailed proposals for implementation.
Report on Members' and Officers' Registers of Gifts and Hospitality (including details of current practice throughout the Council on the Officers' Register)	22 January 2010	Report received on 22 January. Agreed to review registers annually.
Report on complaints pre-hearing and hearing procedures	22 January 2010	To be rescheduled
Review of Planning Code of Good Practice	1 April 2010	To be rescheduled, as April meeting cancelled.
Review of Members' Declarations of Interest	1 April 2010	To be rescheduled, as April meeting cancelled.

Items for 2010/11 Municipal Year (dates tba):

- *Report on results of the Monitoring Officer's enquiries regarding joint committees (June 2010)*
- *Review of the Operation of Local Assessments of Complaints*
- *Corporate Complaints Review (annual, following introduction of new system in September 2009)*
- *Annual Report to Council*
- *Annual Review of Members' Hospitality Register*

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