

## **Joint Standards Committee**

**To:** Councillors Runciman, Cannon, Hayes, Kramm and Mercer (CYC Members)  
Cllrs Perrett and Wiseman (Parish Councillors)  
Ms Davies and Mr Laverick (Independent Persons)

**Date:** Wednesday, 5 July 2017

**Time:** 4.00 pm

**Venue:** The King Richard III Room (GO49) - West Offices

### **AGENDA**

**1. Appointment of Chair**

To appoint a Chair of the Joint Standards Committee for the municipal year.

**2. Appointment of Vice Chair**

To appoint a Vice Chair of the Joint Standards Committee for the municipal year.

**3. Declarations of Interest**

Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

**4. Minutes (Pages 1 - 6)**

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 19 April 2017.

## **5. 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 Joint Standards Committee, may do so. The deadline for registering is **5:00pm on Tuesday 4 July 2017**. To register to speak please contact the Democracy Officer for the meeting on the details at the foot of the agenda.

### **Filming or Recording Meetings**

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

## **6. Review of Complaints for the last Municipal Year**

(Pages 7 - 12)

This annual report provides an overview of the standards complaints received during the previous municipal year.

## **7. Monitoring Report on Complaints Received** (Pages 13 - 14)

This report updates the committee on current business as regards complaints.

## **8. Parish Council Membership** (Pages 15 - 18)

This report updates the Committee on steps taken since the last meeting to fill the current Parish vacancy.

**9. Feedback on Planning Issues (Pages 19 - 22)**

At previous meetings Members have requested information in relation to a number of planning issues and also recommended certain actions. This report updates the Committee in respect of those matters.

**10. Urgent Business**

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

Democracy Officer:

Name: Angela Bielby

Contact Details:

Telephone – (01904) 551088

Email – [a.bielby@york.gov.uk](mailto:a.bielby@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

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City of York Council

Committee Minutes

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Meeting	Joint Standards Committee
Date	19 April 2017
Present	Councillors Runciman (Chair), Cannon, Hayes and Mercer - CYC Members Councillors Perrett (Vice-Chair) and Wiseman - Parish Councillors
Apologies	Councillor Kramm, Mr Laverick and Ms Davies

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**26. 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. No additional interests were declared.

**27. Minutes**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 1 February 2017 be confirmed and signed as a correct record.

**28. Minutes of Sub-Committees**

Resolved: That the minutes of the Assessments Sub-Committee meeting of 31 March 2017 be approved and signed as a correct record.

**29. Public Participation**

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

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

Members considered a report which provided an update on current complaints.

Members noted that, at the time the report had been published, there had been two new complaints which were both against City of York Councillors and which related to behaviour in Council meetings.

Members agreed that complaints between Councillors should generally be discouraged, as the standards system primarily existed for members of the public to raise ethical concerns.

The Monitoring Officer informed Members that since the report had been published a further two complaints had been received. One of the complaints was against a City of York Councillor and the other was against a Parish Councillor.

- Resolved: (i) That the report be noted.
- (ii) That the Monitoring Officer be instructed to write to Group Leaders, Whips and the Independent Councillors to remind them that the Committee expects that they will be proactive in seeking to resolve differences between Councillors and to ask them to use their influence to avoid standards complaints being submitted.<sup>1</sup>

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.

#### Action Required

1. Write to Group Leaders, Whips and Independent Members AD

**31. Update on Planning Issues**

Members considered a report which updated the Committee on a number of planning issues that had been raised at previous meetings.

Referring to the information that had been presented in respect of Planning Panels, Members sought clarification as to whether all of the non-parished areas were covered by Planning Panels. They suggested that, if this was not the case, the relevant Ward Committees may wish to consider whether it would be appropriate to establish a Planning Panel.

Members also noted that the draft Code of Conduct for Ward Planning Panel Members did not include a requirement for the members to make a declaration of their interests, including any interests they may have in properties in the area. They suggested that consideration be given to including this information on the Council's website under the relevant Ward Committee information.

Members requested feedback on the training that had taken place for Planning Panel members and the numbers who had taken part in the training.

Copies of draft guidance on in respect of Planning Site Visits and how these would be conducted, had been circulated. It was noted that consultation had taken place with the Chair of the Main Planning Committee. Councillor Cannon informed the Members that she had sought the views of the Vice-Chairs of the Main Planning Committee and the Area Planning Sub-Committee who had welcomed the document but suggested that further consideration be given to the statement "On very rare occasions it might be advantageous to view an application from inside a building and therefore more appropriate for only the Chair and an Officer to enter the premises". It was important that health and safety implications were taken into account. Members agreed that the document would be very useful and suggested that it be placed on the Council's website as well as being made available at site visits and circulated to Members of the Main Planning Committee and the Area Sub-Committee.

Discussion took place regarding options for the timing of speakers at meetings. The Monitoring Officer confirmed that

this issue was under active consideration and that Officers were considering the models that were available.

- Resolved:
- (i) That the update on action since the last meeting be noted.
  - (ii) That the draft Code of Conduct for Planning Panel Members be approved for further consultation.
  - (iii) That the further suggestions put forward regarding Planning Panels, including the declaring of interests by Planning Panel members, be forwarded for consideration<sup>1</sup>.
  - (iv) That Members' comments on the draft Protocol for Planning Site Visits be forwarded to the relevant officers<sup>1</sup>.
  - (v) That an update on the issues raised be presented at the next meeting<sup>1</sup>.

Reason: To support high ethical standards in planning processes.

Action Required

1. Feedback Members' comments to relevant officers and provide an update report for next meeting AD

**32. Parish Representation on the Joint Standards Committee**

Members considered a report which sought the views of the Committee on how best to fill the current Parish vacancy.

Members noted that the Committee currently had a vacancy for a Parish representative but that only one nomination had been received. A suggestion had been put forward that the Committee could host an event to try to develop some interest in its work and encourage more nominations to come forward.

Members were asked to consider the following options and identify a way forward:

- a) Recommend that the City Council approve the current nomination.
- b) Consider ways in which more interest in the role could be created and, thereafter, ask YLCA to undertake a further recruitment exercise.
- c) Undertake a review of the Joint Committee arrangements and consider whether an alternative arrangement might allow for more effective engagement with Parish Councils.

Members agreed that they would wish to continue with the arrangement whereby parish council representatives were included in the membership of the committee.

The Vice-Chair expressed concern that not all parish councillors had been made aware of the vacancy. He stated that he knew of a parish councillor who was interested in serving on the Joint Standards Committee but who had not originally been aware of the vacancy.

Members agreed that it was also imperative that the representatives on the Joint Standards Committee were of the highest integrity. They agreed that it would be useful for a role description to be put in place.

Members discussed ways in which awareness of the vacancy could be raised. The following suggestions were put forward:

- A drop-in event whereby parish councillors could meet with the Chair, Vice-Chair and other members of the Committee to find out more about the role.
- A request for the Chair to be invited to attend a YLCA meeting to talk about the role and the vacancy.
- Preparation of an information sheet about the role.

- Resolved:
- (i) That the report be noted.
  - (ii) That the suggestions put forward to raise awareness of the role and to draw up a role description be put in place.<sup>1</sup>
  - (iii) That, in view of the proposed action to increase awareness of the role, the vacancy not be filled at this time.

Reason: To ensure that the City Council effectively engages with Parish Councils in promoting high standards of ethical conduct for all local Councillors.

Action Required

1. Co-ordinate suggested strategies

AD

**33. Review of Work Plan**

Members gave consideration to the committee's work plan and were asked to suggest items for inclusion on the agendas for the municipal year.

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

- The date of the next meeting to be moved from Wednesday 7 June to Wednesday 5 July 2017 at 4.00pm.
- Agenda item on feedback re Planning Issues to be included on the agenda for the meeting on 5 July 2017.
- Review of the Member Code of Conduct to be considered at the meeting on 2 August 2017.

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

Councillor Runciman, Chair

[The meeting started at 4.00 pm and finished at 4.50 pm].



## Joint Standards Committee

5th July 2017

### Report of the Monitoring Officer

#### Review of Complaints for the last Municipal Year

##### Summary

1. This annual report provides an overview of the standards complaints received during the previous municipal year.

##### Complaints received

2. The table below describes the complaints handled during the last municipal year.

City or Parish Councillor	Complainant	Date Received	Outcome	Date Concluded
Parish	Member of the public	14/1/2016  (ongoing at previous year end)	Referred for investigation and subsequently hearing. Breach of code found. Members censured.	11/10/2016
City	Member of public	11/4/2016  (ongoing at previous year end)	Referred for investigation and subsequently hearing. Breach of code found. Group leader to be advised. Training to be offered if required.	19/12/2016
Parish	Member of public	26/5/2016	Referred to Sub Committee for assessment  No Further Action	12/7/2016

Parish	Another Parish Council	11/7/2016	MO decision. No breach. Not acting as a councillor.	18/7/2016
Parish	Member of public	22/7/2016	MO decision. Outside of code except possible failure to register membership of outside body where advice given	29/7/16
Parish	Member of the public	19/9/2016	MO decision. No breach of any substance	5/10/2016
Parish	Clerk and the Council	12/10/2016	Placed on hold as complaint linked to other processes.  This complaint has not been resurrected	21/11/2016
City	Councillor	8/3/2017	Referred to Sub Committee.  No further action required. Any breach was adequately dealt with by the immediate apology made.	31/3/2017
City	Councillor	31/3/2017	Withdrawn as immediate apology given	11/4/2017
City	Members of the public	11/4/2017	MO decision. Not covered by the code	5/5/2017
Parish	Member of the public	18/4/2017	Ongoing	

3. The volume of complaints is in line with previous years as shown below:

Year	Number of Complaints Received
2016/17	9
2015/16	9
2014/15	11
2013/14	5
2012/13	7

4. Six complaints related to Parish Councillors and the rest concerned City Councillors. Parish Councillors were highly represented compared to earlier years but remain under represented in relation to the overall numbers of Parish Councillors. For comparison previous years' figures are shown in the following table. For these purposes the table shows the number of complaints made. Some complaints relate to more than one Councillor but are recorded only once. Similarly, multiple complaints relating to the same matter are recorded only once.

Year	City Councillor complaints	Parish Councillor complaints
2016/17	3	6
2015/16	7	2
2014/15	9	2
2013/14	2	3
2012/13	7	0

5. Two Parish complaints related to the same Councillor. Neither of these resulted in any action. The Councillor had though been one of the subjects of a complaint during the previous Municipal year which was the subject of a hearing in 2016/17. Two other Parish complaints related to different Councillors from one Council. One City Councillor was the subject of two complaints of which one led to a hearing. There is some evidence of a recurring pattern of individuals being the subject of more than one complaint. However, a Councillor who was the subject of two complaints last year and one the year before avoided being the subject of any complaints during 2016/17.
6. As in previous years the most common reason for a complaint was that a Member had allegedly failed to treat someone with respect or, in the case of City Councillors, had brought the Council into disrepute. Two complaints though included an allegation that an interest had not been declared and one that an interest had not been registered. None of the complaints in relation to interests resulted in formal action.
7. Two of the three complaints against City councillors were submitted by fellow Councillors. Two of the six Parish complaints came from people directly associated with a Council. The Joint Standards Committee has stated on a number of occasions that it believes that the Standards system should not generally be the means for resolving issues between Councillors. At the Committee's request the Monitoring Officer is writing to Group Leaders to remind them of this and will also draw their attention to this annual review.
8. No new investigations were initiated during 2016/17. In each of the last two years there have been three. Two hearings were held during the year into complaints made during 2015/16. Prior to this only one hearing had taken place since the current standards regime came into effect in 2012. These hearings were both conducted under new procedures which the Committee adopted in 2014. The hearings resulted, in one case, in Members being censured and, in the other, a report being made to the Member's Group Leader and an offer of training.
9. On average cases which are dealt with under delegated powers and where no breach of the code was identified were resolved in two weeks. This process involves clarifying the complaint if necessary, consultation with the independent persons and consideration and response by the Monitoring Officer. In

comparison the two cases assessed by a Sub Committee took a little over 3 and 6 weeks respectively. The latter case was though rather complex. The two cases which involved hearings took between 8 and 9 months to be resolved. While a speedier resolution would have been preferable it is not obvious that this is likely to be achievable in future cases.

### Recommendations

10. Members are recommended to:

- 1) Note the report
- 2) To consider whether there are any issues raised by this review which require farther consideration as part of the Committee's work plan.

Reason: To ensure that the Committee continues to make an effective contribution to ethical standards within the City Council.

### Contact Details

**Author:**

Andrew Docherty  
Monitoring Officer  
Customer and Corporate  
Services  
Tel No. 01904 551004

Report  
Approved

Date 20/06/17

**Wards Affected:** *List wards or tick box to indicate all*

All

**For further information please contact the author of the report**

### Background Papers:

None

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**Joint Standards Committee****5<sup>th</sup> July 2017****Report of the Monitoring Officer****Monitoring Report on Complaints Received****Summary**

1. This report updates the Committee on recent standard complaints.
2. Since the Committee last met in April two new complaints have been received - one against a City Councillor and one against a Parish Councillor. Both were brought by members of the public.
3. The complaint against the City Councillor has not been taken forward. There were a number of elements to this complaint which was brought separately by three members of the public. Some of the issues raised did not relate to the Councillor acting in that capacity.
4. A complaint that the Member had a prejudicial interest in a matter where he had declared only a personal interest was not taken forward. The Code of Conduct currently limits prejudicial interest to situations where the Member (or one of the bodies in which they have a registered interest) has either a financial interest in the business or it relates to a license, approval or consent etc. in respect of them. Neither situation applied in this case. As part of the forthcoming review of the code of conduct Members may wish to consider whether the definition of “prejudicial interest” is sufficiently broad.
5. The Parish Councillor complaint is still under consideration at the time of writing. The Monitoring Officer has met with the complainant in order to identify which aspects of the complaint, if any, related to behaviour which might be regarded as being within the official capacity of the Councillor.

### Recommendations

6. Members are recommended to:

1) Note the report

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.

### Contact Details

**Author:**

Andrew Docherty  
Monitoring Officer  
Customer and Corporate  
Services  
Tel No. 01904 551004

**Report  
Approved**

**Date** 23/0617

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

**Background Papers:**

None



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**Joint Standards Committee****5<sup>th</sup> July 2017****Report of the Monitoring Officer****Parish Council Membership****Summary**

1. This report updates the Committee on steps taken since the last meeting to fill the current Parish vacancy.

**Background**

2. The Localism Act 2011 abolished the previous statutory Standards Committees which included Parish Members as of right. The City Council was keen to retain Parish influence on the Standards Committee and to give Parish Members the same status as City Councillors, including having full voting rights. In order to achieve this the Council agreed to establish a Joint Committee. Formally that Committee is a Joint Committee between the City Council and the Parishes whose Members sit on the Committee. However, the intention has always been that Parish member should see themselves as representatives of Parish Councillors generally rather than simply of their own Parish.
3. In order to ensure that the Parish Members were representative of Parish Councils as a whole, nominations have been sought through the Yorkshire Local Councils' Association. Recent vacancies have though attracted limited interest. The Committee discussed this at their last meeting.
4. Since the last meeting the following progress has been made:
  - The Chair and Vice Chair have been invited to attend a YLCA meeting. That will now take place in October.
  - The Chair and Vice Chair organised a drop in event on the 22<sup>nd</sup> June and a similar event is planned for the early Autumn.

- A draft role description has been prepared and a copy is annexed to this report for the Committee's comments.

### Recommendations

5. Members are recommended to:
- 1) Note the update on action since the last meeting
  - 2) Approve the draft role description for Parish Council members of the Standards Committee

Reason: To ensure that the City Council effectively engages with Parish Councils in promoting high standards of ethical conduct for all local Councillors.

### Contact Details

**Author:**

Andrew Docherty  
Monitoring Officer  
Customer and Corporate  
Services  
Tel No. 01904 551004

**Report  
Approved**



**Date** 26/06/17

**Wards Affected:** *List wards or tick box to indicate all*

**All**



**For further information please contact the author of the report**

### Annexes

Annex 1 – Draft Role description for Parish Council Members

### Background Papers:

None

## **Parish Council Member of Joint Standards Committee**

### **Role Description**

1. The Joint Standards Committee is a joint committee of the City Council and up to three Parish Councils in York (currently Heworth Without and Earswick Councils).
2. Parish Council Members' appointments to the Joint Standards Committee must be supported by their own Council (which will need to pass a resolution agreeing to the establishment of the Joint Committee). The City Council must also agree to the establishment to the Joint Committee and, in practice, therefore also approves the individual appointment. However, the role is to represent the voice of Parish Councillors generally and to act as an ambassador for the standards system within Parish Fora. For that reason nominations are sought through the Yorkshire Local Councils' Association.
3. The Joint Standards committee meets up to six times a year. Meetings take place in the afternoons at West Offices. Parish Council Members are expected be able to commit to a high level of attendance at these meetings.
4. All Members of the Standards Committee have a responsibility for:
  - promoting and maintaining high standards of conduct by Councillors and co-opted members;
  - assisting Councillors and co-opted members to observe the Members' Code of Conduct;
  - advising the City and Parish Councils on the adoption or revision of the Members' Code of Conduct;
  - monitoring the operation of Codes of Conduct;
5. Parish Council Members may be invited to sit on Sub Committees considering what action to take in respect of complaints made against either other Parish or City Councillors. On average such invitations are likely to be made less than once a year. These Sub Committee meetings are held either:

- To determine whether a complaint about a councillor should be investigated - where the Monitoring Officer has decided not to make that decision himself.
- Following an investigation, to determine whether a Member has breached the code of conduct and to determine what sanction, if any, to impose.

### **Key Attributes of a Standards Committee Member**

1. Members should have a keen interest in promoting high ethical standards in local government and particularly in Parish Councils within York.
2. Members must have and be prepared to develop their understanding of the principles behind the Members' Code of Conduct.
3. Members must command confidence in their impartiality and integrity from other Councillors and from the general public. If a Member has had a recent complaint upheld against them it will not be an absolute bar to them remaining or becoming a member of the Joint Standards Committee but will be a factor in considering whether they are likely to command confidence.
4. Members must be able to analyse, interpret and absorb information and evidence effectively and quickly and to approach decision making in an open handed manner.



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**Joint Standards Committee****5th July 2017****Report of the Monitoring Officer****Planning Panels****Background**

1. At the last meeting Members approved for consultation a draft code of conduct for Planning Panel Members. Initial and helpful feedback has been received from the Communities and Equalities team who support the Ward Committees from which Planning Panels are drawn. While supportive of the principles underpinning the code they have suggested that some changes to the wording could help the code being received more positively.
2. A slightly revised draft code is therefore attached. Subject to Members' approval the Communities and Equalities team will seek further feedback from Panels and Panel Members which will be reported back to the Committee.

**Recommendations**

3. Members are recommended to approve the revised draft code for consultation with planning panel members.

Reason: To ensure that Planning Panels can command public confidence.

**Author:**

Andrew Docherty  
Monitoring Officer  
Customer and Corporate  
Services  
Tel No. 01904 551004

**Report  
Approved**

**Date** 22/6/17

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

**Annex 1**

**Draft Code of Conduct for Planning Panels**

**Background Papers:**

None

## Code of Conduct for Ward Planning Panel Members

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### 1. Background

1.1 -Planning panels are made up of ~~residents~~resident volunteers appointed at Ward Committee meetings who come together to discuss and respond to local planning applications. Planning Panels operate in non parished areas of the city.

1.2 Planning panel representations do not have a special status in the planning system. ~~They are~~Their comments and feedback is treated in the same way as any other representations from members of the public. They receive no additional information or authority over the planning system than other members of the public. Nevertheless because the Panels have been established through the City Council there is a particular expectation that Panels will operate in accordance with high ethical standards. This Code aims to help Planning Panels to do so and is based on the Nolan principles . Members of Planning Panels should follow this code whenever they are acting in that capacity.

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### 2. Code of Conduct

#### 2.1 Selflessness

Representations put forwards by Planning Panels should be made in the interests of the community living in the Ward and not for any personal motive.

#### 2.2 Integrity

Planning Panel Members must not involve themselves in applications which affect them personally. They should withdraw from the consideration of any application made by themselves, a relative, a friend or other close associate or their employer.

They should not take part in the consideration of any other application which might affect them more than other people in the Ward such as application by a near neighbour.

In cases of doubt they should declare their interest and seek the opinion of other Members as to whether they can properly participate.

### 2.3 Objectivity

Planning panel Members must make their representations fairly and on merit. They must act without discrimination and bias.

### 2.4 Accountability

Planning panel Members are accountable to the Ward Committee for their work and must be prepared to respond to questions from the Ward Committee in relation to it.

### 2.5 Openness

Planning panel Members should be open as to the reasons for their representations and as to any personal interests they have in a particular application.

Planning panel Members should record their ownership or occupation of any land in the area covered by the Panel on a register ~~published on the Council's website.~~ This information should be held by the planning team for reference should an allegation arise.

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### 2.6 Honesty

Planning panel members should be truthful.

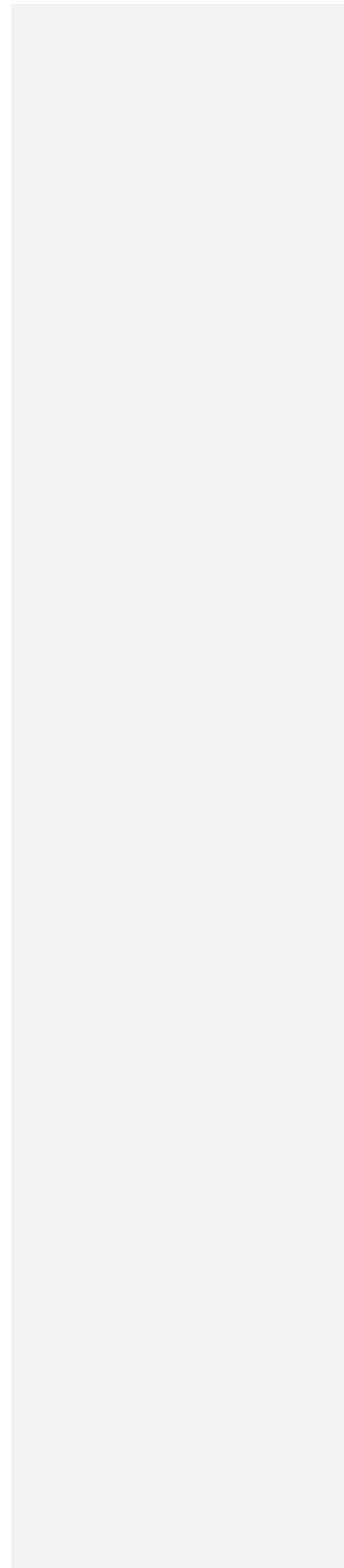
### 2.7 Leadership

Planning panels should work in a respectful way but Members should be prepared to challenge each other if they have reason to believe that any of the principles of this Code are being breached.

Annex 1

**3. Private roles**

- 3.1 Members of Planning Panels may respond to consultations on planning applications in their personal capacity and nothing in this code prevents that. However, when doing so, they must not hold themselves out as acting as a Planning Panel member.



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