

Joint Standards Committee

To:

Cllrs Runciman (Chair), Cannon, Hayes, Kramm and Mercer (CYC Members)
Cllrs Perrett (Vice Chair) and Wiseman (Parish Council Members)
Ms Davies and Mr Laverick (Independent Persons)

Date: Wednesday, 29 November 2017

Time: 4.00 pm

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

AGENDA

1. 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.

2. Minutes (Pages 1 - 2)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 2 August 2017.

3. Minutes of Sub-Committees (Pages 3 - 4)

To approve and sign the minutes of the Assessments Sub-Committee meeting held on 22 September 2017.

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 Joint Standards Committee, may do so. The deadline for registering is **5:00 pm on Tuesday, 28 November 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

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming and 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

- 5. Monitoring Report on Complaints Received** (Pages 5 - 6)
To receive a routine update report on recent standards complaints.
- 6. Reviewing the Code of Conduct** (Pages 7 - 8)
This report provides an update on progress made by the task group established to review the code of conduct.
- 7. Response to Consultation - Changes to Disqualification Criteria** (Pages 9 - 16)
This report seeks Members' views on the recent proposal by the Department for Communities and Local Government to make changes to the disqualification criteria within Section 80 of the Local Government Act 1972.

8. Review of Work Plan (Pages 17 - 18)

To review the committee's work plan for the remainder of the 2017/18 municipal year and consider whether any changes or additions are required.

9. Urgent Business

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

Democracy Officer:

Name: Fiona Young

Contact Details:

Telephone – (01904) 552030

Email – fiona.young@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

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

Minutes

Meeting	Joint Standards Committee
Date	2 August 2017
	Councillors Runciman (Chair), Cannon, Mercer, and Taylor (Substitute for Councillor Kramm) - CYC Members Mr Laverick - Independent Member
Apologies	Councillors Hayes and Kramm – CYC Members Cllrs Perrett (Vice Chair) and Wiseman - Parish Councillors Ms Davies - Independent Member

10. **Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

11. **Minutes**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 5 July 2017 be approved and signed as a correct record by the Chair.

12. **Public Participation**

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

13. **Monitoring Report on Complaints Received**

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

The Monitoring Officer updated the Committee on the complaint currently under investigation and stated that reports were in progress.

Resolved: That the report be noted.

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

14. Review of the Code of Conduct

Members considered a report providing them with information as part of a review of the City Council's code of conduct. Members were asked to consider how they would like to take this review forward. Following discussion it was: -

Resolved: That;

- i. A working group be convened to review the current code of conduct, formed of both CYC and Parish Councillors.
- ii. The current code be circulated to Members and comment invited.

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

Councillor Runciman, Chair

The meeting started at 4.00 pm and finished at 4.10 pm.

City of York Council

Committee Minutes

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	22 September 2017
Present	Parish Councillor Perrett (Vice-Chair, in the Chair), Councillors Hayes and Cannon and Mr Laverick (Independent Person)
Apologies	Ms A Davies (Independent Person)

12. 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 might have in respect of business on the agenda. No additional interests were declared.

13. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 3 on the grounds that it contains information relating to individuals and information which is likely to reveal the identity of individuals. This information is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

14. Complaints against Members of a Council covered by the Joint Standards Committee

Members considered an allegation which had been made that two Members of the Council may have breached the Member Code of Conduct and were asked to decide whether, and how, the matter should be pursued.

They considered the report of the Monitoring Officer, information contained in the agenda papers, written submissions from the two

Members, the views of the Independent Persons and advice from a Monitoring Officer.

Having reviewed the information provided, Members considered the adopted assessment criteria to determine if the complaint was covered by the Member Code of Conduct, and the options available to them to decide which option they felt was most appropriate.

During their consideration of the matter, the Sub Committee identified a number of wider issues which they considered might merit consideration for inclusion on the Standards Committee's work plan.

Resolved: That the matter be referred to the nominated legal adviser and the two Members be advised of the decision taken by the sub-committee.

Reason: In compliance with the City of York Council Joint Standards Committee Assessment Criteria for Complaints.

Parish Councillor Perrett, Vice Chair, in the Chair
[The meeting started at 10.00 am and finished at 1.00 pm].



Joint Standards Committee

29th November 2017

Report of the Monitoring Officer

Monitoring Report on Complaints Received

Summary

1. This is a routine report to update the Committee on recent standards complaints.

Background

2. Since the Committee last met in August three new matters have been opened. One of these was referred to an assessment sub committee and is ongoing. One complaint by one Member against another was not thought to merit any action. The complainant in the third case has been asked to provide further information to allow it to be processed and this has not yet been received.
3. At the time of the last meeting a complaint against a Parish Councillor was the subject of an investigation. The Councillor involved subsequently resigned from the Parish Council and, after discussion with the parties and the independent persons, the case was discontinued.

Recommendations

4. 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 Business
Support Services
Tel No. 01904 551004

**Report
Approved**

Date 17/11/17

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

All

For further information please contact the author of the report

Background Papers:

None



Joint Standards Committee**29th November 2017****Report of the Monitoring Officer****Reviewing the code of conduct****Summary**

1. This report updates the Committee on progress made in reviewing the code of conduct.

Background

2. At its August meeting the Committee agreed to establish a task group to review the City Council's code of conduct. Members of the City Council have been made aware of this piece of work and have been asked to identify any particular areas that they consider should be looked into.
3. The task group has now met on two occasions and has discussed the entirety of the current code. A number of areas for improvement have been identified and the task group has also agreed to recommend the adoption of a guidance document to accompany the code. That would set out what practical steps Members should take to demonstrate compliance and would identify some of the kinds of behaviours which would be considered to represent a breach of the code.
4. The task group has seen draft wording for that part of the proposed revised code which deals with the general expectations of Members and work is underway to bring forward new wording in respect of requirements to register and declare interests.
5. The task group will require at least one more meeting and the aim is to bring a draft revised code and accompanying guidance document to the January meeting of the Committee.

Recommendations

4. Members are recommended to:

1) Note the report

Reason: To ensure that the Committee is aware of progress being made by the task group.

Contact Details

Author:

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

**Report
Approved**

Date 17/11/17

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

All

For further information please contact the author of the report

Background Papers:

None



Joint Standards Committee
Report of the Monitoring Officer

29 November 2017

Response to Consultation – Changes to Disqualification Criteria

Summary

1. This report seeks Members' views on the recent proposal by the Department for Communities and Local Government (DCLG) to make changes to the disqualification criteria within Section 80 of the Local Government Act 1972. The deadline for the Council's response to the Government consultation is 5pm 8th December 2017.

Background

2. The consultation paper sets out the government's proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, if they are subject to:
 - the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');
 - a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
 - a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.
3. Any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972. The changes are not proposed to be retrospective.
4. Existing legislation prevents individuals standing, or holding office, as a local authority member, if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.

5. The Government considers that the law should be updated to reflect the new options (at para 2 above) which exist to protect the public and address unlawful and unacceptable behaviour.

Present Disqualification Criteria

6. Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority, if they:
 - are employed by the local authority;
 - are employed by a company which is under the control of the local authority;
 - are subject to bankruptcy orders;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
 - are disqualified under Part III of the Representation of the People Act 1983;
 - are employed under the direction of various local authority committees, boards or the Greater London Authority; or
 - are a teacher in a school maintained by the local authority.

Sexual Offences

7. The Government considers that anyone who is subject to sex offender notification requirements, commonly referred to as 'being on the sex offenders register', should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to these notification requirements. The Courts do not have discretion regarding the time period for which offenders will appear on the register. This is imposed by the Sexual Offences Act 2003.
8. The Government does not, however, propose including another type of civil order, the Sexual Risk Order, as this person would not have been convicted or cautioned of a sexual offence under the Sexual Offences Act 2003 and is not subject to notification

requirements for registered sex offenders. A Sexual Risk Order does require the individual to notify to the police their name and their home address. A Sexual Risk Order can be sought by the police against an individual who has not been convicted, cautioned etc. of an offence under Schedule 3 or Schedule 5 of the 2003 Act but who is nevertheless thought to pose a risk of harm to the public in the UK and/or children or vulnerable adults abroad.

9. Members are asked to consider whether this is appropriate. It is difficult to understand if there is sufficient evidence to enable the Court to conclude that a person poses such a risk of harm, why it is appropriate for them to be able to hold office with all the opportunities that creates in such a position of authority including contact with vulnerable and trusting members of the public.

Anti-Social Behaviour

10. The Government considers that an individual who is subject to an anti-social behaviour sanction that has been issued by the Court, i.e. a Civil Injunction or a Criminal Behaviour Order, should be barred from standing for election, or holding office, as a local authority member. The period of time for which they would be barred would end once they were no longer subject to the injunction or Order.
11. Whilst there are a range of powers given to the Court, Police and Local Authorities to tackle anti-social behaviour, the Government only proposes to bar those individuals subject to a Civil Injunction or a Criminal Behaviour Order imposed by the Court. Members are asked to consider whether this is appropriate. The other types of sanction are not imposed by the Court. Instead, they are used as more immediate solutions by the police to move on individuals (Dispersal Order) or by local authorities and the police to manage places (Community Protection Notice/Public Spaces Protection Order/ Closure Power). Breach of such Orders would constitute criminal offences, but the imposition of the Order in itself seeks to manage the behaviour rather than punish. The Government's proposal not to include these other types of order is considered appropriate.

Application of the Legislative Changes

12. The proposals in this consultation would not apply retrospectively, i.e. any incumbent local authority member, directly-elected mayor or member of the London Assembly, who is on the sex offenders register or subject to a Civil Injunction or Criminal Behaviour Order at the time the changes come into force would not be affected.
13. Such individuals would of course be prevented from standing for re-election after the changes came into force.

General Comments

14. It is not considered that the legislative changes will affect the Council's ability to carry out statutory duties under the Equality Act 2010.
15. It is encouraging that this very small step in the right direction will reinforce the legal framework through which good conduct in public life can be regulated. However, the absence of effective sanctions in the standards regime remains a significant failing in the current system. Members are asked whether they would welcome further legislative changes to promote the seven principles of public life by providing for more effective sanctions against those holding public office whose inappropriate behaviour falls to be addressed through the standards process.

Options

Option 1 – Members approve the draft consultation response at Annex 1 of this report to be sent to DCLG by 8th December 2017.

Option 2 – Members make changes to the draft consultation response at Annex 1 of this report to be sent to DCLG by 8th December 2017.

Option 3 – Members choose not to respond.

Recommendations

It is recommended that Members resolve to approve Option 1.

Council Priorities

28. Engagement in this consultation meets the objective of maintaining good governance.

Implications

29. The direct implications arising from this report are:

- (a) **Financial** – There are no financial implications.
- (b) **Human Resources (HR)** - There are no HR implications.
- (c) **Equalities** – There are no equalities implications.
- (d) **Legal** – There are no legal implications.
- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

There are no known risks arising from the recommendations.

Contact Details

Author:				
Andrew Docherty Monitoring Officer Telephone 01904 551004				
	Report Approved		Date	
Wards Affected:				All ✓
For further information please contact the author of the report				

Background Papers

<https://www.gov.uk/government/consultations/disqualification-criteria-for-councillors-and-mayors>

Annex 1

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Yes. This change to the legislation is a small step in the right direction to updating and improving the legal framework to require good conduct and standards of behaviour.

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

No. It is of concern that the proposed change would still allow a person subject to a Sexual Risk Order imposed by a Court to be able to hold office with all the opportunities that creates in such a position of authority including contact with vulnerable and trusting individuals.

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Yes. This change to the legislation is a small step in the right direction to updating and improving the legal framework to require good conduct and standards of behaviour.

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local

authority, mayor of a combined authority, member of the London Assembly or London Mayor?

The other types of anti social behaviour sanction are not imposed by the Court. Instead, they are used as more immediate solutions by the police to move on individuals or groups (Dispersal Order) or by local authorities and the police to manage places (Community Protection Notice/Public Spaces Protection Order/ Closure Power). Breach of such Orders would constitute criminal offences, but the imposition of the Order in itself seeks to manage the behaviour rather than punish. The Government's proposal not to include these other types of order is considered appropriate.

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

No

Q6. Do you have any further views about the proposals set out in this consultation paper?

It is encouraging that this very small step in the right direction will reinforce the legal framework through which good conduct in public life can be regulated. However, the absence of effective sanctions in the standards regime remains a significant failing in the current system. The Council would welcome further legislative changes to promote the seven principles of public life by providing for more effective sanctions against those holding public office whose inappropriate behaviour falls to be addressed through the standards process.

November 2017

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Work Plan for Joint Standards Committee 2017-2018

<u>Meeting Date</u> (4.00pm start time)	<u>Items</u>	<u>Notes</u>
Wednesday 5 July 2017	<ul style="list-style-type: none"> • Appointment of Chair • Appointment of Vice-Chair • Monitoring report in respect of complaints received • Review of Complaints for the last municipal year 	Standard items for 1 st meeting of municipal year Standard item Annual item
Wednesday 2 August 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 4 October 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 29 November 2017	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of Member Code of Conduct • Response to Consultation - Changes to Disqualification Criteria 	Standard item
Wednesday 31 January 2018	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Wednesday 18 April 2018	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item

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