

Meeting	Joint Standards Committee
Date	26 November 2015
Present	Councillor Runciman (CYC Member) Councillor Cannon (CYC Member) Councillor Hayes (CYC Member) Councillor Mercer (CYC Member) Councillor Taylor (CYC Member) Councillor Waudby (Parish Council Member)
Apologies	Councillors Martin and Perrett

1. Appointment of Chair

Resolved: That Councillor Runciman be appointed as Chair of the Joint Standards Committee for the municipal year.

2. Appointment of Vice-Chair

Resolved: That the appointment of a Vice-Chair be deferred to the next meeting.

3. 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.

4. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 9 February 2015 be confirmed and signed by the Chair as a correct record.

5. Minutes of Sub-Committees

Resolved: That the minutes of the Assessments Sub-Committee meetings of 9 February 2015 and 12 November 2015 be approved and signed as a correct record.

6. Public Participation

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

7. Review of Complaints for the last Municipal Year

Members considered a report that provided an overview of the standards complaints received during the previous municipal year.

The Monitoring Officers went through the statistics with Members and gave details of the timescales within which the complaints had been resolved.

Mr Laverick, Independent Person, expressed his regret that many of the complaints had been lodged by Councillors about other Councillors. He suggested that Councillors should be discouraged from lodging complaints for political gain, as this was not a proper use of the Code. Members acknowledged that this had been a concern but were also mindful that Members should not be deterred from making legitimate complaints.

Resolved: That the report be noted.

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

8. Monitoring Report in respect of complaints received

The Monitoring Officer gave a verbal report in respect of the number of complaints that had been received this municipal year and the nature of the complaints.

The Monitoring Officer was asked if there had been a reduction in the number of complaints from Councillors about other Councillors in this municipal year. He confirmed this to be the case. It was noted that, on appointment, City of York Councillors had received training on the Code of Conduct. Parish Councillors were also able to access this training through Yorkshire Local Council Association. The Monitoring Officer stated that discussions had been held with Group Leaders over a period of time and that the LGA review had also raised

awareness of this issue. Members agreed that they would continue to monitor the nature of the complaints received.

Members suggested that all Members should be made aware of the statistics on complaints received.

- Resolved: (i) That the update on complaints received and the progress in investigating the complaints be noted.
- (ii) That Councillors continue to be made aware of the statistics on complaints and the Code of Conduct.¹

- Reasons: (i) To ensure that the Committee was kept updated on the number and nature of complaints received.
- (ii) To raise awareness of the statistics on complaints and the Members' Code of Conduct.

Action Required

1. Notify Members

AD

9. Case Law Update - Bias

Members considered a report that drew their attention to a recent case where apparent bias on behalf of a Councillor led to a decision being overturned.

Resolved: That the report be noted and its contents taken into account in considering the report on this agenda relating to the review of the Code of Conduct.

Reason: To ensure that Members are familiar with recent case law.

10. Review of the Code of Conduct

Members considered a report that sought to prompt discussion on whether the City Council should make any changes to its current code of conduct and which drew attention to the similarities and differences between the codes adopted by the City Council and local parish councils.

Discussion took place around the following issues:

- When does the Code apply?
Members noted the differences in the wording used in the City of York Council and the Parish Council Code in respect of defining when the Code applies. Members agreed that the current wording in the CYC Code was open to differing interpretations and agreed that it required greater clarity. The Monitoring Officer was asked to draft revised wording for consideration at the next meeting.
- General Duties
Consideration was given as to whether the wording in respect of “bringing the Council or their position as a Councillor into disrepute” should be removed from the CYC Code. Members agreed that the existing wording should be retained.

Members noted that the NALC Code did not contain the same specific exceptions to the rule against disclosing confidential information. It was agreed that the wording in the CYC Code should be retained and that Yorkshire Local Council Association should be asked to consider asking its members to include similar wording in their own Code.

- Disclosable Pecuniary Interests
Members agreed that the wording in the NALC Code in respect of disclosable interests provided greater clarity than the CYC Code and they agreed that the CYC Code should be amended accordingly.
- Gifts
Members noted that the CYC Code went further than the NALC Code in requiring the registration of offers of gifts of hospitality as well as their receipt. Members agreed that it was appropriate for offers to continue to be registered. They also reviewed the £50 limit which had been set in respect of the registering of gifts. It was agreed that this figure would be retained but that this should be kept under review.
- Declarations in relation to other registered interests
It was agreed that the CYC Code should state that if a prejudicial interest was declared, that Member should leave the room.

- Dispensations

Members agreed that the CYC Code should make reference to the provision for the granting of dispensations. This was already covered in the NALC Code.

Mr Laverick drew attention to the references in the Codes to rights of way. In the CYC Code this was covered under the “land” interests but was excluded as such an interest in the NALC Code. The Monitoring Officer agreed to look into this matter.

Resolved: (i) That the report be noted.

(ii) That the proposed amendments to the wording, as detailed above, be incorporated into a revised draft code which was to be brought back to a future meeting.¹

Reason: To ensure that the City Council has an effective and easily understood code of conduct.

Action Required

1 Update Code for further consideration

AD

11. Appointment of an Independent Person

Members considered a report which sought approval for a process leading to the appointment of an Independent Person following the decision of one of the current appointees to stand down once a replacement had been identified.

Members were informed that the deadline for applications had been extended to 30 November 2015.

It was noted that the committee had previously decided that it would not consider applications from individuals who were a member of a political party and that at least one potential applicant had been disqualified by that provision. Members were asked to consider whether this condition should remain. Members agreed that, although members of a political party could be independent minded and make a value contribution to the role of the independent person, it was important to address any perceptions that the role was not independent. For this

reason, Members agreed that the disqualification should remain in place.

Tribute was paid to the work that Mr Hall had carried out as an Independent Person. The time and expertise that he had brought to the role had been greatly valued. Thanks were also expressed for his agreement to continue in the role until a new appointment had been made. Mr Hall stated that he had found the experience to have been very interesting and worthwhile.

- Resolved:
- (i) That thanks be recorded to Mr Hall for his continuing contribution to the work of the committee.
 - (ii) That Members confirmed that membership of a political party should continue to be a disqualification from acting as an Independent Person.
 - (iii) That, once an interview date had been agreed, nominations would be sought from Members willing to serve on the interview panel.
- Reasons:
- (i) To reflect the committee's gratitude for Mr Hall's contribution to promoting ethical standards amongst Members.
 - (ii) To reduce the potential for potential conflicts of interest and to maintain confidence in the independence of the role.
 - (iii) To enable an appointment to be progressed.

12. Review of Work Plan

Members were asked to review the Committee's work plan and to suggest items for consideration at future meetings.

Members were informed that the Committee on Standards in Public Life was due to issue updated guidance on Ethical Standards for Providers of Public Services. Its findings would be presented to the Committee for consideration.

The following agenda items were also agreed:

- Review of guidance to Members serving on outside bodies, including charitable bodies and trusts (agenda item for next meeting)
- Guidance on the use of social media (agenda item for next meeting)

It was agreed that, in order to raise awareness of the committee's work, a press release would be issued to coincide with the appointment of a new Independent Person.

Resolved: That the committee's work plan be approved.

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

Councillor Runciman, Chair

[The meeting started at 3.00 pm and finished at 4.20 pm].