
Meeting	Joint Standards Committee
Date	23 September 2021
Present	Councillor Martin Rowley BEM (Chair), Douglas, Baker, Carr and Fisher (CYC Members) Cllrs Rawlings (Vice-Chair), Chambers and Waudby (Parish Council Members) Angharad Davies and David Laverick (Independent Members)

20. Declarations of Interest

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

21. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of the 'exempt' versions of Annexes A and B to Agenda Item 11 (Monitoring Report in Respect of Complaints Received), on the grounds that they contain information likely to reveal the identity of individuals, which is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

22. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 6 July 2021 be approved and signed as a correct record.

23. Public Participation

It was reported that there had been 3 registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on matters within the general remit of the committee. She stated that she had concerns over the management of complaints by the Monitoring Officer, who she felt had a conflict of interest in relation to certain complaints. Ms Swinburn stated that she wanted all standards complaints to be treated fairly, proportionally and without bias.

Cllr Steven Hardcastle spoke on matters within the general remit of the committee. He spoke on the complaint due to be heard against him as Chairman of Deighton Parish Council at the Joint Standards Committee Hearing Sub-Committee on 30 September. He felt that he had been treated unfairly by the Committee and stated that he did not have confidence in the Monitoring Officer or Deputy Monitoring Officer. Cllr Hardcastle said there was no evidence for the accusations against him and that he had requested a pre-hearing which had not been granted by the Committee.

Cllr Mark Warters spoke on matters within the general remit of the committee and on item 9 (Model Code of Conduct Update - Review of Procedures). He stated the review needed member involvement and that the current procedures system was inadequate. Cllr Warters referenced two recent hearings which he felt had been poorly managed and brought the committee into disrepute. He stated that he did not have confidence in the Monitoring Officer and felt she was not acting impartially.

24. Update on the Recruitment of Independent Persons

The Committee considered a report which provided them with an update on the recruitment process for Independent Persons for the Committee. The Director of Governance & Monitoring Officer and Head of Democratic Governance & Deputy Monitoring Officer were in attendance to present the report and respond to questions.

Key points raised during the presentation of the report included:

- Advertisements had been released for the recruitment of three independent persons for the Joint Standards Committee.

- There was no allowance attached to the role, except for travel expenses.
- No applications had been received for the role, and the Monitoring Officer stated that she had decided to convene a meeting of City of York Council's Independent Remuneration Panel to discuss what incentives could be allotted to the role.
- An independent person had also been sought for the Audit and Governance Committee, but no applications had been forthcoming for that role either.

Key points raised during discussion of the item included:

- Attaching some form of allowance to the independent person role would not only attract more applicants, but also likely attract those with desirable experience and training.
- Economic conditions had made it more difficult for people to take up unpaid voluntary work.
- The independent person position is a large time commitment, and it was unrealistic to expect people to sign up without pay.
- The position was advertised on the City of York Council website, and an article was also published in the local press.
- Targeted advertising, for example in legal journals, was considered too prescriptive by officers, since the only requirement for the position was that the applicant must be a resident or worker in the city.
- If it were decided to assign an allowance to the independent person role, it would apply to future holders of the office, not those currently in place who were due to step down. Details such as the quantity and frequency of payments would be decided by the Independent Remunerations Board.
- There was considerable interest in the role, though there were no applications. It was noted by prospective applicants that North Yorkshire Police were advertising for an independent person role at the same time, but were offering a fee to the successful candidate.
- There was concern from members that advertising the position mainly on the City of York Council website meant that suitable applicants may not have known there was a post available. The Chair requested to search for additional options for advertising the role.

- The Independent Remunerations Board usually set minimum expectations e.g. for attendance for roles with an allowance.

Resolved:

- i. That the contents of the report be noted.

Reason: To update members of the recruitment of independent persons.

25. Terms of Reference of the Committee

As part of the review of the Council's Constitution, Joint Standards Committee was asked to note the terms of reference for the Committee which were to be included within the revised Constitution. The Director of Governance & Monitoring Officer and the Head of Democratic Governance & Deputy Monitoring Officer were in attendance to present the report and respond to questions.

Key point raised during the discussion of the item included:

- The draft constitution had been presented to the Audit and Governance Committee and was under discussion by a cross-party working group.
- The Monitoring Officer agreed to work on clarifying how independent members not part of any political group will be represented on the Joint Standards Committee. Furthermore, the current terms of reference refer at 3.1 to 'the [five] main political groups', since there may be more than 5 groups in future it was suggested to amend this.
- The terms of reference presented were largely unchanged from the previous constitution.
- The minimum number of members needed to be present at a meeting for the Committee to be quorate was 4, which was the standard quoracy requirement across the Council. It was suggested that this be made explicit in the terms of reference.
- The Audit and Governance Committee had agreed to undertake an annual fitness for purpose review of the Constitution with any resultant changes going to Full Council for approval. During this process, committees will have the opportunity to comment on their governance arrangements and suggest changes.

- The wording at 3.2 on members who become ‘disqualified’ from sitting on the Joint Standards Committee was to be reviewed.
- It had previously been requested by the Committee to include a provision to codify the custom that the Chair of Joint Standards Committee be a City of York councillor and the Vice-Chair a parish councillor.
- It was confirmed that the Committee wished that there should be no provision for substitutes for absent members. In light of this it was requested that it be ensured that Joint Standards Committee does not clash with any other meetings on the corporate calendar.
- It was agreed by members to change the wording at 2.1 b) from ‘support’ to ‘work with the Monitoring Officer’.

Resolved:

- i. That the contents of the report be noted.

Reason: To allow the members of the Joint Standards Committee to feedback on the proposed terms of reference for inclusion in the revised constitution.

26. Model Code of Conduct

Members noted a report which provided them with an update on progress of the adoption of the LGA Model Code of Conduct.

Resolved:

- i. That the update contained within the report be noted.

Reason: To inform members on the progress of the adoption of the LGA Model Code of Conduct.

27. Model Code of Conduct Update - Review of Procedures

The Committee considered a report which provided it with the current procedures in place, which needed to be reviewed in light of the new Model Code of Conduct. The Director of Governance & Monitoring Officer and the Head of Democratic Governance & Deputy Monitoring Officer were in attendance to present the report and respond to questions.

Key points raised during the presentation of the report included:

- Officers advised the committee to approve the commencement of a review of the procedures in light of the new Model Code of Conduct.
- Hoey Ainscough, who were the national advisers on the Model Code of Conduct and national authors of the procedures which support it, were supporting the Council with advice on the adoption of the new code.
- The report presented to the committee contained the procedures in place at the time of the meeting, which were up for review.

Key points raised by members of the committee included:

- The Chair stated that it was important to have the input of Hoey Ainscough to ensure that the procedures adopted were fit for purpose and stood up to public scrutiny.
- The Model Code of Conduct was to be presented to Full Council at their October 2021 meeting.
- It was suggested to schedule an additional meeting of the Joint Standards Committee to consider the proposed amended procedures. The Committee agreed to schedule this meeting for 16:00 on 23 November 2021 before they are brought before Full Council for approval on 16 December 2021.
- Members emphasised the need to make the new procedures accessible to the general public and easily understandable.
- It was agreed that draft versions of any proposed procedures would be circulated to the Chair and Vice-Chair for input from the committee on an ongoing basis prior to the next meeting of the Joint Standards Committee.
- There was no provision for a transition arrangement regarding the new procedures. Should Full Council decide to approve the new procedures on 16 December 2021, complaints received before that date would be processed under the old procedures, with only post 16 December complaints processed under the new procedures.
- It was suggested that the committee could choose to not formally acknowledge receipt of any complaints until the new procedures were put in place, however it was agreed by the Committee that it was necessary to continue to process complaints under the current procedures at least until the next meeting of the Committee on 23 November.

- It was agreed by the Committee that the Monitoring Officer should consult the Chair or Vice-Chair prior to beginning an investigation into any received complaint, and prior to making the decision to hold a hearing around a complaint.

Resolved:

- i. That a review of the procedures of the Joint Standards Committee be undertaken.
- ii. That the new procedures should include the requirement that the Monitoring Officer should consult with the Chair or Vice-Chair of the Committee prior to beginning any investigation and to prior to deciding to hold a hearing about a complaint.

Reason: To enable the committee to undertake a review of the procedures and ensure they are fit for purpose.

28. Review of Work Plan

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

Key points raised during discussion of the item included:

- The Committee agreed that a new meeting be scheduled for 23 November 2021, the items brought to which should be the proposed reviewed procedures discussed under Minute 27 and the amendments to the Terms of Reference discussed under Minute 25.
- An update on the Parish Charter was due to be brought to this meeting, but had been delayed and was now to be heard by the committee on 24 January 2022 in addition to the standard items.
- The next review of the Terms of Reference was to be 6 months following their adoption, which would be in the next municipal year.

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

- i. That the Review of the Parish Charter item and an item discussing the outcome of Full Council on 16 December 2021 be brought to the meeting of 24 January 2022.
- ii. That an additional meeting of the Joint Standards Committee be scheduled for the 23

November 2021 at 16:00 to discuss two items:
the proposed amendments to the Terms of
Reference and the proposed reviewed
procedures.

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

29. Monitoring Report in Respect of Complaints Received

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

Members thanked officers for their report and the extra detail
provided which was requested at previous meetings of the
Committee.

An anonymised list of live complaints was attached at Annex A
to the report, and an anonymised list of closed complaints at
Annex B. Full details were provided in an exempt version of
each annex. Discussion of the exempt lists took place in private
session, in accordance with the resolution in Minute 21 above.

Resolved: That the report be noted.

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

Cllr M Rowley BEM, Chair

The meeting started at 4.45 pm and finished at 6.58 pm.