

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on Monday, 4 June, 2007.

PRESENT:

County Councillors Brian Marshall, J W Marshall and Peter Sowray.

Independent Members: James F S Daghish and Dr Janet Holt.

Apologies were received from: Ms Gillian Fleming.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

133. APPOINTMENT OF CHAIRMAN

RESOLVED –

That Mr James F S Daghish be appointed Chairman of the Committee until the first Meeting of the Committee following the Annual Meeting of the County Council in 2008.

MR F S DAGLISH IN THE CHAIR

134. MINUTES

RESOLVED –

That the minutes of the meeting held on 9 May 2007, having been printed and circulated, be taken as read and signed by the Chairman as a correct record.

In relation to those Minutes County Councillor J W Marshall asked whether details of the forthcoming Roadshows, being organised by the Standards Board, as detailed at Minute Number 127, had been obtained, as he had requested.

In response the Monitoring Officer stated that she would follow this request up, but noted that, following the withdrawal from attendance at the Leeds event by the Chairman and Ms Fleming, there were places available. She stated she would also make enquiries as to whether it would be possible for Councillor Marshall to attend in their place. It was also requested that the non attendance of the Chairman and Ms Fleming be relayed to the Standards Board in respect of the Leeds Roadshow event.

In relation to Minute Number 129 – New Code of Conduct for Members, it was stated that Members of the County Council were currently re-registering their interests with the Monitoring Officer, which they had 28 days to comply with, following the adoption of the new Code of Conduct at the County Council meeting held on 16 May 2007. It was noted that, eventually, these details would be published on the web-site.

135. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED –

That County Councillor Peter Sowray be appointed Vice-Chairman of the Committee, until the first meeting of the Committee following the Annual County Council meeting in 2008.

136. PUBLIC QUESTIONS OR STATEMENTS

The Head of Committee Services reported that he had not received notice of any public question or statement to be made to the Committee.

(The Committee agreed to allow the following report to be considered earlier on the agenda because of the need of the reporting officer to attend another meeting).

137. COMPLAINTS AND ETHICAL INDICATOR INFORMATION

CONSIDERED –

A joint report of the Monitoring Officer and the Chief Executive presenting the Committee with statistics in relation to complaints received by the Council in the quarter January-March 2007. It also presented information in relation to agreed ethical indicators, which helped give an indication of the health of the authority in relation to standards and ethics.

It was stated that during the quarter, 1 January to 31 March 2007, a total of 365 complaints had been received.

The four stages of complaints were explained as follows:-

- Stage One – Complaints at local service points.
- Stage Two – Complaints to Directorate.
- Stage Three – Review by Chief Executive.
- Stage Four – Local Government Ombudsman Review.

During the highlighted quarter, 109 Stage One complaints had been received, of which 73% were completed within the 20 working day time scale. Every effort was being made to ensure that the timescale was being met and that this un-met figure was reduced in future.

It was noted that there was a mechanism in place to ensure that, should it be desired, a complaint could be accelerated through the various stages, but that procedure had not been necessary of late. It was stated that the Ombudsman allowed 12 weeks for a complaint to be investigated should that be required. It was noted that the vast majority of complaints were being dealt with at Stage One of the Complaints Procedure, by the Directorates themselves.

It was noted that this was the first time the statistics had been presented to the Committee in this format and Members were requested to supply any feedback as to the reporting of these figures could be improved. In relation to this it was requested that details of the Corporate Complaints Procedure be included in future reports. In response it was stated that these details could be supplied to the next meeting of the Committee and in future reports.

Members asked whether the significant drop in Stage Two complaints was as a result of improvements to the procedure at Stage One? In response it was stated that this

was the case, with the County Council having learnt lessons in respect of the complaints procedure from the previous years Comprehensive Performance Assessment, which resulted in a renewal of the complaints procedures.

It was noted that a large proportion of Stage Two complaints were upheld, therefore, it was considered that there was still room for improvement at Stage One of the complaints process.

Previously, a summary of key indicators relating to complaints had been submitted to the County Council, however, this had not taken place for a while and, therefore, the report was being re-introduced, to allow Members to be supplied with brief details of complaints.

Members asked whether there was a process in place which allowed feed back to the Directorates and the County Council in respect of the complaint and how it had been dealt with? In response it was stated that the LAGAN front line software was used for the complaints procedure which allowed the appropriate line manager, and the Corporate Director, access to the complaints and logged how these had been dealt with on to a recoding system, allowing the complaint to be monitored throughout the County Council. It was stated that the system had easy access, through the intranet and a working example of how this was operated would be brought along when the next update was provided to the meeting in around six months time.

The Chairman requested that future reports also included figures from the previous quarter, to allow a comparison to be undertaken, to determine the trends in relation to complaints submitted to the Authority.

The Monitoring Officer also highlighted details of statistics that were considered to be helpful in a range of areas, which might act as indicators if there were difficulties within the Authority, as follows:-

- District Audit Public Interest reports.
- Objections to the Council's accounts.
- Referrals to and investigations undertaken by the Standards Board for England.
- Number of Whistle Blowing incidents reported.
- Number of challenges to procurements.
- Disciplinary action relating to breaches of the Member/Officer protocol.
- Disciplinary action relating to fraud.
- Freedom of Information Act Indicators.
- Industrial action taken or notified.
- Number of employment tribunals received.

Members noted that there had been a sharp upturn in the number of Whistle Blowing incidents reported and asked why this had happened? In response the Monitoring Officer suggested that the increase was possibly due to people being more aware of the Whistle Blowing procedure, but felt that it would be more appropriate to consider the figures when next produced for the Committee, to determine whether the higher level of reporting remained in place, to confirm this matter.

Members agreed that the publication of the information supplied was useful to the Committee.

RESOLVED –

That the report be noted and the issues highlighted be acted upon where appropriate.

138. RECORDING OF MEMBERS' ATTENDANCE AT MEETINGS

CONSIDERED –

Report of the Head of Committee Services seeking the views of the Committee on whether they would wish to recommend that the administrative practices of the Council should change in order to record the period of time for which Members attending formal meetings of the Councils and its Committees were present at the meeting.

The issue of the potential of recording Members movements at meetings had been raised by a number of Members at a recent meeting of the County Council, following the issue having been raised at the meeting of the Standards Committee held on 9 May 2007. It was stated that, presently, Members were regarded as present, within the Minutes, if they had only attended part of the meeting, as it was not the general practice within the County Council to record when Members arrived at and left meetings.

The report indicated that there was a varied practice among other Local Authorities in respect of this matter, with a number recording Members movements, while others adopted the same practice as North Yorkshire County Council.

The Head of Committee Services suggested that the movements of Members could be recorded by Committee Administrators, as was the practice for the Planning and Regulatory Functions Committee, within their own notes, or, if decided, these movements could also be published in the formal Minutes of the meeting. He suggested that this practice would be relatively easy to address in straight forward meetings, however, a number of meetings required the utmost concentration of the Committee Administrator and there may be some difficulty in keeping a constant check on the movements of Members. He emphasised, however, should the practice of monitoring Members movements be requested by the County Council then this practice would be adopted for all future meetings.

Members were informed of comments from the Leader of the Council in respect of this issue who had stated that he would not like to see any measure interfere in the way in which Members managed their own workload.

A Member of the Committee noted that several of the local District Councils recorded the movements of Members at meetings, formally within the Minutes. It was also noted that this practice took place for meetings of the National Parks Authorities. In relation to the National Park Authorities it was stated that forms were available for Members to complete showing their movements during the meetings and that this method could be used to ease the problem in relation to larger meetings being monitored.

A Member of the Committee questioned the purpose in introducing this measure, suggesting that unless Members were to be prevented from voting when they were not present for agenda items, then there was no real reason why their movements during meetings should be recorded. A Member suggested that there was little point carrying out the practice unless the meeting was undertaking a statutory function, for example the Planning and Regulatory Functions Committee and highlighted the difficulties that would be encountered in adopting such a measure for the full Council meeting.

The Member who raised the issue considered that the recording of Members movements was important to give a true reflection to members of the public of their elected Members' participation in meetings.

The Head of Committee Services stated that a note was made of Members movements where meetings were undertaking a statutory function, however as it was not the practice of the County Council, the issue was not recorded in the published Minutes. A suggestion was made that the issue could be referred to the current Members' Working Group on the Constitution, which had cross-party representation, for a view on how this could be developed. Various methods for instigating a recording mechanism could be investigated by the group, with recommendations put forward to County Council. In response to this a Member stated that he could see no purpose in recording the movements of Members at meetings other than to acknowledge their participation in the debate on issues.

RESOLVED –

- (i) That no further action be undertaken in respect of the introduction of a system which recorded at what times a Member of a Committee or the Council was present in the meeting;
- (ii) That responses from the respective Party Leaders, where responses had not already been received, be requested in relation to the letter sent to them by the Chairman with regards to Members attendance at meeting and the possibility of introducing a member movement recording system for meetings.

(County Councillor J W Marshall requested that his vote against Resolution (i) above be recorded in the Minutes).

139. COMMUNICATION STRATEGY – ARTICLE FOR NY TIMES AND CITIZENS' PANEL QUESTIONNAIRE

CONSIDERED -

Report of the Monitoring Officer informing Members of an article that was proposed to be published in the July edition of the NY Times relating to standards and the work of the Standards Committee, and also of the proposed Citizens' Panel questionnaire.

The Monitoring Officer outlined that the report resulted from the decision taken at the last meeting that an article be placed in the NY Times giving details of the work of the Standards Committee, Ethics and standards generally and provide contact details in relation to Standards Issues. Following the circulation of information awareness of Standards issues affecting the Council would be tested through the Citizens' Panel.

Details of the draft article for the NY Times were attached to the report, together with a draft questionnaire for the Citizens' Panel. It was indicated that both these documents were subject to further refinement.

Commenting on the statement for the NY Times, Members considered that the statement "...to ensure this, Members observe a strict Code of Conduct", should be altered to read "...to ensure this, Members are required to observe a strict Code of Conduct".

Members also noted that the statement "Members must not use their Office for their own personal gain, or that of their family and friends" required alteration, in line with

the new Code of Conduct to take account of associates being included alongside family friends. Members also considered that details of how the Code could be accessed on the County Council's website and that, at present, the County Council had dealt with complaints but had not been required to impose sanctions, be included in the press statement.

The Monitoring Officer stated that Members' comments would be taken into account for the finished newspaper article, which would also be improved by utilising the resources of the Communications Unit, in conjunction with the Chairman of the Committee, to provide the statement in a news worthy format. The statement would be placed in the NY Times prior to the Citizens' Panel questionnaire to try to raise awareness among the public of North Yorkshire in respect of Standards Issues. Members were satisfied with the questionnaire produced for the Citizens Panel, as outlined in Appendix 2 to the report, however, it was suggested that the County Council's statement re: standards of conduct be used instead of the joint statement from the Leader of the Council and the Chief Executive, subject to their agreement.

A Member considered that questions three, five and ten may be a little over complicated and were not clear as to whether familiarity with each of the listed principles/requirements was requested or whether this was seeking an over all awareness. It was also suggested that it should be made clear in question one as to whether this was felt important to the citizen or the Council.

In response the Monitoring Officer agreed that a number of the questions may be a little over complicated and account would be taken of this before the questionnaire was submitted to Members of the Citizens' Panel.

The Monitoring Officer stated that it was the intention to undertake the questionnaire exercise every few years to compare awareness with the initial results and to determine whether this had improved over time.

RESOLVED -

That subject to the alterations indicated by Members, above, the report be noted.

140. COUNCIL'S STATEMENT RE STANDARDS OF CONDUCT

CONSIDERED –

Report of the Monitoring Officer updating Members on consultation undertaken regarding the draft statement for the Council regarding its position on the ethical agenda.

The report outlined that the draft statement, as agreed at the meeting of the Standards Committee on 19 March 2007, had been sent to the Leader and Chief Executive for any specific comments and also to the Communications Unit to establish the most effective ways of promoting the statement, once this had been approved by Council.

It was noted that the draft statement had been sent to the Leader and the Chief Executive for approval.

Details of the Communications Units suggestions as to how best to publicise the statement both internally and externally were highlighted in the report.

Alongside these Members suggested other methods of publicising the statement as follows:-

- Provide in Council offices and libraries throughout North Yorkshire
- Provide copies in Citizens Advice Bureaus.
- Ensure the statement is provided on notices and leaflets published by the County Council.

RESOLVED –

- (i) That the draft statement be recommended to Council for approval;
- (ii) That the publicity for the statement, once approved, be undertaken as indicated, including the suggested methods of the Committee.

141. COUNCIL'S STATEMENT FOR STAKEHOLDERS RE ETHICAL FRAMEWORK

CONSIDERED –

Report of the Monitoring Officer presenting to Members, for their comments, a draft statement for stakeholders of the Council's stance on ethical issues.

The following draft statement was submitted for Members comments:-

North Yorkshire County Council believes in a strong ethical culture. The conduct of its Members and Officers in fulfilling their roles is regulated by national Codes of Conduct and Comprehensive Complaint Framework.

Standards of behaviour within the Council are excellent: The Council continues, however, to promote the ethical agenda to ensure the existing high standards are maintained; and the Leader and Chief Executive Officer are committed to working together to lead by example and to hold the ethical well being and effective governance of the Council.

In working with partners and service providers and Council business, the Council requires similarly high standards from those with whom it works.

Members submitted the following comments in relation to the statement:-

It was suggested that the line stating "standards of behaviour within the Council are excellent" should have the word "generally" inserted between "are" and "excellent".

The Monitoring Officer emphasised that the first stage of ensuring partners and stakeholders comply with the County Council's Ethical Framework was to have the statement in place, with the mechanisms of how it would be ensured that they carried out their business in line with the framework being determined subsequently. The Monitoring Officer stated that she would consider what could be done to ensure that requirements, for example in terms of procurement, were being met and submit suggestions to the Committee.

RESOLVED –

- (i) That, subject to the amendment outlined above, the statement for stakeholders re: ethical issues be agreed and recommended to Council for approval;
- (ii) That the statement be published on the Council's website and intranet and also incorporated, where appropriate, into contractual and procurement documentation.

142. OFFICERS' CODE OF CONDUCT

CONSIDERED –

Report of the Monitoring Officer updating Members on the content of the draft Officers' Code of Conduct, pending the arrival of the new national Model Code.

The Monitoring Officer noted that, at its meeting of the 12 January 2007, the Committee requested that further work be undertaken to establish the content of the Council's current Officer Code of Conduct, and, whether it would be appropriate to implement a revised code pending the new national Code being produced. A review had been undertaken and it was noted that, since its implementation in 2004, there had been a concentration on the need to implement an Officer Register of Interests. Work has continued in relation to that, with a number of Directorates already completed.

The Code of Conduct for Officers, however, must cover broader issues and the current code dates from 1998. It is necessary, therefore, to ensure that the Code in place is fit for purpose and that a comprehensive review should also be started. The review would have regard to the general principles in the draft Model Code, which was likely to form the basis of any Model Code that would be published in due course.

Any changes would be subject to consultation with employer representatives and agreed by the Management Board. Details of the current Code used by the County Council and of the draft Model Code were supplied with the report. It was noted that Human Resources and Internal Audit would be involved in drafting a new Code based on the draft Model Code and would assist in modernising and updating issues contained within the Code.

RESOLVED -

That the Monitoring Officer be asked to liaise with Human Resources, in relation to the revision of the Officers' Code of Conduct, and that a further report be presented to this Committee in relation to the progress that has been made in October 2007.

143. TRAINING PLAN

CONSIDERED –

Report of the Monitoring Officer presenting an updated Ethics Training Plan for the Committee's information.

The report set out an amended version of the Training Plan, agreed by Members at the Standards Committee meeting on 19 March 2007, reflecting comments made by Members and to re-timetable certain items.

Members noted the following:-

- Training on the Annual Assembly's Workshop "Role of the Standards Committee" would be rescheduled to later in the year, allowing Members time to undertake preparatory training on the revised Code.
- Training on the "Prior to a Local Determination Hearing" would take place later in the summer and it was suggested that the alternative Members for the Committee also be invited to participate in this training.

It was noted that the Members Seminar held to advise Members of the revised Code of Conduct had attracted 18 County Councillors. It was expected that some Members had received training on the new Code through other sources. It was stated that some additional training would be taking place in July and August, which would be joint training with officers of the Authority. It was suggested that Members who had not attended any training on the Code of Conduct be contacted to inform them that should they breach the Code, due to them not having received training, this would be viewed unfavourably by the Standards Board. It was suggested that contact be made with other local authorities in North Yorkshire to investigate the possibility of joint training on this matter. It was not felt appropriate to hold joint training with the National Parks Authorities, as their remit within the Code was narrower than for Local Authorities.

The training material supplied by the Standards Board was referred to and it was expected that this would be revised shortly, with more case scenarios provided.

It was noted that a format had been agreed for e-induction training and that would be implemented shortly. A data base record of training would also be put in place.

RESOLVED –

That the report be noted.

144. DEFINED ROLES FOR SENIOR MANAGERS IN THE ETHICAL FRAMEWORK

CONSIDERED –

Report of the Monitoring Officer presenting for comment a draft statement of the Role of Senior Managers in the Ethical Framework.

Following consideration having been given to a draft report regarding the possible roles for the Standards Committee, the Monitoring Officer, senior Members and senior managers in the ethical framework, at the previous meeting, where it was considered whether the roles of senior managers in relation to the ethical framework should be defined or whether the roles be dealt with via the Constitution and ethics training for Members and officers, it was agreed that a draft statement re: the position of senior managers be brought to this meeting.

The draft statement, re: the position of senior managers was highlighted as follows:-

The Council's senior managers recognise the importance of the ethical agenda within the Authority: They will ensure that those whom they manage are clear about their respective roles and what is expected of them; managers will also encourage and promote the high standards of conduct amongst their staff, at all times leading by example. Managers will have due regard to the advice of the Monitoring Officer and the Standards Committee, and will see such advise where necessary.

It was noted that the draft statement had not yet been subject to consultation, nor had it been submitted to the Management Board.

RESOLVED –

- (i) That the statement of the Role of Senior Managers in the Ethical Framework be agreed;
- (ii) That determination of any comments received by Members or consultees be delegated to the Chairman and the Monitoring Officer, for possible inclusion in the statement;
- (iii) That subject to the addition of any comments, the statement be recommended to full Council for inclusion in the Constitution;
- (iv) That the statement be published on the Council's Intranet, however, that it not be placed on the website as Members considered that only the Council Statement should appear there.

145. SBE PILOT EXERCISE – LOCAL FILTERING OF COMPLAINTS

CONSIDERED –

Report of the Monitoring Officer providing Members with further details of the Standards Board pilot for the local filtering of complaints and to set a date for the Standards Committee to deal with the pilot exercise.

It was stated that the Committee agreed to participate in the local filter pilot, as requested by the Standards Board, at the previous meeting and further details of the pilot project were supplied with the report. It was noted that the exercise would be facilitated by representatives of the Standards Board and would involve the Committee determining a series of case studies.

RESOLVED –

That the information in the report be noted and the local filter pilot be undertaken on 6 August 2007 at 10.00 am in County Hall, Northallerton.

146. REVIEW OF PROTOCOL FOR MEMBER/OFFICER RELATIONS

CONSIDERED –

The Monitoring Officer stated that, as part of its Work Programme, the Standards Committee had undertaken a review of the Member/Officer Protocol and of the Guidance Protocol.

The Guidance Protocol was reviewed in light of the adoption of the new Members' Code of Conduct, which was agreed by full Council at its meeting on 16 May 2007.

The Protocol for Member/Officer Relations had subsequently been reviewed and had been amended to reflect the new Code of Conduct in respect of Members access to information and the new provisions in relation to disclosure of confidential information.

An additional amendment had been made to reflect that all Members were specifically bound by the Code of Conduct to observe the Code of Recommended Practice on Local Authority publicity.

Details of the amendments to the Protocol were appended to the report.

Members suggested that details of the revised Protocol be publicised through appropriate mechanisms, to ensure that this is brought to the attention of officers, including the "County Talk" Newsletter. It was suggested that this could be tied in with details on the new Code of Conduct.

RESOLVED –

That the suggested amendment to the protocol on Member and Officer relations, attached at Appendix 1 to the report be agreed and recommended to Council for approval.

147. COMPLAINTS AND FINDINGS/GUIDANCE FROM THE STANDARDS BOARD

CONSIDERED –

Report of the Monitoring Officer updating Members on the development of the Ethical Agenda and any complaints received about County Councillors.

The Monitoring Officer referred to the Port Talbot case R (Ware) v Neeth Port Talbot County Borough Council, which concerned the non-participation of four Councillors in a planning decision. She stated that following a judicial review of the matter it had been determined that the advice supplied by the Deputy Monitoring Officer had been incorrect, which had resulted in the Councillors' decision not to vote on the planning application.

The Monitoring Officer emphasised the need for Members and Officers giving advice on such issues to be aware of this case and stated that information would be provided in the next edition of the Standards Bulletin.

RESOLVED –

That the report be noted.

148. THE STANDARDS BULLETIN SURVEY

CONSIDERED –

Report of the Monitoring Officer informing Members of the results of the short survey recently undertaken regarding the Council's Standards Bulletin.

It was stated that, following the previous meeting of the Committee it had been agreed to undertake a short survey of Members views of the Standards Bulletin.

Four responses had been received, which indicated that the bulletin was reasonably well accepted and of benefit to Members. It was noted that in the past there had been favourable comments and a positive response to the bulletin.

The Monitoring Officer stated that, generally, there only tended to be a large response to surveys when a problem was apparent. The lack of response to this survey suggested that the bulletin was satisfactory.

One suggestion from a returned survey was that useful website addresses be published within the bulletin to provide, for example, details of cases mentioned within the bulletin. In response it was stated that website addresses could be provided and included in future editions to assist Members in finding more detail of issues in which they had a particular interest.

RESOLVED –

That the results of the survey and details within the report be noted.

149. WORK PROGRAMME

CONSIDERED –

Report of the Monitoring Officer providing details of the Committee's Work Programme.

A revised version of the programme, including the additional aspects, requested by Members at the previous meeting. A copy of the ethical audit action plan was also appended for reference purposes.

It was suggested that an invitation be extended to the Leader of the Council, to attend a meeting of the Standards Committee in the near future.

It was noted that the issue relating to the Employees Code of Conduct would be addressed at subsequent meetings.

RESOLVED -

That the Work Programme be noted.

150. TIMETABLE OF MEETINGS

The Monitoring Officer suggested that the number of meetings held by the Standards Committee held during the year could be reduced by one meeting, to have quarterly meetings, rather than the current practice of five meetings per year.

It was suggested that the meeting to be held on 12 November 2007 be replaced with a training day for the Standards Committee Members.

RESOLVED –

That the meeting scheduled to take place on 12 November 2007 be replaced with a training day for Standards Committee Members and, the future timetable be altered to provide quarterly meetings, rather than five per year.

(The Chairman accepted the above item as a matter of urgency, due to the need to alter the timetable at the earliest opportunity and to advise Members of that alteration).

SML/JD/ALJ