

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on Monday, 1 October 2007.

PRESENT:

Mr James F S Daghish (Chairman)

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

Independent Members: Ms Gillian Fleming and Dr Janet Holt.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

151. MINUTES

RESOLVED –

That the minutes of the meeting held on 4 June 2007, having been printed and circulated, be taken as read and signed by the Chairman as a correct record.

152. 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.

153. STANDARDS BOARD TRAINING DVD

Members observed a DVD produced by the Standards Board for England and Wales which provided practical examples of how the new Code of Conduct would operate.

RESOLVED –

That the contents of the DVD be noted.

(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.)

154. CORPORATE COMPLAINTS PROCEDURE

CONSIDERED –

The report of the Chief Executive outlining the compliments and complaints received during the quarter 1 April to 30 June 2007. The report highlighted the statistical information of obtained from the LAGAN Frontline software which was utilised by the County Council to log and respond to complaints and compliments received on its services. The information was set out in a user friendly way and it was noted that regular reports, highlighting the information, would be submitted to the Committee in future.

The report indicated that 395 compliments had been received by the County Council's services in the first quarter, which was 30 up on the previous year. The

increase in figures was due, in the main to an increased awareness across directorates on how to reflect compliments made about their particular service.

89 complaints had been received in the first quarter for 2007/08 which was 7 up on the first quarter for the period this year. It was noted that the complaints relating to the Chief Executive Group had risen substantially on the previous year, but this was attributable to the inclusion of the newly opened Contact Centre, which was not previously included in the Chief Executive Group figures, and complaints were likely to have resulted from early problems, as the service settled in.

The procedure for handling complaints was outlined and it was noted that should a complaint be unable to be resolved straight away then this would be acknowledged and a full response provided within 20 days from receipt. It was noted that complaints handled through the statutory procedure within Adult and Children Social Care were often of a personal and complex nature and therefore took longer to investigate.

The report also outlined the outcomes of complaints, the analysis by category, the various stages of which complaints were dealt with, how Ombudsman complaints were dealt with and the lessons that were being learnt by the County Council through the complaints received.

The Chairman considered that the complaints upheld/partly upheld in relation to the Business and Environmental Service were particularly high and he wondered why this was the case? In response it was stated that many of the complaints in relation to Business and Environmental Services were easily identifiable service related matters, for example where a request had been made for a pot hole to be filled and this had not been undertaken. The simplicity of determining whether the complaint was justified in these cases led to this higher percentage of upheld complaints. It was also noted that the LAGAN Frontline system gave more accurate data and reasons as to why a complaint had been made originally.

It was noted that further reports would be submitted to the Committee, with a detailed report giving more information in relation to complaints received and the reporting of the Ombudsman complaints, on a twice yearly basis, with a statistical report providing details of compliments and complaints received on a quarterly basis.

RESOLVED –

That the report be noted.

155. ETHICS TRAINING

CONSIDERED –

The report of the Monitoring Officer updating Members on the current ethics Training Plan for Members. A copy of the current Plan was appended to the report which provided details of the forthcoming training events for Members. It was noted that the next scheduled meeting of the Committee, to be held on 12 November 2007, would now be a training session and Members were asked to identify a suitable subject for the training session to undertake on that date.

Of the suggested issues set out in a report, Members stated that they would like a training session based on the role of the Standards Committee (based on the Annual Assembly's Workshop) and refresher training on quasi-judicial decision making/local determinations.

In relation to training, Members discussed the DVD that they had watched earlier in the meeting. They considered that this would be a useful training tool to roll out to other members of the County Council, with discussion taking place during the film, allowing members to comment on the different aspects at the time. It was considered that the theme of the DVD was particularly relevant to Planning Committee Members, particularly those serving on District Council Planning Committees and it was suggested that combined training involving County Councillors and District Councillor would be beneficial. Members noted that some of the general points within the DVD also applied to non-planning matters.

Members suggested that a joint training event involving County Councillors and District Councillors centred on the DVD, be investigated.

RESOLVED –

- (i) That the contents of the report be noted.
- (ii) That the issues outlined in the minutes, above, be the subject areas for the Committee's training session on 12 November 2007;
- (iii) That a future training event, involving County Councillors and District Councillors, based on the Standards Board DVD be investigated and timetabled for the near future.

156. ANNUAL REPORT OF THE STANDARDS COMMITTEE

CONSIDERED -

The report of the Monitoring Officer presenting Members with the draft Annual Report of the work of the Standards Committee.

The draft Report covered the period January 2006 to May 2007 and was appended to the report. The Annual Report covered an 18 month period to bring the report into alignment with the municipal year. Should the Committee approve the Annual Report then it would be presented to the next meeting of the County Council on 10 October 2007.

The Chairman noted that issues relating to training and his and the former Vice-Chairman's attendance, to assist with Leeds City Council's launch of their ethical audit, were not mentioned in the Annual Report. The Monitoring Officer stated that she would ensure these two items were added to the Report.

RESOLVED -

That, subject to the amendments highlighted, the Annual Report be approved for presentation to the next meeting of the North Yorkshire County Council on 10 October 2007.

157. DISPENSATION REQUESTS – COMMUNITY FUND ALLOCATIONS

(County Councillor Peter Sowray declared a personal and prejudicial interest in relation to this item in respect of him being a Member who was seeking a dispensation. He left the meeting and took no part in the consideration of this matter, nor the vote in respect of this.)

CONSIDERED –

The report of the Monitoring Officer asking Members to consider requests from certain County Councillors for a dispensation, in almost identical terms, and in respect of the same issue, from the Standards Committee.

The report stated how a number of County Councillors had been invited to consider making a request for a dispensation from the Standards Committee, as follows:-

- (a) Six County Councillors sitting on Craven Area Committee;
- (b) Eight County Councillors sitting on the County Committee for Hambleton;
- (c) Five County Councillors sitting on the Richmondshire Area Committee; and
- (d) Ten County Councillors sitting on the Yorkshire Coast and Moors County Area Committee.

The full list of Members affected and invited to consider submitting a dispensation request was sent out in an appendix to the report along with copies of actual requests received.

The report highlighted how Members had been invited to submit a dispensation application to enable them to speak, vote and be included within the quorum at meetings of the Area Committee on which they sit when the Committee was determining applications submitted by the District/Borough Council on which they also served, for funding from the County Community Fund application for that District Area.

The request for the dispensation had followed a number of Area Committee meetings becoming inquorate because of the need of Members to declare a prejudicial interest and take no part in the decision on that particular allocation when consideration had been given to these applications. It was thought sensible to ascertain all County Councillors potentially affected in this way and to invite them to consider making a dispensation request.

The report outlined the dispensation process. It was noted that two Members had yet to return their dispensation request forms, however, should the Committee be minded to grant the dispensations then these could be conditionally granted, subject to the forms being received within the an appropriate time-frame, and subject to clearance by the Monitoring Officer and the Chairman of the Committee.

The report also highlighted how the County Council dispensation request procedure required updating in view of the introduction of the new Code of Conduct for Members and suggested amendments were set out in appendix 2 to the report. These incorporated Standards Board guidance on dispensations as set out in the Board's Guide for Members.

The Chairman requested clarification of the terms of the dispensation. In response it was outlined that the dispensation applied only to the defined circumstances and only in relation to that Member being a Member of another Authority. Should other reasons arise, in relation to an application, that warranted the declaration of a prejudicial interest, then the dispensation would not apply. It was noted that the granted dispensation would be clearly set out, in writing, to the Members involved.

The Chairman considered that, where forms had yet to be received from members requesting dispensations, then he would be inclined to allow them 10 working days to return these, under the granting of the orders today, should the Committee be minded to take that action.

A Member raised concerns regarding the possible conflict of interest of Members who all serve on District Councils making decisions on issues that could be seen to financially benefit the District Council. In response the Monitoring Officer stated that this was recognised as a prejudicial interest, but in respect of the Community Fund allocations, in respect of which that the dispensation was requested for, the applications had been determined by the Local Strategic Partnership, with projects having been agreed by the Partnership, with some of these promoted by the District Council. The funding, therefore, was not to directly benefit the District Council in terms of finances. It was still expected, however, where Members had a personal and prejudicial interest in relation to such applications that they would declare their interest accordingly.

It was noted that Members would be required to declare their dispensation in the same way as they were to declare a personal interest and that these declarations would be included in the minutes for that meeting.

RESOLVED –

- (i) That dispensations be granted to the County Councillors listed as Appendix 1 to the report, to enable them to speak, vote and be included within the quorum at meetings of the Area Committee on which they sit, when that Committee is determining applications submitted by the District/Borough Council on which they also serve, for funding from the County Community Fund allocation for that district area;
- (ii) That where Members have yet to provide the appropriate dispensation request form, should they respond within 10 working days of this meeting the dispensation will be granted in the terms set out in resolutions (i) and (iii) subject to the clearance of the forms by the Monitoring Officer and the Chairman of the Standards Committee. Should the forms not be returned within this time period, the dispensation will not be granted and the Standards Committee will be informed of this;
- (iii) That the dispensations be granted until the date of the Local Government elections in 2009;
- (iv) That the County Council's amended dispensation request procedure, as set out in Appendix 2 to the report, be approved, subject to an amendment to paragraph 1.2 with the removal of the word "certain" to be replaced with the word "such".

158. EMPLOYEES' CODE OF CONDUCT

CONSIDERED –

The report of the Monitoring Officer updating Members on the latest draft revisions to the Employees Code of Conduct.

Further to the Standards Committee meeting of 4 June 2007 work had commenced on the revision of the Employees' Code of Conduct, ensuring that this was relevant to the current practices of the Authority, while anticipating the publication of the Model Code. A draft of the amended Code was appended to the report and was prepared following comments received from the Human Resources Team, which had been taken into account. It was noted that elements of the Code of Conduct for Members were also included in the Employees' Code.

Subject to the comments from the Committee the draft would be referred for further consideration to Human Resources and the Internal Audit Team, before, ultimately, being referred to the Management Board and staff representatives.

It was noted that the band at which officers were required to register interests was grade band 12, which would now be inserted into the draft Code.

In relation to paragraph 2.1 it was suggested that a definition of part time and agency staff was included.

It was noted that links between the Codes of Conduct and the policies and procedures of the Council would be developed through an item to be considered later in the meeting, which would comprehensively cover cross references from Code of Conduct to relevant documents.

In respect of paragraph 9.2 of the Code it was suggested that, in the first sentence, the word "should" be replaced with the word "most". It was considered that it should be made clear that employees should not participate in orders and/or contracts negotiations where they have a relationship of a business or private nature with an external contractor.

It was noted that a time frame of 28 days was in place in respect of employees advising the Monitoring Officer of any change to their interests. It was also noted that employees did not have to inform the Monitoring Officer of any financial interests, at present, as this was not currently required by law.

It was suggested that paragraph 11.7 be amended with the words "Local Government" being inserted before the word "Ombudsman".

Members suggested that reference to IT be included in paragraph 6.2 to take account of improper use of IT equipment.

The procedure for the next stages of the development of the Employees' Code of Conduct were outlined and it was noted that this would be returned to Human Resources and Internal Audit for further consideration and would then be put out for Union consultation. The Code would then be submitted to Management Board for agreement and would be returned to the Committee for final approval.

Employees would be required to abide by the Code of Conduct and this would be set out in their contract of employment. The Monitoring Officer would work alongside Human Resources to implement the Code of Conduct for existing employees. Further reports on the progress of the Code would be brought to subsequent meetings.

RESOLVED –

- (i) That progress on the current working draft Employees' Code of Conduct be noted;
- (ii) That the comments of the Committee on the working draft, outlined above, be received and the draft Code be amended accordingly;
- (iii) That the draft document, with the amendments and comments made by Members included, be circulated to the Human Resources and Internal Audit Teams, and ultimately to the Management Board and staff representatives for further consultation.

159. NEW REGISTER OF MEMBERS' INTERESTS

CONSIDERED –

The report of the Monitoring Officer updating Members on the progress made in securing registrations of interests under the new Code and publishing them on the County Council's website.

The report outlined how Members had 28 days from the adoption of the new Code of Conduct by the Council to register their personal interests by providing written notification to the Monitoring Officer. Every voting Member and Co-opted Member were required to submit a new registration of interests form by the 13 June 2007 as the new Model Code did not contain any transitional provisions.

With the exception of three elected Members, all Members and voting Co-opted Members had returned their interest forms within the required timescale. Two of the forms were still outstanding. Several attempts had been made to contact the Members by various means of communication, but there had been no contact from the Members at the time of the meeting. The seriousness of the issue had been outlined to the Members and it was emphasised that non compliance with the request was a breach of the Code of Conduct.

The Chairman stated that a similar problem had occurred with the Audit Committee in respect of some Members having not completed declarations in respect of Party undertakings and the Committee was considering referring this matter to the Monitoring Officer.

Members asked what options were available to them in terms of the Members' non compliance with the requests?

In response the Monitoring Officer stated that the first step would be to issue a letter to the Members concerned, from the Chairman of the Standards Committee, expressing the seriousness of the situation and the displeasure of the Standards Committee. Members suggested that along with the letter to the Members, a copy should also be provided to the relevant Group Leader/ Secretary, to inform them of the issues and the Standards Committee's concerns. The Monitoring Officer stated that the ultimate sanction would be to refer the matter to the Standards Board. It was noted that a local determination could not now take place in respect of this matter, as the Standards Committee had considered the issue.

In relation to referral to the Standards Board it was suggested that a timescale for compliance with the request be set out in the letter to Members, stating that should this not be met, then the matter would be referred to the Standards Board.

The Monitoring Officer outlined how work was being undertaken to produce versions of the new registration of interest forms for publication on the Council's website. It was expected that these would be in place by the time of the next meeting of the Committee. Members noted that the membership of the Standards Committee required updating on the website and the Monitoring Officer stated that she would attend to this.

RESOLVED -

That the contents of the report be noted and the action outline be taken accordingly.

160. COUNCIL'S ETHICAL STATEMENT FOR STAKEHOLDERS UPDATE

CONSIDERED –

The report of the Monitoring Officer updating Members regarding the proposed use of the agreed statement for stakeholders of the Council's stance on ethical issues.

The statement for stakeholders, as recommended by the Standards Committee meeting of 4 June 2007 (minute no. 141) was approved by County Council 18 July 2007.

Further to a request by the Committee, the Monitoring Officer reported on ways of ensuring that the requirements regarding the statement were being met. Following consultation with the Principal Lawyer (Partnerships and Procurement) it was suggested that the best ways to incorporate the statement into working was to include the statement in the Council's Procurement Manual and in the some of the procurement precedent documentation.

The use of the statement would also be considered by the Corporate Procurement Group. It was not considered necessary for the statement to be included in each and every contract, but it was felt appropriate to include this where the Council were seeking relatively high value of quotations or tender exercises where the statement could be included in the instructions to tender. The statement could also be included in the Council's standard pre-qualification questionnaire, with a view to getting the responders to confirm that they endorse those issues.

A further report would be submitted to the Committee, in due course, explaining how the statement had been used.

RESOLVED –

That the report be noted.

161. CITIZENS' PANEL QUESTIONNAIRE UPDATE

CONSIDERED –

The report of the Monitoring Officer updating Members on the questionnaire circulated to the Citizens' Panel in August 2007. The circulation of the questionnaire followed the publication of an article in the NY Times and related to awareness of standards issues affecting the Council. A copy of the final questionnaire was appended to the report.

It was noted that, to date, 1200 responses had been received. Interim results had been obtained from the company collating and analysing the responses which were outlined to the Committee. A further report would be submitted when the full results had been received.

In terms of the interim results respondees had considers standards within the Council to be very important, with 64% of respondees considering these to be high or very high. Generally, the Code of Conduct was not well recognised, with 48% of respondees not knowing of its existence and a large number had not looked at the website to view Members registration of interests. There was also little knowledge of the Standards Committee or the Standards Board.

To the develop the wider understanding of standards issues it was considered that further information and articles should be placed in the NY Times and in internal communications. Contact was being made with the Communications Unit to develop further enhancement of the delivery of information to the general public in relation to standards. Further discussion of the dissemination of information would be undertaken at the next meeting of the Committee.

It was noted that, recently, a message relating to County Council's standards was placed in the "Key Messages" email that was sent to County Council employees. Some feedback had been received by the Monitoring Officer in relation to that.

It was noted that there had been a good response to the questionnaire from the Citizens Panel, but that should be expected as those participating had indicated previously that they were willing to engage in such events. It was not apparent how the members of the Citizen's Panel had been selected and it was suggested that this should be taken account of when consideration was given to the final results of the questionnaire.

It was requested that the information obtained from the questionnaires submitted to the Management Board of the County Council, to ensure that awareness arising in relation to the County Council's standards continued to be promoted and was developed further.

RESOLVED –

That the report be noted, the final findings in respect of the questionnaire be forwarded to the Management Board for further initiatives to be promoted in relation to raising awareness of standards and that a further report on the final analysis of the results of the questionnaire be submitted to the next meeting of the Standards Committee with input from the Communications Unit as to how to further promote standards issues.

162. LINKS BETWEEN THE CODES OF CONDUCT AND POLICIES AND PROCEDURES OF THE COUNCIL

CONSIDERED –

The report of the Monitoring Officer advising Members of work being undertaken in relation the Council's policies on Equalities, Freedom of Information, Human Rights and Data Protection in terms of ensuring the links between the Codes of Conduct for Members and Employees are incorporated.

The Monitoring Officer stated that it was important that the policies of the County Council reflected, and had links to, the standards of conduct that are expected of Members of the Council and employees. This was best shown by ensuring that references to the Code of Conduct were contained within policy documents. It was noted that the Audit Commission, in their key lines of enquiry, had referred to the Code of Conduct being integrated into Council policies relating to Equalities, and to linkages between the Code and Human Rights, and Freedom of Information.

Details of the Equalities, Data Protection and Freedom of Information policies were appended to the report.

It was noted that the Equalities policy was currently being reviewed by the Corporate Equalities Working Group and that a link to the Code of Conduct was being worked into that review.

Statements suggested by the Monitoring Officer to be provided with the policies, linking into the Codes of Conduct were provided in the report.

In relation to the text proposed to link into the Council's Freedom of Information policy, Members suggested that there were constraints to information that had to be supplied and considered that it would be appropriate to outline the exemptions, so as not to falsely raise expectations in this respect. It was noted that restrictions of this nature were outlined in the County Council's policy.

Members considered that where the text inserts referred to “a strict Code” that it would be more appropriate to have “the Members Code of Conduct”. The Monitoring Officer agreed to amend the text accordingly.

It was noted that the County Council does not have a specific policy on Human Rights, with Human Rights implications taken into account, as a matter of course, in the development of all Council policies. It was suggested, therefore, that the Monitoring Officer should remind Directorates of the provisions of the Member and Employee Codes and the need to incorporate links wherever it was relevant to the subject matter of policies that they are developing.

Members raised concerns that when issues were dealt with “as a matter of course” then this lead to them not always being picked up. In response the Monitoring Officer stated that there was an expectation throughout the Council that Human Rights legislation was complied with and it was noted that a template for Committee reports was in the process of being developed, for reports, to be submitted to all Committees of the County Council, which would have reference to Human Rights issues in place, to ensure that all matters dealt with are complying with the appropriate legislation. It was also noted that the Monitoring Officer currently ensures that Human Rights issues are met by the County Council.

RESOLVED –

- (i) That the statements proposed for inclusion in the Equalities, Data Protection and Freedom of Information policies, are set out in the report, subject to the amendments outlined by Members, above, be agreed; and
- (ii) That the Monitoring Officer requests Directorates to consult her about incorporating links to the Codes, where they are relevant to policies they are developing, with any such links to be reported back to the Committee.

163. COMPLAINTS AND FINDINGS/GUIDANCE FROM THE STANDARDS BOARD

CONSIDERED –

The report of the Monitoring Officer updating Members on the development of the Ethical Agenda and any complaints received about County Councillors since the last meeting.

The report highlighted the Standards Board training DVD on the new Code of Conduct that had been viewed earlier in the meeting and highlighted an occasional paper published by the Standards Board relating to predisposition, predetermination or bias, and the Code. A copy of the occasional paper was appended to the report.

Members considered that the occasional paper should be forwarded to the Planning and Regulatory Functions Committee, for the information of its Members, as it had particular relevance to their conduct when undertaking decisions on planning applications.

It was noted that notification had been received from the Standards Board of two complaints that had been referred to them in relation to County Councillors. Neither of the complaints had warranted a public investigation.

RESOLVED –

That the report be noted and the occasional paper be forwarded, for information, to the Planning and Regulatory Functions Committee.

164. **WORK PROGRAMME**

CONSIDERED –

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

It was noted that there was a new section to the report indicating where action had been undertaken between meetings and what had to be reported back to the Committee. This section of the report would be developed during the year.

The work programme was also to be developed as a rolling programme document, with items that had been completed dropping off the programme to ensure that this remained manageable.

Members welcomed the changes to the work programme and considered that these were beneficial to the reporting process.

It was noted that the decision at the last meeting of the Standards Committee to hold quarterly meetings next year had been taken after the timetable for next year had been prepared, therefore, five meetings had been scheduled for 2008. It was suggested that one of the meetings be set aside for training and Members considered the meeting scheduled for 10 November 2008 be used for this purpose.

The Monitoring Officer stated that the issue relating to advice to officers and members in relation to membership of outside bodies and personal conflict had been earmarked to be considered at this meeting, however, this had not been possible, and the report was now being prepared for submission to the next meeting of the Committee.

In relation to the development of a mechanism to reinforce Executive involvement in ethical issues it was stated that the Standards Committee had agreed that this would be dealt with by the Leaders periodic attendance at the Committee, and, in relation to that, the Leader of the Council would be invited to attend the next meeting of the Committee in January 2008.

Members discussed the involvement of County Councillors partaking in the Audit Committee and any possible conflicts of interest in relation to the audits carried out.

RESOLVED -

- (i) That the report be noted and action, indicated above, be undertaken where necessary;
- (ii) That the future work programmes be compiled on the basis of a rolling twelve months schedule; and
- (iii) That the Committee's meeting scheduled for 10 November 2008 be designated as a training session for the Committee.

SML/JD