

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on Monday, 14 January 2008.

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.

Also in attendance: The Leader of the Council, County Councillor John Weighell.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

165. MINUTES

RESOLVED –

That the minutes of the meeting held on Monday, 1 October 2007, having been printed and circulated, be taken as read and signed by the Chairman as a correct record.

166. 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.

167. LEADER OF THE COUNCIL

The Chairman welcomed the Leader of the Council to the Standards Committee meeting. The Leader of the Council outlined specific issues on the agenda that were of particular interest to him. He outlined how, in liaisons with other Local Authorities, North Yorkshire County Council received many compliments in respect of how Members of the County Council relate to each other and the courteous way in which they undertake their business.

This statement was echoed by other Members of the Committee and it was considered that North Yorkshire County Council was very fortunate to have this good working relationship between both Members with other Members and Members and Officers.

RESOLVED –

That the issues raised by the Leader of the Council be noted.

168. STANDARDS BOARD CASE REVIEW 2007

CONSIDERED –

The report of the Monitoring Officer informing Members of the key points from the Standards Board's "Case Review 2007 – The Code of Conduct: Questions and Answers".

The report stated that the review was an annual publication through which the Standards Board shared its experience of conducting investigations, giving legal advice and developing policy in relation to the Code of Conduct. The case review was not statutory guidance but was regarded by the Board as a practical advice kit in the interpretation of the Code.

A summary of the key points raised in the case review was appended to the report.

A web link providing access to the full case review was also provided.

Members highlighted the issue relating to the declaration of personal interests in respect of hospitality received by Members. They noted the interpretation of the Standards Board in respect of Members who held higher office within the Council, for example the Leader or Chairman, where it was not considered that hospitality should be registered should this be offered to the office holder rather than the individual. It was considered that the original interpretation had been very restrictive and welcomed this interpretation. It was stated that, previously, the interpretation of this issue had put Members holding higher office in a very difficult position. The Leader noted that he had felt it necessary to refuse invites to attend functions on behalf of the Council, previously, because of the interpretation of the New Code and welcomed the clarification given within the report.

The Monitoring Officer reminded Members that any hospitality or gift provided should be commensurate with Members service, and where Members felt that was in excess of this, a declaration should be made. Members were also reminded that they should take care to register gifts and hospitality where organisations were involved in tender/contract matters.

A Member referred to declaring personal interests and raised concerns regarding the registering of these interests and them being kept publicly on a database, where these were of an extremely personal nature. He asked how this issue could be addressed? In response it was stated that the matter could be discussed with the Monitoring Officer and, should it be considered necessary, the interest could be declared, but not the nature of it when issues arose. Details of the nature of the interest in the public record would also be kept private by the Monitoring Officer. A note to this effect would be provided within the publicly available documents. It was emphasised that this would only be the case where there was a possibility that a Member could suffer violence or intimidation through the declaration of the interest.

RESOLVED –

The report and the issues raised be noted.

169. MEMBERS' TRAINING

CONSIDERED –

The report of the Monitoring Officer updating Members on ethics training issues. The report highlighted the Committee's current training plan, with details provided in an Appendix to the report.

It was noted that further Standards training for all Members was being planned for early 2008 which would include highlights of the key parts of the Code of Conduct, presentation of the Standards Boards Training DVD and practical case studies. A

date was being fixed for the training to take place and once that was in place Members of neighbouring authorities would be invited to attend.

In relation to the ethics training provided to officers it was expected that this would be in place by the end of March 2008. The Monitoring Officer would deliver one or two comprehensive training sessions for key officers covering both the Officers and Members Codes of Conduct and a Member/Officer Protocol.

Further progress would be reported to subsequent meetings.

In terms of the Member Training the Monitoring Officer stated that it was hoped to hold the events on 7 and 19 March 2008. She stated that where Members did not attend, they would be approached to undertake training in smaller groups to try and prevent criticism for non-training from the Standards Board. It was noted that an audit of training was proposed to try and keep track of what Members had received previously and where further training was required. Attempts would be made to obtain annual returns from Members in respect of what they required in relation to Standards training, with events provided to address any "gaps" in training.

It was suggested that a request for details of Members training needs could be attached to the invite to the forthcoming training events being held on 7 and 19 March.

In terms of the forthcoming training events it was requested that Members of the Standards Committee attend to assist with the delivery of the training at those events. Members outlined their availability for the events.

It was stated that copies of the DVD that had been seen by the Standards Committee, and would be shown at the training events, would be made available for each Party Group Room within County Hall.

RESOLVED –

That the report and forthcoming training events be noted.

170. 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 the two outstanding re-Registration of Interests forms, from Members, which were reported to the previous meeting, had now been submitted, following a letter from the Chairman of the Committee.

Following the receipt of all the re-Registration of Interests forms, these had now been published on the County Council's website and details of how they could be accessed were provided in the report. It was noted that the website page relating to the Standards Committee had also been updated.

The Monitoring Officer highlighted an issue that had been raised recently by the Standards Board regarding the storage of historical Registration of Interests by the Council on whether this gave rise to any Data Protection/Freedom of Information Act issues. The report outlined the Data Protection Act principles related to the storage of personal data and the legal guidance supporting the Act.

Under the current Code of Conduct for Members, the Council is required to keep current Registration of Interest forms in the Register of Members' Interests, however, there is nothing within the ethical framework describing what should happen once they are replaced with new ones, nor are there any time limits for the retention of historical documents. The current practice of the County Council is to retain historical interest forms indefinitely. The report also highlighted Section 62 of the Local Government Act 2000 which requires the Ethical Standards Officer to be provided with any information necessary for the purpose of conducting a complaint investigation. In the case that arose recently, the County Council held the information and as there was no reason for non-disclosure supplied it accordingly. This prompted consideration of whether a protocol was required for the future retention of historical interest forms.

Other Authorities had been contacted to determine their length of period for the retention of historical forms and comparisons had been made to the historical retention of County Council employees personal information in relation to employment, following their departure from the County Council's services.

Members were requested to consider a suitable retention period and it was suggested that this may be three years as the likelihood of a complaint being made after a Members' term of office had ended would diminish over time and would, generally, be unlikely after three years. When a timescale had been determined by the Committee consultation would take place with the Council's Data Protection Officer to ensure that the proposed retention treatment of historical interest forms was consistent with the handling of some of the data within the Authority.

Members considered the issue and asked what benefits the retention of the information could have? In response it was stated that the information could be used should a complaint arise following a Members term of office, which related to their service as a County Councillor or Co-opted Member. It was emphasised that the information could be of benefit to both the investigation and those being investigated. The Monitoring Officer stated that the Data Protection Act stated that appropriate information should be kept for as long as purposeful, with a reasonable balance being in place in respect of this. It was suggested, therefore, that the interest forms could be deleted when, on balance, it was unlikely that the complaint was likely to arise.

A Member suggested that it would be appropriate to find out what other Local Authorities are doing with regard to this and whether the Local Government Association had set a timeframe.

It was suggested, therefore, that initially a three year period for the holding of historical Registration of Interest forms for Members and Co-opted Members be implemented, allowing an investigation and consultation to take place into the feasibility of this, to determine whether this is consistent with the handling of similar data within the Authority and establish what other Local Authorities are doing in relation to this matter.

Members referred to the County Council's website and stated that access to the Standards Committee and ethical information required improvement. The Monitoring Officer stated that she was actively working towards this.

RESOLVED –

- (i) That the contents of the report be noted.
- (ii) That a three year retention period for Members and Co-opted Members Interest Forms be set, with a consultation period following to allow

consultation with the Council's Data Protection Officer to ensure that this was consistent with the handling of similar data within the Authority and to assess what other Local Authorities are doing in respect of the retention of this information, with a further report on the findings on these matters being submitted to subsequent meetings of the Standards Committee.

171. CITIZENS' PANEL QUESTIONNAIRE

CONSIDERED –

The report of the Monitoring Officer providing Members with the full report of the results of the questionnaire regarding the ethical framework circulated to the Citizens' Panel in August 2007.

The report provided full details of the results of a questionnaire tested through the Citizens' Panel in respect of the awareness of standards issues affecting the Council following the publication of an article in the NY Times.

Full details of the results emanating from the questionnaire were attached to the report at Appendix 1.

The Monitoring Officer drew Members attention to specific areas of the report and stated that, generally, the results of the questionnaire emphasised the importance of standards. The perception was that standards in North Yorkshire were high, with a similar standard of ethical behaviour for both officers and Members. Disappointingly, the knowledge of the work of the Standards Committee and the Standards Board was low.

Details of how the work of the Standards Committee and ethical issues in general could be publicised, in the opinion of the Citizens' Panel, were set out in the Appendix to the report. Members welcomed the ideas in relation to publicising standards issues, but emphasised that these had to be consistent with the Communications Strategy for the Standards Committee and should be closely linked into that.

It was noted that the Citizens Panel was made up of members of the public who had indicated a willingness to be involved in such processes, which was why there had been a high response to the questionnaire. A Member suggested, therefore, that a note should be attached to the results, advising that the information had been obtained from the Citizens Panel, rather than the public in general, so as not to give a false perception in relation to the results obtained.

Members, however, broadly welcomed the recognition of standards within the County Council but were disappointed with the level of awareness of the functions of the Standards Committee and Standards Board. There was also some disappointment among Members in relation to how representatives of the Citizens Panel prioritised standards within public life, although they were pleased to see that there was a perceived link between good ethical standards and good delivery of services. The Monitoring Officer stated that she would involve the County Council's Communications Team in response to the publicising of work carried out in relation to ethical standards. She stated that it would be appropriate to undertake a similar survey in around three to five years time to determine whether there had been an improvement in the perception from the Citizens' Panel, following improvements made to communications and publicity on standards. It was noted that the Standards Board also recommended that Standards Committees, generally, raised the profile of the works that they were undertaking. It was emphasised that the general public only tend to hear about Standards issues when there has been an incidence of bad

behaviour and, therefore, the low awareness within the results of the questionnaire indicated that standards in North Yorkshire are generally very good.

It was suggested that the public would like to be re-assured that the work of the County Council was delivered and monitored, with some kind of ethical control in place, which was why it was important that awareness of the Standards Committee was promoted. It was suggested that the NY Times was the most appropriate publication for delivering this publicity. Previously, easy to read and understand articles, in relation to Standards issues had been published in this publication. It was emphasised that the promotion of this issue played a dual role in raising awareness of the Standards Committee for the public and providing details of where complaints could be submitted. Members also emphasised that good standards within the County Council could be promoted through this.

Members suggested that the Chairman and the Monitoring Officer discuss the issues raised with the Communications Unit and provide a further report, following those discussions, to a subsequent meeting of the Standards Committee.

RESOLVED –

That the contents of the report be noted and further reports, in relation to publicising the work of the Standards Committee, and ethical standards in general, be submitted to subsequent meetings of the Standards Committee, in line with the suggestions outlined in the Minutes above.

172. DISPENSATION REQUESTS – COMMUNITY FUND ALLOCATIONS - UPDATE

CONSIDERED –

The report of the Monitoring Officer regarding the number of Members applying for a dispensation in respect of Community Fund allocations following the last meeting of the Standards Committee.

Further to the request, which would allow Members to determine applications submitted by the District/Borough Council on which they also serve for funding applications submitted in relation to the County Community Fund allocation at Area Committee meetings, only one Member listed on the schedule did not ultimately take up the invitation to apply for a dispensation.

It was noted that, as yet, the dispensations had not been used at any of the Area Committee meetings concerned, due to the nature of the applications, which were likely to be submitted on an annual basis, to just one meeting of each relevant Area Committee in each year.

Members were requested to consider to what extent, if at all, they would wish to be kept up to date in terms of the use of the dispensations.

The Leader of the Council raised concerns regarding the applications for dispensations. He considered that the dispensations should be used carefully and that Member's consideration of these issues should relate to their representation of the County Council.

In respect of the concerns raised, Members considered that it would be more transparent to have a report back to the Standards Committee whenever the dispensations were used. Members also considered that the issues raised by the Leader could be discussed at the forthcoming Members training and would be considered when dispensations were awarded in future.

Members discussed the general attendance of Members at meetings. In this respect it was stated that the Standards Committee would continue to monitor this issue and raise any concerns regarding Members attendance with the appropriate Group Leaders or with individual Members in relation to Independent Members. It was stated that this action by the Standards Committee was considered to be satisfactory at this time.

RESOLVED –

That the report and issues raised be noted.

173. OUTSIDE BODIES – GUIDANCE FOR OFFICERS AND MEMBERS

CONSIDERED –

The report of the Monitoring Officer presenting a revised draft of the Guidance for Members Serving on Outside Bodies.

The report highlighted the implications in terms of responsibilities for Members and Officers involved in outside bodies and also in terms of liabilities and potential conflicts with their role and work of the Council. The guidance attempted to give a clear understanding of the implications for a Member or officer where they are involved with an outside body.

It was noted that the current guidance, included in the Constitution, was complex and lengthy and there had been a request for a review to make this more accessible. A revised draft of the guidance, therefore, was attached to the report and it was noted that the revised version concentrated on the main issues which Members needed to be aware of when considering accepting nominations for positions on outside bodies and indicated where more detailed information could be sought.

Members were asked to consider the draft for recommendation to the Council for inclusion in the Constitution.

Members welcomed the report and considered that it was easier to read and understand than the previous guidance.

A Member enquired as to what was the individual liability of a Member appointed to an outside body, should that body become insolvent? In response the Monitoring Officer stated that the liability in financial terms was dependent upon the agreement that Members had for being a representative on that body and that there was a potential personal liability in some cases. It was noted that where the Member was appointed by the County Council to the body then the Member involved could be indemnified, but it was emphasised that it would have to be ensured that the body had insurance to cover the Members' liabilities. It was stated that further investigation of this matter would be undertaken. Members emphasised that should the Member or officer involved in the outside body be acting as a Director, and be acting in good faith in the duties carried out, then an indemnity should be in place, removing the liability from the Member. It was emphasised, however, that Members should be fully aware of what is required of them, when they are appointed to outside bodies. It was noted that should a Member have acted in an inappropriate way, during their service to the body, then they would not be insured against the liability. Members noted that, when appointed to an outside body, their responsibility was to that body and not to the County Council, and it was considered that there should be a greater awareness of this fact.

RESOLVED –

That the draft guidance be approved and recommended to the next meeting of the County Council that it be included in the Constitution.

174. INDEPENDENT MEMBERS' REGIONAL FORUM – MINUTES AND FEEDBACK

The Chairman introduced the Minutes of the Independent Members' Regional Forum (Yorkshire and Humberside) that took place at County Hall, Northallerton on 1 October 2007 and highlighted a number of issues that were discussed at the meeting.

The meeting discussed the Chairing of Hearings by Local Standards Committee, following the Statement by the President of the Adjudication Panel for England that Hearings should be Chaired by a Lawyer who was familiar with the competency framework for Chairman and Members of tribunals. The Chairman stated that the Forum had not supported this statement as it was felt that this factor would not be keeping with the spirit of why this system had been established. It was noted that the President had stated that should the view not be supported then he would urge the Standards Board for England to introduce a National Training Scheme for the Chairs of Local Appeal Hearings. This way forward was welcomed by the Forum.

The Chairman stated that the Forum had emphasised the need to ensure that Local Appeal Hearings were structured properly, that the proceedings were recorded appropriately and that reasons were provided as to why the decision had been taken. It was noted that a summary of the proceeding would have to be undertaken initially, as the decision had to be provided at the conclusion of the hearing.

Among other issues discussed at the meeting were the following:-

- The possible establishment of a National Register of Independent Members of Standard Committees.
- The receipt of a grant from the Joseph Rowntree Charitable Trust and how the monies had been allocated.
- Views on the definition of an Independent Member.
- Feedback on the Standard Board for England's summer Road Shows – these had not been well received by Members.
- Feedback on the Standard Board for England's Local Pilot Schemes – Members expressed disappointment at the lack of feedback following the completion of the pilot exercises.
- The possible introduction of a performance review of Standards Committees in the future.

RESOLVED –

That the Minutes and issues raised be noted.

175. 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.

The Monitoring Officer advised Members that the issue relating to the Port Talbot planning matter, outlined at the previous meeting, had been overturned on appeal, where it had been decided that the advice provided by the Deputy Monitoring Officer had been correct. Full details of this issue would be included in the forthcoming Standards Bulletin circulated to County Councillors.

It was noted that the Seventh Annual Assembly of Standards Committees would be taking place at the ICC, Birmingham on 13-14 October 2008. Members were asked to consider who would be attending the conference to represent North Yorkshire County Council's Standards Committee.

Details of the Local Government and Public Involvement in Health Act 2007 were outlined, with examples given of the effect this would have on the ethical framework. It was noted that the Act would create a new role for Standards Committees to enable them to grant dispensations for staff to engage in political activities, where they were restricted under the Local Government and Housing Act 1989.

The report outlined that there had been three complaints made against County Councillors, which had been referred to the Monitoring Officer from the Standards Board, since the last meeting of the Committee. None of the complaints were referred for investigation. Details of the complaints were outlined. It was noted that there had also been information from the Standards Board on the outcome of a pending complaint against a County Councillor acting in their capacity as a Parish Councillor. It was noted that the Councillor was found to have breached the Code by failing to disclose a personal interest, however, the Ethical Standards Officer had found that no action was required as the interests were properly registered, the Member had acted in good faith and did not personally benefit by the failure to declare.

RESOLVED –

- (i) That the report be noted.
- (ii) That Dr Janet Holt, one other Member of Committee and the Monitoring Officer should be represented at the next Annual Assembly of Standards Committees on 13-14 October 2008.

176. CHECKLIST RE: LOCAL FRAMEWORK

CONSIDERED –

The report of the Monitoring Officer briefing Members on the Standards Board's checklist for local authorities regarding the implementation of the Locally Managed Framework.

The Monitoring Officer highlighted how the Local Government and Public Involvement in Health Act 2007 amended certain parts of the Local Government Act 2000, affecting the Ethical Framework. Full details of the changes would be included in a forthcoming report to the Committee. She noted that in its latest bulletin the Standards Board had printed an article offering a check list for Local Authorities of things to consider in the run up to the implementation of the Locally Managed Framework.

The checklist referred to the following:-

Size of Standards Committees

The Standards Board's recommended size of the Committee, six people as minimum, matched that of the current Standards Committee for the County Council.

Structure of Standards Committees

A structure of Sub-Committees would be established, in line with the Standards Board recommendations, with two separate Sub-Committees for taking initial assessment decisions and taking decisions on reviews. The Sub-Committees would be chaired by an Independent Member. It was suggested that alternate Members, appointed to the Standards Committee, could also be utilised in this structure to ensure there was some flexibility.

The Monitoring Officer stated that, for the present time, the size of the Standards Committee would not be increased, but working practices would be monitored to determine whether the current membership was sufficient to cope with the extra workload. Should it be required, a further Sub-Committee could also be established.

Training

The importance of training for the alternate Members of the Standards Committee, in view of the proposals for the new structure, was emphasised. Members agreed that all those involved in the process should be fully trained, including training on the necessary skills for conducting a hearing. It was essential that any newly-appointed Standards Committee Members received a comprehensive induction to the role and appropriate training and Members emphasised the need to have the induction process in place before the next elections.

Local Assessment Criteria

The Standards Board would issue guidance and a toolkit on developing criteria and the types of issues to be considered when assessing complaints.

The report indicated that the Standards Board suggested that Standards Committees consider how the public would be informed of the new arrangements, who would receive and log an allegation and the production of an individual information leaflet for the local assessment process, possibly combined with a corporate complaints process.

A Member raised concern that complaints were published, currently, on the Standards Board website, before an assessment of the case had taken place. In response it was stated that this was not the case, as a letter was sent to the Member concerned from the Standards Board, advising that the process was being undertaken, before this was implemented. Members still had concerns, however, that the fact that they were being investigated would be publicised even if, ultimately, it was decided that there was no case to answer to. It was suggested that this matter should be taken account of when the Standards Board's website was updated in respect of the local assessment of complaints.

Role of the Monitoring Officer

Details of the recommended practice for Monitoring Officers within the new local ethical framework were provided.

Monitoring

It was noted that the Standards Board would monitor local arrangements and enable Local Authorities to feedback on how they were working.

Members discussed the possibility of local investigations being delegated to the Standards Committee, from other authorities, and whether resources were available to undertake these? In response the Monitoring Officer stated that there were some additional resources available that could take account of any referrals from other, nearby, authorities and that these were likely where conflicts of interest occurred. It was emphasised that time constraints would have to be taken into account when undertaking investigations on behalf of other authorities.

It was noted that the Standards Board held the view that the Standards Committee and its Sub-Committees should be chaired on each occasion by an Independent Member. It was asked, should no Independent Member be available in the timescales set out, how the business could be conducted? The Monitoring Officer stated that she would obtain guidance from the Standards Board in relation to this.

RESOLVED –

That the developments in the ethical regime be noted, the issues raised be acted upon where appropriate and further reports on the development of the local framework be submitted to subsequent meetings of the Committee.

177. CONSULTATION PAPER – RE: STANDARDS ISSUES

CONSIDERED

The report of the Monitoring Officer informing Members of a consultation paper issued by Communities and Local Government on “Orders and Regulations Relating to the Conduct of Local Authority Members in England”.

The consultation paper set out and sought views on the detailed arrangements proposed to be included in future legislation to allow for the operation of the new locally-based Ethical Framework. The deadline for responses to the consultation was given as 15 February 2008. It was noted that the consultation had only been launched recently and, therefore, there had been no opportunity for the Monitoring Officer to analyse the issues raised in the paper. It was suggested, therefore, that, subject to any views that Members may have, the Monitoring Officer would draft a response to the paper in consultation with others as necessary.

The consultation paper provided a series of 16 questions for responses to be based upon. In response to Question 1 Members agreed with the proposal from the Standards Board prohibiting a Member for being involved in a decision on the assessment of an allegation from reviewing any subsequent request to review that decision. It was considered that there could be some difficulty in separating the functions, particularly when an Independent Member was required to sit on each Panel, however, generally the proposals to avoid conflicts of interest were accepted.

In respect of Question 2, where allegations could be made to more than one Standards Committee, it was suggested that effective mechanisms were required between the various Committees to ensure that everyone with a potential interest was aware of the complaint and how and where this was to be dealt with. Members noted that, in such circumstances, this could result in a complaint being considered by more than one Standards Committee and consideration would have to be given as to how that would work. It was suggested that Joint Scrutiny Committees could be held, involving other authorities, in such circumstances. It was considered that this suggestion could be put to the Standards Board as a way of dealing with this issue.

It was also suggested that a single decision notice should be provided, rather than several decision notices from different authorities. The notice could take account of the various issues pertinent to the authorities involved.

Question 3 related to the proposals that the timescales for making initial decisions should be a matter for guidance by the Standards Board, rather than the imposition of a statutory time limit. Members agreed with this, but would like to ensure that initial decisions were provided in a timely way and, suggested that the Standards Committee should adopt a timescale protocol, appropriate to the circumstances of the case, so as not to leave the investigation open ended. It was emphasised that statutory deadlines would be very restrictive and may hinder the due process.

Question 4 related to the circumstances where a Standards Committee could be relieved of the obligation to provide a summary of the allegation at the time the initial assessment was made. Members considered that the fairest situation would be for a Member to be informed of the allegation against them at the time it was received by the Authority, unless there was good reason for deferring it. Reasons such as intimidation/evidence tampering by the subject of the allegation or others were considered appropriate reasons and the complainant would be informed of these. As the Standards Committee would not be involved at this point, authority could be given to the Monitoring Officer or Chairman of the Committee, to take a decision on such timing issues in consultation with the other.

In respect of Question 5 Members agreed that it was appropriate to set parameters, in line with those indicated by the Standards Board, to allow scope for the Monitoring Officer to refer cases back to the Standards Committee.

In respect of Question 6 Members agreed that the maximum sanctions that could be imposed by Standards Committees should be increased from three months to six months suspension or partial suspension from office.

In terms of Question 7 Members did not anticipate any problems in respect of Sub-Committees being Chaired by Independent Members.

Members agreed with the proposals outlined in Question 8 that the initial assessment of misconduct allegations and any review of a Standards Committee's decision to take no action should be exempt from the rules on access to information.

Members queried, in response to Question 9, why a disproportionate number of successful bids to review should be identified as a criteria for the Standards Board to consider to suspend the powers of a Standards Committee to make initial assessments? It was suggested that this factor was not relevant. It was considered that other factors could be contributing to this position, not necessarily the actions of the Standards Committee, and these ought to be taken account of. It was also suggested that some reference ought to be made to the position the Standards Committee adopts in respect of complaints against the Chief Executive and/or the Monitoring Officer. It was considered that the Standards Board should provide a mechanism to enable such complaints to be referred up.

Members discussed the principles in respect of the imposition of a charging regime, as highlighted at Question 10, allowing the Standards Board and Local Authorities to recover costs incurred by them, in supporting the operation of the new locally-based ethical regime. Members discussed whether these should be locally negotiated or set centrally and considered that a considerable time could be spent negotiating reasonable costs, therefore, it may be appropriate to set a daily rate for the undertaking of duties. It was considered that the situation could be further complicated in respect of joint working arrangements. Members considered that a centrally set daily fee would be most appropriate.

Question 11 related to joint working arrangements with other authorities. Members suggested that this should be limited to the immediate geographical area, as

Standards Committee Members would have more of an understanding of the issues relating to neighbouring areas. It was emphasised that there was an advantage for Members when they were familiar with the area and organisations concerned. Members emphasised that any joint working would have to be by way of agreement between the authorities involved, and it was considered that documentation should be in place to outline the areas of responsibility for the decision making process. Members also emphasised the need for any authorities involved in joint working to ensure that no barriers were put in place to distract from the due process and that the joint working arrangements were underpinned by a common aim. It was also suggested that the issue regarding the possible daily tariff could also be explored with the Standards Board within this part of the consultation.

In terms of Question 12 Members were satisfied with the expansion of the range of sanctions available to case tribunals of the adjudication panel so that these could reflect those already available to Standards Committees, but considered that a provision should be in place to allow adjudication panels to be publicised.

In response to Question 13 Members considered that it would be appropriate for an Ethical Standards Officer to withdraw references to the Adjudication Panel in the circumstances outlined, particularly where further evidence had emerged. It was suggested that it may be appropriate for the Ethical Standards Officer to investigate issues before these were referred to the Adjudication Panel where there was a possibility that the issues were of a serious nature and may have more implications than originally thought.

Question 14 related to the issuing of dispensations to allow Councillors to participate in meetings so as to preserve the political balance. The issues, highlighted earlier in the meeting, relating to dispensations were noted. It was considered that the proposal to provide that dispensations may be granted in respect of a Committee or the full Council if the effect otherwise would be that a political party either lost a majority which it held previously or gained a majority that it did not previously hold where appropriate. It was considered that the amendments made the regulations clearer.

The issue set out in Question 15 were generally accepted, in so far as they affected North Yorkshire County Council.

In respect of the final Question Members supported the proposal to implement the reformed conduct regime by 1 April 2008 at the earliest, however, noted the tight time frame involved and the difficulties this may cause, in ensuring these were in place. It was noted that guidance on the reformed regime would have to be in place by 1 March 2008 to ensure this could be implemented by 1 April 2008.

The Monitoring Officer stated that the final responses to the consultation would be submitted to Communities and Local Government, following the response from the appropriate Executive Member and details of that final response would be made available to Members of the Standards Committee.

RESOLVED –

- (i) That the report be noted.
- (ii) That the issues raised by Members, as highlighted above, be included in the draft response on the consultation paper.
- (iii) That the draft response be approved by the Chairman, in conjunction with the Monitoring Officer, before this is submitted to the Executive Member and

forwarded to Communities and Local Government as the County Council's response to the consultation.

178. WORK PROGRAMME

CONSIDERED –

The report of the Monitoring Officer seeking Members' views on the draft Work Programme for the Standards Committee for the forthcoming year.

Copies of the draft Work Programme for 2008 and the Ethical Audit Action Plan were attached to assist Members.

A Member referred to the development of a review process which enabled self analysis of the decision making process to be undertaken and asked how and why this was to be undertaken. In response the Monitoring Officer stated that details of the process would be brought to a subsequent meeting of the Committee and the review process was being introduced following concerns raised regarding how some decisions had been formulated.

Members suggested it would be helpful to provide details of where work had been completed. It was suggested that when a review of the completed work had been undertaken then the issues could be removed from the Work Programme, to ensure that this did not continue to get any longer.

RESOLVED –

That the Work Programme be noted and the issues raised, above, be acted upon.

179. NORTHERN SECRETARIES GROUP

The Chairman requested the Committee's approval to attend the meetings of the Northern Secretaries Group, which met to discuss topical issues related to ethical standards, etc in the North East area. It was noted that the Monitoring Officer was already part of this group.

RESOLVED –

That the Committee approves the attendance of the Chairman of the Standards Committee at forthcoming meetings of the Northern Secretaries Group, together with the Monitoring Officer.

(The Committee accepted the above item as an urgent item because of the need to determine whether there was support for the Chairman's attendance at the Group before the next meeting of the Standards Committee).

SL/ALJ