

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on Monday, 3 March 2008.

PRESENT:

Mr James F S DGLISH (Chairman).

County Councillors Brian Marshall and J W Marshall.

Independent Members: Ms Gillian Fleming and Dr Janet Holt.

Apologies were received from County Councillor Peter Sowray.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

180. MINUTES

RESOLVED –

That the minutes of the meeting held on Monday, 14 January 2008, having been printed and circulated, be taken as read and signed by the Chairman as a correct record, subject to the following amendments:-

Page 2 Minute 168 – Standards Board Case Review 2007; Paragraph 5, sentence 4 – replace “invites” with “invitations”.

Minute Number 176 – Checklist Re: Local Framework – Structure of Standards Committees; Page 10, Paragraph 2 – replace first sentence with the following “Guidance from the Standards Board would be awaited to determine whether it would be necessary to form Sub-Committees for taking initial assessment decisions and taking decisions on reviews and, in principle, there would be two Sub-Committees formed to determine these issues, which would be dependent upon Members availability”.

Page 11 Minute 177 – Consultation Paper – Re: Standards Issues; Paragraph 4, sentence 3 replace “Joint Scrutiny Committees”, with “Joint Sub-Committees”.

181. 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.

182. COMPLAINTS AND ETHICAL INDICATOR INFORMATION

CONSIDERED –

The report of the Monitoring Officer presenting to the Committee statistics in relation to complaints and compliments received by the Council for Quarters 2 and 3 in 2007. The report also presented information in relation to agreed ethical indicators for the period 1 April 2007 to 19 February 2008, which helped give an indication of the health of the authority in relation to standards and ethics.

It was explained that the Quarter 3 report had yet to go to Management Board and introduced a new format for the reporting of the appropriate information, following a request from the Chief Executive to include more analysis of the data provided.

The Quarter 2 report highlighted increases in both compliments and complaints received, in total, throughout the County Council's services. It was suggested that the increase in numbers was due to more effective recording of these and more customer awareness of how compliments/complaints can be made. Further work was to be carried out on recording techniques with a view to improvements being continually implemented.

Where complaints could not be resolved immediately, then these must be acknowledged and a full response provided within 20 days from receipt. It was noted that where the case was particularly complex this could take a longer period of time and, therefore, the complainant was kept informed of the progress of their complaint. In Quarter 2 87% of complaints were dealt with within 20 working days.

It was noted, within the report, that there had been eight final decisions in respect of Ombudsman complaints, six of which had not been upheld, one settled locally and one where a decision of maladministration and injustice, on an adult social care complaint, had been decided. A full report on the maladministration/injustice decision had been issued and details had been published in the local press. A copy of the report was available for Members if required.

It was noted that, currently, the Ombudsman's Office was experiencing some pressure of work and this was causing delays. In Quarter 3 there had been only one decision received, which was not to uphold the complaint. In relation to Ombudsman's complaints Members stated that it would be helpful to have comparative figures, enabling the Committee to determine any trends in relation to these. They also stated that where these had been upheld it would be beneficial to have some basic information to determine why this had taken place. In response it was stated that the information would be provided in future reports.

In respect of Quarter 3 it was noted that item 4 of the report required alteration to read April to June rather than April to September as stated. The number of complaints had again risen and the complaints were being analysed to determine whether seasonal trends were a factor. It was noted that monitoring systems had improved which accounted for the increase in complaints for Children and Young People's Services.

In Quarter 3 92% of the complaints received had been dealt with within the initial 20 day period.

One Ombudsman complaint had been dealt with, which had not been upheld. Further information on Ombudsman complaints would be submitted to the next meeting of the Standards Committee. It was stated that liaison was taking place with the local Ombudsman in an attempt to bring the County Council's complaints system in line with the Ombudsman's complaint system to ensure that complaint referrals could be dealt with more appropriately.

A Member noted that more complaints had been upheld in relation to Business and Environmental Services, the Chief Executive's Department and Children and Young People's Services, than for County Council services and she wondered why this was the case? In response it was stated that, in terms of Business and Environmental Services, many of the complaints were fairly simple to determine, with clear outcomes, which was why many were upheld. In terms of Children and Young People and the Chief Executive's Service it was stated that the figures would be investigated and details would be submitted to the next meeting of the Committee. It was requested that further analysis on what the complaints were about would be

beneficial to the Committee, and it was agreed that details of the complaints would also be supplied, where possible.

A Member asked whether the figures given would be more representative of compliments/complaints made in relation to North Yorkshire County Council, when the system had been given time to settle in? In response it was stated that a review of the system would be undertaken when it had been in place for around 6 to 12 months, with a comparison undertaken as to how the information had been developed since the implementation of the new system as opposed to the old system.

It was emphasised that lessons were being learnt from the way in which complaints were dealt with and details, in relation to that, were supplied within the reports. It was emphasised that the system would continue to improve and statistics would become more reliable and meaningful. The introduction of an electronic system would continue to improve the situation.

In respect of the information submitted by the Monitoring Officer on Ethical Indicators for the period 1 April 2007 to 19 February 2008, the following issues were highlighted:-

In relation to referrals to, and investigations undertaken, by the Standards Board for England, it was clarified that this related to issues concerning North Yorkshire County Council only and did not involve any breaches by Members through their service to other authorities.

In relation to the whistleblowing incidents reported Members considered that there was insufficient information available to determine whether there was substance behind the allegations and requested a breakdown of the incidents that had occurred. In response the Monitoring Officer stated that should the whistleblowing incidents become investigations then this would be fed into other data, which would be brought to the attention of the Members. She stated that for future reports as much detail as available would be provided.

The report highlighted how, although there had been no actual legal challenges to procurement during 2007/2008, two unsuccessful tenderers had raised queries about the outcome of two procurement processes and in one of those cases the queries were ongoing.

In respect of disciplinary action relating to breaches of the Member/Officer Protocol, for the period April to December 2007 a total of 49 cases of disciplinary action were undertaken, with four of those relating to fraud matters and 25 relating to misconduct issues, including one case relating to bringing the authority into disrepute. The four fraud issues related to financial mismanagement, falsifying time sheets and false claim of hours.

In respect of Freedom of Information Act indicators, there appeared to be a downward trend in requests for information and the authority was responding better as a whole to those requests. In terms of appeals in respect of a refusal to supply all or some of the information requested, four had been requested in the period April 2007 to February 2008.

Eleven employment tribunal claims were commenced in 2007/2008, and of those, two were withdrawn, two were settled, two were struck out and the remaining cases were pending dates for hearings. As an update to the report it was noted that fifteen new part time pension cases had been lodged during this period. The Monitoring Officer stated that outcomes of the tribunals would be included in future reports. Members commented on the very low figure in relation to employment tribunals lodged by employees of the County Council.

RESOLVED –

That the reports be noted and the request for additional information in future reports be included where appropriate.

183. EMPLOYEES' CODE OF CONDUCT

CONSIDERED –

The report of the Monitoring Officer updating Members on developments regarding the draft Employees' Code of Conduct.

The report highlighted how the draft Code had been amended in line with comments made by Members of the Committee at the previous meeting and a further draft had been attached for information. The draft was now with Human Resources and Internal Audit for further consultation.

Since the last meeting UNISON had informally raised a query with the Monitoring Officer on Human Rights/Privacy in respect of the Employees Register of Interests' procedure. It was stated that Human Resources would liaise with the Union on the issue in an attempt to resolve it. Members would be kept updated on developments in relation to this.

Subject to any further comments from Human Resources and/or Internal Audit, the draft Code would then be considered by the Management Board and staff representatives.

The Monitoring Officer and the Chairman of the Committee discussed the issue of the National Model Code of Conduct for Officers at a recent meeting of the Northern Secretaries Group. It was noted that most authorities had ensured that their current codes were fit for purpose but were awaiting the introduction of the National Model Code before undertaking significant reviews.

Further progress on the issue would be submitted to the next meeting of the Committee.

RESOLVED –

That progress on the draft Employees' Code of Conduct be noted.

184. COMMUNICATIONS STRATEGY

CONSIDERED –

The report of the Monitoring Officer informing the Committee of further action taken in relation to the results of the Citizens' Panel survey on standards issues, in light of the Standards Committee's Communications Strategy.

Following the previous meeting of the Standards Committee the results of the Citizens Panel survey were brought to the attention of the Communications Unit and had now been fed into the Committee's Communications Strategy. A representative of the Communications Unit would be invited to attend the next meeting of the Committee to discuss the development of the Strategy.

Details of how the E-Induction Programme was being developed would be provided to the next meeting and it was noted that a DVD was being developed, in relation to this.

Members raised concerns that some of the issues outlined in the Communications Strategy Action Plan appeared to be falling behind the implementation date outlined. In response Members were re-assured that the majority of actions were in place, however, it was acknowledged that there had been some problems in relation to the development of the County Council's Website. The Monitoring Officer stated that she would check that the relevant statements had been published on the Website. It was further noted that the Audit Committee had given its agreement to the Ethical Statement in respect of tenders submitted by major contractors. Members noted that the Leader/Chief Executive statement had not yet been included on the Website.

It was requested that future reports, on the Communications Strategy, submitted to the Standards Committee, should incorporate a column in the Action Plan identifying where action had been taken.

RESOLVED –

That an update on the Communications Strategy Action Plan be provided to the next meeting of the Committee and that the report be noted.

185. DISPENSATION PROCEDURE

CONSIDERED –

The report of the Monitoring Officer seeking Members' views on proposed amendments to the Dispensation Request Procedure.

At the previous meeting of the Committee Members had discussed Members' use of a dispensation and that they should continue to act, and appear to act, in the County Council's interests. Members also agreed that, in future, the use made of dispensations granted by the Committee should be monitored. It was agreed, therefore, that a revised Dispensation Request Protocol should be drawn up.

In response the Monitoring Officer had suggested that new paragraphs be included in the Dispensation Request Procedure and that a reminder note be included at the end of the application form. Details of the Procedure were attached to the report.

Within the Procedure it stated that the Standards Committee would monitor the use made of dispensations granted by it and reminded Members that when acting under a dispensation granted to them by the Standards Committee they should, at all times, act and appear to act in the Council's best interests.

RESOLVED –

That the amendments to the Dispensation Request Procedure as set out in Appendix 1 to the report, be approved.

186. PROTOCOL RE GIFTS AND HOSPITALITY

CONSIDERED –

The report of the Monitoring Officer informing Members of the action taken in relation to the production of a Protocol re Gifts and Hospitality for the County Council.

The Monitoring Officer circulated the first draft of the Protocol for Members consideration. She stated that consideration had been given to other authorities' Protocols to determine good practice in relation to this issue. She stated that the Protocol attempted to give guidance to Members in respect of circumstances where gifts and hospitality need not be registered, as well as situations where registering gifts and hospitality was required.

Members welcomed the advice contained within the report, but suggested that a caveat be placed within the title in relation to matters not needing to be registered emphasising that this was "Gifts and hospitality which generally need not be registered". The Monitoring Officer emphasised that she had checked the details contained within that section of the Protocol against the case reviews of the Standards Board and stated that she was comfortable with the issues that had been placed in there.

Members suggested that an additional paragraph advising Members to seek guidance from the Monitoring Officer should be placed within the Protocol, in relation to the issues raised, and it was stated that this would be done.

Other suggested amendments to the protocol included:-

Section 5 (g) remove the word "small".

Section 4 (c) bullet point six remove "with the Council".

It was suggested that paragraph six of the Protocol additionally stated that it would be good practice or sensible to record/report any inappropriate gift offers. It was noted that this issue was covered in the final paragraph of the Protocol.

RESOLVED –

That the Protocol be submitted to senior Members and officers, together with Internal Audit, for further comment and a further report, taking account of those comments, be brought back to the Standards Committee before the final Protocol is taken to Council for approval and inclusion in the Constitution.

187. 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 updated Members on the Neath Port Talbot case, which had been discussed at the previous meeting. She noted that the original decision, to allow the judicial review application, had been overturned by the Court of Appeal. It had been found that none of the advice given by the Deputy Monitoring Officer was wrong, so did not give rise to any unlawfulness in the granting of the planning consents.

It was stated that the new Chief Executive for the Standards Board would be Glenys Stacey, with full details of her appointment available on the Standards Board website.

In relation to the local ethical framework it was stated that there had been no further developments in relation to the proposed new locally based standards regime. New regulations and supporting guidance from the Standards Board were expected shortly. A response, incorporating the Committee's comments, was sent on behalf of

the County Council to the Government's Consultation Paper "Orders and Regulations Relating to the Conduct of Local Authority Members in England" before the deadline date. Members asked whether the introduction date of the new Ethical Framework would be extended, as the guidelines had yet to be published? In response the Monitoring Officer stated that she would check whether this was the case. It was noted that the issue was discussed at the Northern Secretaries Group Meeting and communications had been sent to the Standards Board to suggest unless regulations were issued immediately then the new regime would not be in place by 1 April 2008.

It was noted that the Monitoring Officer had received no notification from the Standards Board of complaints having been referred to them in relation to the Code of Conduct, nor had there been any new complaints made against County Councillors.

RESOLVED –

That the report be noted.

188. WORK PROGRAMME

CONSIDERED –

The report of the Monitoring Officer detailing the Committee's future Work Programme. It was noted that the following entries that should have been submitted to this meeting of the Committee had been amended as follows:-

- The item re: local filtering of complaints had been deferred, as there had been no further developments since the Committee's last meeting.
- The item regarding Members' attendance at Committees had been deferred to the Committee's June meeting to enable a full year's attendance figures to be provided.

Members noted that, in relation to the Ethical Audit Action Plan, completed items had now been removed with action points outstanding left within the report. Members were requested to consider the proposed programme and determine whether they would wish to make any changes or include any other items.

Members noted that the Council's Statements re: Standards and the Ethical Statement for Stakeholders were not currently being used in publications by the Authority. It was suggested that these required bringing into use, for example in the NY Times, as soon as possible, and suggested that these were placed alongside future articles on Standards Issues.

In terms of Standards training it was noted that two events had been planned for Members on 7 March and 19 March 2008, although there had been a low take up of places for those events, at the present time. The Monitoring Officer noted that around half of the County Council Members had recorded having undertaken "in-house" training on standards, however, she was aware that a number had received training at other locations. Members suggested that where a significant number of Members had received no training on standards issues then they should be contacted and advised to do so as it was in their own interests to undertake this training. In respect of this it was suggested that an audit be undertaken to determine who had received training on the new code and the results of these be determined before Members are contacted. It was also considered that Members may turn up for the training on the day so it would be preferable to wait until after the 19 March before approaching Members to advise them to undertake standards training. The Committee considered that Members needed to have formal identification of where they had undertaken training, as part of the audit process. It was also suggested that

formal identification of where training has been undertaken, and on what date, should be included within the training plan.

It was asked whether officers would be included within the forthcoming training programme? The Monitoring Officer stated that it would be too late to invite officers to the training identified for March, however, separate officer training was being planned for later in the year. It was noted that the Chairman and Gillian Flemming would be attending the training on behalf of the Standards Committee on 19 March 2008. Details of the format for the training were outlined.

Members indicated that it would be helpful to have an additional column on the Ethical Audit Action Plan report to highlight where actions have been completed. In response the Monitoring Officer stated that these were included in the Work Programme, however, an annual check of issues contained within the Ethical Audit Action Plan could be carried out to highlight to Members where these have taken place. Members agreed that that course of action should be undertaken. It was noted that, at a recent meeting of the Northern Secretaries Group, the majority of local authorities carried out ethical audits internally. It was noted that the check on the ethical audit would be included as part of the Standards Committee's Annual Report, which would be submitted to the next meeting for consideration.

RESOLVED –

That the Work Programme be noted and action taken on the matters outlined, where appropriate.

189. NORTHERN SECRETARIES GROUP – “LOCAL FILTERING MECHANISM”

The Chairman and the Monitoring Officer highlighted discussions that had taken place between nearby local authorities regarding support being offered between the various authorities in respect of the “local filtering mechanism”. They suggested this would be particularly useful, would add some flexibility to the mechanism and would assist neighbouring local authorities where appropriate.

RESOLVED –

That assistance be provided to nearby local authorities in the “local filtering mechanism” where appropriate.

190. ORGANISATION OF TRAINING

A Member suggested that organising training days during busy periods led to poor attendance from Members and suggested that extensive notification be given to the organisation of training days in quieter periods, for example August, would probably generate a better attendance from Members. The Monitoring Officer stated that she would take account of this advice.

RESOLVED –

That the advice in relation to training days be noted.

(The Chairman accepted items 189 and 190 as urgent items because of the need for the Committee to have this information before the next meeting of the Committee).