

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on Monday, 2 June 2008.

PRESENT:

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

Independent Members: Mr James F S Daghish, Mrs Gillian Flemming and Dr Janet Holt.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

191. APPOINTMENT OF CHAIRMAN

RESOLVED –

That Mr James F S Daghish be appointed Chairman of the Committee until the meeting of the Committee following the next Annual Meeting of the County Council.

MR JAMES F S DAGLISH IN THE CHAIR

192. MINUTES

RESOLVED –

That the minutes of the meeting held on Monday, 3 March 2008, having been printed and circulated, be taken as read and signed by the Chairman as a correct record.

193. APPOINTMENT OF VICE-CHAIRMAN

Members considered whether an Independent Member or a County Councillor should be appointed as Vice-Chairman to the Committee. The Monitoring Officer advised the Committee that although the guidance did not state that the Vice-Chairman had to be an Independent Member it did advise that the Committee had to be chaired by an Independent Member and any Sub-Committees appointed in relation to the Local Ethical Framework also had to be chaired by Independent Members. It was suggested, therefore, that it would be appropriate to appoint an Independent Member as Vice-Chairman, as, in the absence of the Chairman this person would be expected to take the Chair.

RESOLVED –

That Ms Gillian Flemming be appointed Vice-Chairman to the Committee until the meeting of the Committee following the next Annual Meeting of the County Council.

194. PUBLIC QUESTIONS OR STATEMENTS

The Assistant Chief Executive (Legal and Democratic Services) reported that no notice of any public question or statement to be made to the Committee had been received.

195. CORPORATE COMPLAINTS PROCEDURE

CONSIDERED –

The report of the Chief Executive summarising the compliments and complaints received during Quarter 4 of 2007/08 and figures for the full year 2007/08.

It was stated that improvements had been made to the recording of data, which had led, to a large extent, to the increase in the number of complaints received. The majority of complaints for 2007 had been received in relation to Adult and Community services and, in the final quarter, the main bulk of these related to Library and Community Services. It was explained that the majority of these were service-related issues which could be easily addressed and as a result the complaints figures would be reduced in the short term. It was also noted that the overall trend, nationally, was for additional complaints to be received in relation to the provision of Adult and Community Services.

In terms of the timescales for dealing with complaints, these were improving steadily, with 89% dealt with within the target timescale, during the quarter.

In relation to the outcomes of complaints there had been a 17% rise in complaints that were upheld on the previous quarter. The majority of these related to IT equipment failures in Library and Community Services. It was emphasised that lessons were being learnt from the complaints and every effort was being made to improve services as a result. It was noted that there had been a decrease from 43% to 31% in complaints that had been upheld or partly upheld over the last year.

Issues relating to the reasons for complaints were outlined and it was noted that a large proportion of those related to poor service. In terms of poor communication by staff it was suggested that this problem could be addressed quite easily. It was emphasised that the vast majority of cases were being dealt with at Stage 1 with, during the last quarter, 205 being dealt with at this stage, 17 at Stage 2 and 2 at stage 3.

A small proportion of complaints had been referred to the Ombudsman and a full report on those complaints, for the year 2007/08, would be brought to the Standards Committee, on receipt of the Ombudsman's Annual Letter. Details of Ombudsman complaints were also to be the subject of a report to a Members' Seminar in the near future. Details of the 14 decisions made on Ombudsman complaints during the last quarter were outlined and it was noted that none were found to have resulted from maladministration.

Appendices to the report detailed how Directors were learning from complaints and also provided a comparison between the complaints received in 2006/07 and 2007/08.

A Member referred to the huge rise in complaints relating to Adult and Community Services and, noting that these were, in the main, issues from local Libraries, asked whether these were mainly IT issues? In response it was stated that there had been a problem with connection to the internet in a number of libraries which had led to a number of complaints being received. It had been recognised, however, that many of the issues that had been recorded as complaints, from Libraries, during the last quarter, had been service issues which could be addressed by the service and it had been suggested that the issues should not have been registered as complaints. It was expected, therefore, that the figure given during the previous quarter would drop significantly next time.

A Member referred to the County Council learning from the complaints made and

considered that although efforts were being made in respect of this, there was still room for improvement.

It was noted that the complaints were filtered through to the Management Board and Executive Members and it was asked whether the information was disseminated to service level to ensure that account of the complaints was being taken by those providing the service? In response it was stated that information was fed back to service level teams through various service Management Teams to ensure that information emanating from complaints was fed both up and down the responsibility 'ladder'.

In summary it was noted that complaints had risen due to better recording methods and it was expected that, in time, the levels would even out. It was emphasised that the complaints procedure would assist in improving services across the Council.

RESOLVED –

That the report be noted.

196. COMMUNICATIONS STRATEGY

CONSIDERED –

The report of the Monitoring Officer informing Members 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.

The report also included a copy of the Committee's Communications Strategy with an action plan detailing where action had been undertaken also provided.

It was noted that the full report of the Citizens' Panel survey and the amended Communications Strategy had been forwarded to the Communications Unit for their views. The Head of the Communications Unit attended the meeting to discuss these issues with Members.

In terms of the Communications Strategy, the Head of Communications Unit outlined how details of the Citizens' Panel survey had been taken account of and were currently being evaluated alongside the Strategy to see how that could be developed further. It was emphasised that there was a clear understanding of the process and mechanism, but there may be a need to target specific information at specific groups to raise awareness in the correct places. It was suggested that providing substantial details on the ethical agenda did not necessarily raise awareness and the types of information to be provided and the ways of delivering that had to be carefully thought through. It was emphasised that many people only wished to have access to ethical information when they wished to make a complaint.

Suggested ways of publicising ethical issues were through the North Yorkshire Times, the publication of an A-Z of how to contact the Council, the local media and correspondence issued by the County Council. In terms of the local media it was stated that it was difficult to get issues reported unless the newspaper considered the matter to be a news item. It was acknowledged that the Council's website required updating in relation to standards and ethical issues. In terms of staff and Member communication it was noted that the intranet was to be revised in the autumn of 2008 and County Talk and the induction process were utilised to give information in relation to ethical matters.

In response to the issues raised a Member stated that, despite initial problems with the circulation of NY Times he acknowledged that this was now a beneficial publication for the people of North Yorkshire and that it was an appropriate medium

for the ethical status of the Council to be promoted. He stated that it was difficult in some areas to promote what the County Council was doing, because of the distance from the main headquarters, however, he considered that the NY Times was assisting in this process.

In terms of the County Talk publication he suggested that there could be more mention of County Councillors and their role to increase the profile of Members with staff. It was noted that previously, a magazine for staff had been circulated, but that had proved to be too costly and, subsequently, had been withdrawn. It was suggested that ways of enhancing communication between Councillors and staff should be considered. It was noted that the Communications Overview and Scrutiny Committee were currently giving consideration to internal communications and that this matter could be addressed through that process.

The Chairman suggested that not all audiences would need the same information and that a targeted approach would be of most benefit. He emphasised that the County Council had a reputation of having good ethical standards which reflected well on the Authority and it would not be beneficial to give the impression that the County Council was seeking complaints against Members. He suggested there was a need to develop the levels of awareness of ethical standards, both internally and externally, but at different levels for different audiences so as not to create an impression that there was a problem that did not exist. It was stated that the details provided had to correspond with the Standards Board's desire to raise the profile of how to make complaints about Councillors, together with a need to develop a benchmark of awareness of the ethical position of the Council, so that subsequent questionnaires in relation to this matter could determine how that awareness has developed.

Members emphasised that the Citizens' Panel was not necessarily truly representative of the public of North Yorkshire, as those on the Panel would have been approached or would have applied to be part of it and, therefore, were likely to have a higher awareness of the ethical position than an ordinary member of the public.

A Member of the Committee suggested that the current position provided an opportunity for the local press to highlight the excellent standards of the County Council. She did, however, consider that the use of the NY Times together with an A-Z of how to access Council services would be a good starting point for the development of raising the profile of the ethical agenda. She asked that consideration be given to the Standards Board's guidance to determine what was appropriate for extending communications on the ethical agenda.

Members noted that a DVD had been produced as part of the induction process and wondered how this would be utilised? In response it was stated that this was part of a pack for new staff, which was part of the new induction process for the County Council.

Reference was made to the Ethical Statements made by both the Leader and the Chief Executive and also the reference to ethical standards in major contracts being undertaken on behalf of the County Council, and it was suggested that these should now be used as extensively as possible, in appropriate circumstances.

Summarising the issues raised, Members suggested that raising the profile of the ethical position of the County Council would produce a positive message and, should complaints increase due to this, the Committee was in a position to filter out vexatious and repetitious complaints as a result of the Local Ethical Framework. It was suggested, therefore, that consideration be given to the issues raised by Members, in the development of the Communications Strategy, and a further report

be submitted to a subsequent meeting of the Committee, to take account of those issues.

RESOLVED –

That the report be noted and the issues raised be considered and included in a re-evaluated Communications Strategy for the Committee.

197. ANNUAL REPORT OF THE COMMITTEE TO COUNCIL

CONSIDERED –

The report of the Monitoring Officer providing Members with a draft Annual Report on the work of the Standards Committee. The Report covered work from the period between 1 June 2007 to 31 May 2008.

The Monitoring Officer stated that the Report was a suggested draft, from the Standards Committee, to be presented to the County Council on 23 July 2008. The report highlighted work undertaken by the Committee during the time period stated with the main issue highlighted being the changes to the ethical regime. The report highlighted how a great deal of work had been undertaken, in terms of the Ethical Audit, but despite the good progress made there was still a lot of work to be undertaken.

The Monitoring Officer requested Members to carefully consider the report and suggest any amendments, before the finalised version was submitted to County Council for approval.

Members were asked to consider whether the full ethical audit action plan should be submitted to the County Council meeting as an appendix to the report or whether a summary of the action plan should be included within the main body of the report, with the production of that delegated to the Monitoring Officer and the Chairman of the Committee. Members suggested that a summary, to be included within the main body of the Report, should be produced for submission to County Council.

In respect of the Report it was noted that there was no reference to the Filter Pilot that had been held in August 2007 and it was suggested that reference to this should be included.

An amendment to (c) was suggested with the removal of the word “clear” after “give” on the second line of the statement.

The report referred to three monthly returns that were to be made to the Standards Board in relation to the activities of the Standards Committee in respect of the local handling of complaints and it was asked how this was to take place? In response it was stated that the Monitoring Officer would submit a response to the Standards Board providing the information outlined and that this information would be made available to Members of the Committee. It was noted that details of the submission would be provided retrospectively to the Committee.

In relation to training Members asked how the recording of training undertaken by County Councillors was progressing as it was suggested that this would bring Members’ attention to the need to attend training opportunities? In response the Monitoring Officer stated that this was being developed and opportunities for further training were being offered to Members in relation to the new Code of Conduct. She stated that there would be an opportunity for training to be undertaken by Standards Committee Members in relation to the filter of complaints in line with the Local Ethical Framework. Members emphasised the need to ensure that training was provided at the least busy times because of their difficulty in attending due to existing

commitments. It was noted that a Task Group was currently considering an induction process for new Members which would highlight the need for training to be undertaken. The Chairman stated that, when he presented the Annual Report to the County Council, he would highlight the importance of training for Members.

It was suggested that the previously agreed statements on ethical conduct and the ethical stance of the County Council should be included in the Annual Report.

RESOLVED –

That, subject to the amendments highlighted, the Annual Report be presented to the next meeting of the North Yorkshire County Council.

198. LOCAL ETHICAL FRAMEWORK

CONSIDERED –

The report of the Monitoring Officer briefing Members on developments regarding the locally managed ethical framework.

Initially the Chairman noted that independent Members would have to declare a personal interest in the report in light of the part relating to indemnities being granted for independent Members of the Standards Committee.

Mr Daglish, Ms Fleming and Dr Holt declared personal interests in respect of the issue relating to indemnities for Independent Members of the Standards Committee raised within the report.

The Monitoring Officer reported that the local regime had now been introduced and circulated guidance, in relation to that, from the Standards Board. A summary of the new regulations and new guidance was attached to the report at Appendix 1.

The Monitoring Officer worked through the report with Members and highlighted a number of important factors that required the Committee's consideration.

Members were asked whether the functions in respect of the publication of Standards Committee Independent Member vacancies should be recommended to be delegated by the Executive to the Standards Committee, as the Standards Board guidance stated that such matters should be delegated to Standards Committees. Members agreed that such a recommendation should be made. Members also agreed that should the Executive delegate such functions to the Committee, then those functions be delegated to the Monitoring Officer in consultation with the Chairman.

The Standards Board guidance also stated that the power to assist the recruitment of Independent Members to the Standards Committee should be delegated to Standards Committees and Members agreed that a suitable recommendation in that respect should be made to the Executive (but not for the Standards Committee to approve individual appointments).

The report outlined the three separate but distinct roles in relation to complaints about Member conduct:

- Receiving and assessing complaints ("Assessment Sub-Committee").
- Reviewing local assessment decisions ("Review Sub-Committee").
- Conducting hearings determining complaints following investigation ("Determination Sub-Committee").

It was noted that where a Member had initially sat on the Assessment Sub-Committee they would not be able to sit on the Review Sub-Committee. It was noted, however, Members could sit on both Assessment Sub-Committee and Determination Sub-Committee.

Details of how the Sub-Committees would be formulated were discussed. It was suggested that there were currently insufficient Members on the Standards Committee to undertake an appropriate Sub-Committee structure, therefore, it was proposed to increase the size of the existing Standards Committee to enable the Sub-Committee structure to be formulated.

The proposals within the report suggested a recommendation to full Council to increase the size of the current Standards Committee by three elected Councillors and one further Independent Member and to make certain consequential amendments to the Constitution. Members of the Committee supported these proposals.

The report referred to the new provisions permitting temporary appointment of other authorities' Standards Committees' Independent Members to the Standards Committee should that be required. It was suggested that the power to arrange such temporary appointments should be delegated to the Monitoring Officer in consultation with the Chairman of the Committee. It was asked whether temporary appointments would be time limited. In response it was stated that the temporary appointment would be for either a fixed period of time or for the fixed period of time necessary to deal with a particular allegation and, therefore, would be limited to that. The appointment would be carried out by the Monitoring Officer, in consultation with the Chairman and reported to the Committee. Members agreed to this course of action being recommended to full Council for approval.

In relation to the appointment of Sub-Committees Members were recommended to establish the following Sub-Committees:-

- (a) A Complaint Assessment Sub-Committee.
- (b) A Complaint Review Sub-Committee.
- (c) A Complaint Determination Sub-Committee.

The Monitoring Officer recommended that these were fixed Membership Sub-Committees, with appointments made from the main Committee. Members suggested that the structure should be established when the approval had been given for the main Committee to be increased in size. The Monitoring Officer pointed out that should an investigation be required before approval had been given, then the Sub-Committees would be required to meet, therefore, a structure had to be formulated at this time. Once the approval was in place for the main Committee to be increased in size then the structure of the Sub-Committees could be altered. It was noted that Independent Members had to be the Chairs of the Sub-Committees. It was agreed, therefore, that the Sub-Committees be established and that Gillian Fleming be the Chairman of the Assessment Sub-Committee, Dr Janet Holt be Chairman of the Review Sub-Committee and James Daghish be Chairman of the Determination Sub-Committee. Members agreed to delegate the further appointments, at this stage, to the Monitoring Officer.

Members emphasised the need to have more training in respect of the procedure to be undertaken for the local determination of complaints and the Monitoring Officer stated that this would be provided. This would be delivered through a series of mock cases, to be worked through, in the near future. It was noted that some of the

guidance and protocols were still awaited from the Standards Board, and when these were received the Monitoring Officer would arrange appropriate training for Members.

Proposed Terms of Reference for the Sub-Committees were circulated to Members for consideration. It was noted that these had been established on a pro-tem basis to ensure that a system could be undertaken should any complaint arise in the short term. In relation to the Terms of Reference Members suggested that there was a requirement to have reference to alternative actions, should the matter be considered not necessary to take forward to determination as this was not covered in the proposed Terms of Reference.

It was also considered that it was not clear whether the alternative actions could be reviewed. In response the Monitoring Officer clarified that only decisions to take no action in respect of a complaint could be reviewed. Members suggested that there was a need to refer, in the Assessment Sub-Committee, to other action (other than investigation) and that the issue should be discussed further with the Standards Board. They suggested that compliance with the alternative actions and the reasons for those alternative actions should be set out, with a commitment to those being observed before deciding whether the complaints should proceed further. It was agreed, therefore, the Terms of Reference be altered to take account of this matter. It was also suggested that the Terms of Reference relating to determination should include the Sub-Committees ability to impose sanctions if appropriate. Members agreed that, subject to the amendments put forward, the Terms of Reference be submitted to Council for approval.

In relation to indemnities for Standards Committee Independent Members, the Committee agreed that this was appropriate.

The Monitoring Officer outlined a number of amendments that were required to the Constitution, relating to the new local ethical regime, to enable the Standards Committee to undertake its new role.

Suggested alterations to the Terms of Reference for the Standards Committee were also outlined, which would require the County Council's approval, as these were Constitutional changes.

In relation to the suggested changes to Article 9 of the Constitution, regarding the Standards Committee, Members stated that the following amendments should be made:-

Delete "anymore" in the first paragraph.

Amend "...continues to be a key part of the ethical framework..." in the penultimate paragraph of 9.01 to read "...continues to be a key regulator of the ethical framework.."

Delete "and acting as a light touch regulator" in the fifth paragraph.

Replace "may still" with "can" after the word "Board" in the final sentence of the fifth paragraph.

It was noted that there were changes to the role of the Monitoring Officer that also had to be taken account of and the amendments to the Constitution in this respect were outlined in the report. Members agreed to these changes being recommended to Council.

A number of other additional Constitutional changes were recommended in the Standards Board's guidance on the role and make up of the Standards Committee in view of the new procedures and these were outlined in the report. It was not felt

necessary to include an A-Z of all members of staff in the Constitution as this was considered to already be covered by Article 12 of the Constitution entitled "Staff".

The report gave details of publicity requirements re the address for complaints being openly published together with details of the procedure that would be followed in relation to a complaint. The Monitoring Officer would be undertaking a detailed piece of work, in consultation with the Chairman of the Committee to agree a Protocol for the Determination of Hearings, which would be brought before the Committee for approval in due course.

Members suggested that a training session be organised for Members of the Committee, before the next meeting, which could potentially include any new Members of the Committee, should their appointment receive appropriate approval. It was suggested that the training take place late July/Early August 2008 in respect of the new regime.

Members agreed that the Monitoring Officer and the Chairman should work together to update the existing Protocol in respect of complaints received, to be brought before the next meeting for approval. In terms of publicising the new regime it was noted that the Standards Board had provided details of how the new system should be publicised, with best practice outlined and it was considered that that should be utilised.

A Member asked whether it would be worth considering joint publicity with the various Districts in North Yorkshire in relation to the new procedures. In response it was stated that the different areas had different routines in place in terms of the new regime and it was not necessarily advantageous to have a joint publicity campaign, because of the potentially different Protocols being operated. It was stated, however, that the issue would be discussed with the Head of Communications, with a view to establishing a joint publicity campaign in respect of the basic process which would be applicable to all authorities in North Yorkshire.

It was suggested that while advertising for a new independent Member, some advantage could be taken, through the local press, of highlighting the New Ethical Regime and how this would affect local people. It was considered that this could be an important factor in attracting local press coverage for the new arrangements. Publicity could also be given through the North Yorkshire Times and through Parish Councils throughout North Yorkshire. It was suggested that a wide ranging publicity campaign for the New Regime should be developed through the Head of Communications. Other likely publicity methods were discussed including awareness posters and leaflets displayed in libraries, notice boards and Local Authority buildings and also information given at Citizens Advice Bureaux. Internal methods of communication were also discussed. It was suggested that any publicity and wording of notices should be considered by the Committee for approval.

It was noted that the Monitoring Officer would be empowered to agree amendments for incorporation in Council leaflets about complaints to reflect the revised regime, specifically the Corporate Complaints leaflet.

Members stated that they would like a short factual summary of a complaint to be supplied by the Monitoring Officer for the Assessment Sub-Committee to consider, which would just include the key aspects of the complaint and not any observations or opinion in relation to the matter.

Details of the Jurisdiction and Local Assessment Criteria were outlined in an appendix to the report. A Member raised concerns that the Jurisdiction did not refer to whether a Member was operating in an official capacity. In response the Monitoring Officer stated that this could be added in, however, the issue was covered in the Code of Conduct. Members felt that this should be explicitly outlined in the

Jurisdiction as the public would need to know the information and what to base their complaints upon. It was emphasised that in the future the regime would be likely to be extended to take account of some private incidents that occurred outside Members operating in their official capacity.

The Monitoring Officer and Members discussed how to deal with anonymous complaints. The Monitoring Officer stated that anonymous complaints had been received in the past but these were difficult to follow up because of the anonymity. She stated that these would not be ignored, particularly if it was obvious that there was a serious problem, however it was difficult to investigate an issue without being able to refer to where the allegation emanated. It was suggested that there may be a case for investigating anonymous complaints in exceptional circumstances, however, Members were unclear as to how exceptional circumstances could be defined and considered, therefore, that anonymous complaints should only be investigated as set out in the proposed Jurisdiction and Assessment Criteria.

A Member noted that in the Jurisdiction and Local Assessment Criteria under section 6 – underlying motivation, there was no mention of vexatious complaints and wondered whether this should be added to the list of issues? The Monitoring Officer stated that the matter could be added into the list, but emphasised to Members that persistent complaints did not necessarily mean that there was no basis to the complaints and the issue might need to be investigated to ensure that the matter was dealt with appropriately.

Members also agreed that the Jurisdiction and Assessment Criteria should acknowledge that more than one criteria might apply and should also be amended to refer, under “Possible Decisions”, to other action being taken (other than investigations). It was also suggested that the criteria might be re-ordered, citing ‘Triviality’ as the first criteria.

Details of the monitoring of the Local Ethical Framework arrangements by the Standards Board were outlined with an on-line information return system being operated. It was noted that there would be a need for nil returns should there be no activity to report. Details would be required by the Standards Board on a quarterly basis.

The report also referred to the parts of the Local Government and Public Involvement in Health Act 2007 which would bring about changes to the Local Ethical Framework when they were implemented in respect of the following:-

Application of Code to Members Private Conduct.

Joint Standards Committees.

Members would be kept informed of developments in relation to the outstanding parts of the Local Framework.

RESOLVED –

- (i) That the developments in the ethical regime be noted;
- (ii) That it be recommended to the Executive that all functions in respect of the publication of Standards Committee Independent Member vacancies be delegated to the Standards Committee and that Members further agree that following such delegation, those functions be delegated by the Standards Committee to the Monitoring Officer in consultation with the Chairman of the Committee;

- (iii) That it be recommended to the Executive that the power to assist in the recruitment of Independent Members to the Standards Committee (but not to approve individual appointments) be delegated to the Standards Committee;
- (iv) That it be recommended to full Council that there be an increase in the size and composition of the Standards Committee, as set out in paragraph 3.12 of the report, and that consequential amendments be made to article 9.02 of the Constitution as set out in paragraph 3.13 of the report;
- (v) That it be recommended to full Council that the power to arrange temporary appointments of other authorities' Standards Committees' Independent Members to the Standards Committee be delegated to the Monitoring Officer, in consultation with the Chair of the Committee;
- (vi) That the following be established on the basis set out in paragraph 3.16 of the report:-
 - (a) A Complaint Assessment Sub-Committee;
 - (b) A Complaint Review Sub-Committee;
 - (c) A Complaint Determination Sub-Committee.
- (vii) That it be recommended to full Council that Independent Members on the Council's Standards Committee should be included within the Council's Indemnity Policy for Members and Employees, subject to its terms;
- (viii) That it be recommended to full Council that Article 9.01 of the Constitution be amended as set out in paragraph 3.20 of the report;
- (ix) That it be recommended to full Council that the Committee's Terms of Reference set out in Article 9.03 of the Constitution be amended as set out in paragraph 3.21 of the report;
- (x) That it be recommended to full Council that the functions of the Monitoring Officer set out in Articles 12.03 (d) and (e) of the Constitution be amended as set out in paragraph 3.25 of the report;
- (xi) That, subject to any subsequent comments received from those officers responsible for the documents, it be recommended to full Council that reference be made, in the Constitution, to the existence and location of the Council's Whistle-blowing policies, anti-bullying policy, policies and procedures under the Equality Act 2006, list of Authority services and the municipal calendar, as set out in paragraph 3.26.3 of the report;
- (xii) That power be delegated to the Monitoring Officer to agree a new protocol regarding the new local complaints process, in consultation with the Chairman of the Committee, and that progress be reported to the next meeting of the Committee;
- (xiii) That any other publicity regarding the implementation of the new locally managed framework should be undertaken in the manner outlined above;
- (xiv) That the Monitoring Officer be empowered to agree amendments for incorporation in Council leaflets about complaints to reflect the revised regime for the handling of complaints in relation to the Code of Conduct;
- (xv) That a short summary of a complaint should be prepared for the Sub-Committee assessing the complaint, as standard practice.

- (xvi) That the Local Assessment Criteria for the Standards Committee be agreed, as set out in Appendix 3 to the report, and subject to amendments outlined above, and that the Criteria be published on the Council's website;
- (xvii) That power be delegated to the Monitoring Officer to complete and submit all necessary complaint information returns to the Standards Board in accordance with the relevant statutory requirements.
- (xviii) That any further issues arising from this report be considered for action at subsequent meetings of the Committee.

199. MEMBERS' ATTENDANCE AT COMMITTEES

CONSIDERED –

The report of the Head of Legal and Committee Services outlining the record of the number of attendance of Members of the County Council at meetings of the County Council and its Committees for the period 2 April 2007 until 31 March 2008.

The report provided information requested by the Committee, previously, relating to the attendance of County Councillors at relevant meetings. A copy of the statistics for the period outlined was attached as an Appendix to the report.

Members suggested that the details be passed to the respective Group Leaders, outlining particularly low attendance and asking them to reply to the Committee in respect of any concerns they had in relation to the report. In respect of the Independent Members of the County Council that had low attendance it was suggested that a letter be sent to them expressing the concerns of the Standards Committee in relation to their lower than expected attendance. It was also suggested that the process for outlining low attendance be included within that letter to provide details of why Independent Members were being approached differently to other Members of the County Council with low attendance records.

RESOLVED –

- (i) That the report be noted;
- (ii) That copies of the statistics be circulated to the Leaders of the Political Groups on the County Council, with a reply requested to be submitted to the next meeting of the Standards Committee in relation to any areas of concern regarding low attendance;
- (iii) That any Independent Members with attendance of less than 50% be provided with an individual letter from the Standards Committee outlining the concerns regarding their low attendance and the process that was being undertaken in respect of County Councillors in political groups.

(County Councillor Peter Sowray declared a personal interest in relation to the following item in respect of him being one of the Members who had applied for a dispensation).

200. DISPENSATION REQUESTS – HAMBLETON CAR PARKING CHARGES

CONSIDERED –

The report of the Monitoring Officer presenting requests from Members of the County Committee for Hambleton for a dispensation from the Standards Committee in respect of their discussion, at forthcoming meetings, of issues relating to Hambleton

District Council's proposal to implement car parking charges on off street car parks in the Hambleton District.

The request resulted from eight out of the eleven County Councillors sitting on the County Committee for Hambleton also being Members of Hambleton District Council.

Members might be deemed to have a prejudicial interest in the issues being discussed as the matter was not exempt and it affected the financial position of the body with whom the Member had a personal interest, ie Hambleton District Council.

The dispensation was requested as more than 50% of the Members entitled or required to participate would not be able to do so.

The Members affected were detailed in Appendix 1 to the report and each of them had supplied an individual application for a dispensation in relation to the County Committee's discussions on the proposed implementation of off street car parking charges by Hambleton District Council.

It was also noted that during the preparation of the report the Council's dispensation request procedure had been consulted. It was noted that the procedure required updating in respect of the references to the Head of Committee Services, as the post no longer existed. It was suggested therefore that the request procedure be amended with references to the Head of Committee Services replaced with the Principal Officer Democracy and Governance.

RESOLVED –

- (i) That dispensations be granted to County Councillors Barker, Brown, Dadd, Fletcher, Hall, Sowray, Swales and Weighell to enable them to speak, vote and be included within the quorum at meetings of the County Committee for Hambleton, when the Committee was determining issues pertinent to the County Council, in respect of Hambleton District Council's proposals for car parking charges in off street car parks in the district;
- (ii) That the dispensations be granted until the date of the Local Government Elections in 2009;
- (iii) That references to the Head of Committee Services, within the request procedure, be replaced with the Principal Officer Democracy and Governance.

201. 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 report outlined that most of the New Local Ethical Framework was now in place with the new supporting legislation in force. The new regime was effective from 8 May 2008 and had been subject to an earlier report.

In relation to complaints made against County Councillors, the Monitoring Officer had received notification from the Standards Board of two new complaints. Neither of the complaints had been referred for investigation as no potential breach of the Code had been disclosed.

RESOLVED –

That the report be noted.

202. PROTOCOL RE: GIFTS AND HOSPITALITY

CONSIDERED -

The report of the Monitoring Officer informing Members of action taken following their consideration of the draft Protocol in relation to Gifts and Hospitality.

Following consideration at the previous Committee a copy of the draft Protocol had been sent to the Chief Executive and to Executive Members for their views. The Chief Executive was in agreement with the content of the draft and no other comments had been received. In the circumstances the Committee were recommended to approve the Protocol for adoption by the County Council.

RESOLVED –

That the Protocol on Gifts and Hospitality be submitted to the next meeting of the full County Council for approval.

203. HAMBLETON DISTRICT COUNCIL RE: CHAIRING OF MEETINGS

The Chairman reported on a recent training event that he and Gillian Fleming had attended. The training event had been entitled “Effective Chairing Skills” and training notes from the event were available for Members of the Committee. The Chairman has stated that the event had been useful practice in relation to the chairing of Sub-Committees in respect of the New Local Ethical Framework.

He also provided feedback on the recent meeting of the Standards Committees Independent Members Forum for Members’ information.

RESOLVED –

That the issues outlined by the Chairman of the Committee for the information of Members be noted.

204. STANDARDS COMMITTEE WORK PROGRAMME 2008

CONSIDERED –

The report of the Monitoring Officer outlining the Committee’s Work Programme.

The report outlined how the Programme had been amended by deferring the item re: the Use of the Various Standard Statements until the September meeting, due to the lengthy report regarding the Local Ethical Framework.

At its previous meeting the Committee agreed that the Ethical Audit Action Plan, attached as Appendix 2 to the report should no longer be brought to each Committee meeting given that it fed into the Committee’s Work Programme. The Action Plan was, however, to be brought to this meeting so that Members could consider the Plan in the light of the Annual Report of the Committee. The Action Plan would also be brought to the Committee at the end of each year for an annual check of issues contained within it.

RESOLVED –

That the current Work Programme for the Standards Committee be noted.

205. LOCAL ETHICAL FRAMEWORK - TRAINING

Members were asked to consider appropriate dates for forthcoming training in relation to the New Local Ethical Framework.

Wednesday, 6 August 2008 and Tuesday, 30 September 2008, commencing at 10.00 am, were suggested for training to take place in respect of the operation of Sub-Committees in relation to the Local Ethical Framework. It was stated that should the expected Guidance not be available by 6 August 2008 then training would take place at a later date.

RESOLVED –

That the training date set out above be noted.

(The Chairman accepted the above item as an item of urgent business due to dates having to be set for the training days prior to the next meeting of the Committee).

SML/ALJ