

**NORTH YORKSHIRE COUNTY COUNCIL**

**STANDARDS COMMITTEE**

Minutes of the meeting held at County Hall, Northallerton on Monday, 2 February 2009.

**PRESENT:**

Mr James F S Daghish (Chairman).

County Councillors J W Marshall and Peter Sowray.

Independent Members: Mr Henry Cronin and Ms Gillian Fleming.

Apologies were received from County Councillors David Jeffels, Brian Marshall and Jim Snowball; together with Independent Member Dr Janet Hoults.

The Chairman welcomed Mr Henry Cronin to this, his first meeting of the Standards Committee, since his appointment as Independent Member.

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**COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK**

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**223. MINUTES**

**RESOLVED –**

That the minutes of the meeting held on Monday, 1 December 2008, having been printed and circulated, be taken as read and signed by the Chairman as a correct record.

**224. 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.

**225. REQUESTS FOR DISPENSATIONS**

**CONSIDERED –**

The report of the Monitoring Officer presenting, for Members' consideration, requests from certain County Councillors and non-voting co-opted Members of the Yorkshire Coast and Moors County Area Committee for a dispensation, in almost identical terms and in respect of the same issue, from the Standards Committee.

The report outlined how the Yorkshire Coast and Moors County Area Committee was shortly to give consideration to an application from Helredale Neighbourhood Council in respect of the registration of a Village Green at Helredale Playing Field, Whitby. It was stated that Scarborough Borough Council's Executive had recently decided to dispose of the same land for affordable housing purposes.

Five of the Members of the County Committee were also Executive Members of Scarborough Borough Council and, therefore, had not been invited to apply for dispensation, as the Monitoring Officer had advised them against participation in the meeting during consideration of the Village Green application. Of the remaining

Members five voting Members and four non-voting Members of the County Area Committee were also Members of the Borough Council. These Members had been invited to submit a request for a dispensation in respect of the consideration of the application. The request had been made to ensure a quorum could be obtained, for the meeting when the application was considered.

Of the Members entitled to apply for a dispensation it was noted that two voting and one non-voting Members had submitted applications.

Members clarified that the dispensations were required to ensure that the County Area Committee could obtain a quorum to determine the Village Green application and that the County Committee was the appropriate body to determine the Village Green application. In terms of the non-voting Member of the County Committee it was stated that the dispensation would allow that Member to remain within the meeting and take part in the debate, without having to withdraw, during consideration of the Village Green application.

Members expressed concerns regarding the period of four years set out in the recommendation for the dispensations, should they be granted, and suggested that, should they be minded to grant these, then the period for these should run until the elections in June 2009, with further dispensations sought by Members of the County Committee, should the issue require further consideration at meetings subsequent to that.

#### **RESOLVED –**

- (i) That the applications for dispensations by the County Council Members of the Yorkshire Coast and Moors County Committee listed at Appendix 1 to the report, to enable them to speak, vote and be included within the quorum at the meetings of the Area Committee on which they sit, when that Committee is determining an application submitted by Helredale Neighbourhood Council for the registration of a Village Green at Helredale Playing Field, Whitby, be approved;
- (ii) That the application for dispensation by the non-voting co-opted Member of the Yorkshire Coast and Moors County Committee listed at Appendix 1 to the report to enable him to speak at meetings of the Area Committee on which he sits, when the Committee is determining an application submitted by the Helredale Neighbourhood Council for the registration of a Village Green at Helredale Playing Field, Whitby, be approved;
- (iii) That the dispensations be granted until the application is determined or the date of the Local Government elections in 2009, whichever is the earlier.

(County Councillor J W Marshall requested that his abstention from voting in respect of resolutions (i) and (ii), as highlighted above, be recorded).

#### **226. COMPLAINT ASSESSMENT PROCEDURE**

##### **CONSIDERED –**

The report of the Monitoring Officer requesting Members to consider a draft procedure for the Local Assessment and Review of Complaints.

A draft procedure for the Initial Assessment of Complaints and the Review of any decisions to take no action on a complaint was attached as an Appendix to the report and incorporated the Local Assessment Criteria previously agreed by the Committee. It was noted that procedures regarding the Investigation and Determination of Complaints were dealt with in the Committee's protocol for Local Determination of

Complaints which was currently being reviewed by the Monitoring Officer and a revised version would be brought to a future meeting of the Committee.

Members considered the Complaint Assessment Procedure and provided the following comments:-

Clarification was requested on who received the Notification of Assessment. The Monitoring Officer outlined how Sections 7.4, 7.5 and 7.6 outlined the various referrals that the Assessment Sub-Committee could decide upon and, who would be notified in relation to those.

In relation to a number of statements within the procedure Members suggested that the term "will not" be replaced with "cannot", in relation to what the Standards Committee could perform, as this would better indicate that the Standards Committee was unable to consider these items in line with guidance issued by the Standards Board.

A record would be kept of the proceedings of the meeting, however, a summary of the decision of the Committee would be produced and confirmed by those involved in that decision. It was suggested that paragraph 7.2.7 should reflect that matter.

Members referred to the lack of opportunity available to the Assessment Sub-Committee to consider a case should the matter be referred for other action. The Monitoring Officer outlined how guidelines from the Standards Board suggested that this was the practice that should be adopted. It was suggested, therefore, that paragraph 7.5.7 should state "cannot be referred back to the Sub-Committee" rather than "should not".

Members suggested that a "flow chart" outlining the basic assessment should be provided with the documentation. Members requested that paragraph 3.1.20 be amended to read "... that if the complainant wishes to remain anonymous they should contact the Monitoring Officer to discuss".

Members clarified that paragraph 3.1.26 enabled the Monitoring Officer to discuss with Members, when convening an Assessment Sub-Committee, whether they felt able to take part in the Sub-Committee and whether issues such as prejudicial interest, bias, predetermination, etc would preclude them from doing so. If this were the case then the Monitoring Officer could consider the possibility of Substitute Members for the Sub-Committee.

3.1.33 referred to an average of 20 working days to complete an initial assessment of an allegation and it was noted that this was a guideline.

Members suggested that the Procedure should also be published in the NY Times, with a link to the website, so that interested parties could view the Procedure in greater detail.

#### **RESOLVED –**

- (i) That, subject to the comments highlighted above, Members approve the draft Complaints Assessment Procedure attached at Appendix 1 to the report;
- (ii) That, subject to the comments outlined above, the Complaints Assessment Procedure be published on the County Council website and also published in NY Times, together with any other appropriate publications.

#### **227. STANDARDS TRAINING PLAN 2009**

#### **CONSIDERED –**

The report of the Monitoring Officer updating Members on training issues and to set the Standards Training Plan for 2009. An updated Training Plan for 2009 was attached at Appendix 1 to the report.

The report highlighted how a training session for newly appointed Members of the Committee had been planned for last September but had been cancelled. It was agreed that this training should be undertaken at a later date following a Standards Committee meeting and would serve as a refresher session for the longer serving Members of the Committee.

Details of the Independent Member Induction process recommended by the Standards Board were outlined in the report. The new Independent Member, Mr Cronin, would be provided with the recommended information.

Refresher Standards training for Members and Officers of the Authority was planned for after the elections in June 2009.

Further Standards training for Officers, following the 31 October 2008 session, was planned for 9 and 13 February 2009. Members of the Standards Committee were welcome to attend these training sessions.

In terms of the general training for all Members it was suggested this be undertaken, as before, using case studies, as this had been appreciated.

A Member suggested that there had been some slippage in relation to the E-Induction Programme and requested that it be implemented as soon as possible. The Monitoring Officer stated that she would check up on this matter and ensure that it was being processed for use as soon as possible.

It was asked whether Independent Members would wish to attend meetings of the Executive as part of their programme of induction into how the Council operates. It was suggested that Independent Members could also attend Overview and Scrutiny meetings and Area Committees to broaden their view of the County Council's operation. The Independent Members of the Committee welcomed this initiative.

#### **RESOLVED –**

- (i) That the report be noted;
- (ii) That the Standards Training Plan for 2009, as set out in Appendix 1 to the report, be agreed, subject to the issues raised above;
- (iii) That the Monitoring Officer liaises with the Committee's Independent Members to arrange for them to attend, should they wish, a range of County Council meetings to provide them with further information as to how the County Council operates.

#### **228. NEW MEMBER INDUCTION**

##### **CONSIDERED –**

The report of the Manager – Democratic Services advising Members of the draft proposals for new Member Induction following the local elections on 4 June 2009. The proposals for the Induction Programme had been developed through the Corporate Affairs Overview and Scrutiny Committee.

Details of the proposed programme were provided in the report and Members were asked to comment on the development of the Induction.

Members noted that, within the report, a number of issues were highlighted as being mandatory. It was suggested that making issues mandatory had a downside that could lead to Members not participating in some meetings, if they had been unable to undertake the training.

It was suggested, as it had been previously, that consideration be given to developing a Members Training Record which highlighted what training Members had undertaken, and what they required. Members suggested that this be incorporated within the development of the Induction Programme.

It was emphasised that there were certain things that Members had to know before they could commence their service as a Councillor and these were highlighted in the issues that were to be addressed immediately, following their election.

A Member stated that most Members, who were newly elected, joined a political group and were given assistance through that in terms of the necessary information required to undertake their duties. It was suggested, therefore, that although some things were required to commence their life as a Councillor it was not felt necessary that some matters were made mandatory.

In terms of the briefings provided to new Members, which were highlighted in the report, it was requested that appropriate time was allowed for questions to be asked by Members, as this had not been provided in the past.

Members also suggested that copies of the Members' Handbook and Diary should include details of the Code of Conduct and that newly elected Members should be provided with back copies of the Standards Bulletin.

#### **RESOLVED –**

- (i) That the issues relating to the removal of mandatory training, the provision of a Members' training record, inclusion of the Code of Conduct in the Members Handbook and Diary, the issuing of back copies of the Standards Bulletin to newly elected Members and the provision of enough time for questions during the introductory sessions be fed back by the Committee as comments on the Induction Programme; and
- (ii) That the programme outlined be noted.

#### **229. CORPORATE COMPLAINTS AND COMPLIMENTS**

##### **CONSIDERED –**

The report of the Monitoring Officer presenting to Members, for their information, a schedule of the corporate compliments and complaints received during Quarter 2 (July to September 2008).

Full details of the corporate complaints and compliments during the quarter were provided at Appendix 1 to the report.

An explanation of the figures provided within the Appendix was given and suggestions as to how the figures had differed in comparison to previous figures, where that was apparent, were highlighted.

It was noted that it was expected that a Corporate Complaints System would be in place shortly, and, figures were likely to rise when that was introduced, as information would be more readily available and easier to process. A timescale of between six and eight months was given for that to be put in place.

A Member asked whether the County Council benchmarked against other authorities in terms of complaints and compliments. In response it was stated that other authorities had been asked for details of this information and of the three/four responses provided, levels were pretty similar to those outlined within the report.

A Member noted that a number of complaints had arisen from the change in charging practice by libraries for use of the internet and he asked whether this had been necessary. In response it was stated that this had been introduced due to funding issues and, although initially the complaints had been high, these had now dropped significantly. It was suggested that the lack of an awareness campaign in respect of the increased charges could have caused the number of complaints to rise as they had.

A Member noted that there had been a significant increase in the number of complaints upheld in respect of staff attitude and he wondered why this was the case. In response it was stated that there had been recent improvements in how information was collected, particularly in relation to Household Waste and Recycling Centres, which could have led to the increased figures. It was expected that these would even out over the course of time.

In terms of the Ombudsman complaints it was noted that eleven were already in progress and a further fourteen were received during the quarter. In response it was stated that there were now only two/three outstanding and these related to school admissions which, from past experience, were the lengthiest complaints to resolve.

Members referred to learning lessons from complaints and asked whether there were any plans for complaints to be published either in the Council's Annual Report or on the website, as it was suggested that this would show the public that complaints were dealt with appropriately. An article could also be included in the NY Times to show how complaints were dealt with. Members suggested that publicity for complaints could have a positive effect and show that the County Council is learning lessons from the issues raised. In response it was noted that the website was currently being re-designed and issues relating to complaints, showing how these could be made, how they were dealt with and the lessons learnt from them were expected to be provided through that. There were also plans to use NY Times, County Talk, the internet and other publications to produce details of the complaints systems and to generate feedback in relation to those.

It was emphasised, by both Members and officers, that the message should be put across that high numbers of complaints did not necessarily mean a bad service was being provided and, therefore, complaints should not be hidden.

#### **RESOLVED –**

That the report be noted.

#### **230. MEMBER/OFFICER CODE OF CONDUCT CONSULTATION PAPER**

#### **CONSIDERED –**

The report of the Monitoring Officer updating the Committee in relation to the response to the consultation on proposed revisions to the Members' Code of Conduct and introduction of an Officers' Code of Conduct.

Details of the Committees consideration of the consultation paper had been provided by way of a response to the consultation paper and Appendix 1 to the report gave details of the response.

## **RESOLVED –**

That the response to the Consultation Paper, as detailed in Appendix 1 to the report, be noted.

### **231. INDEPENDENT MEMBER APPOINTMENT**

(The Chairman, Mr J Daghish, left the meeting for the consideration of this item, as the issues being discussed related to him personally and he considered it inappropriate to take part in the discussion or vote on this matter).

The Vice-Chairman, Ms Gillian Fleming took the Chair.

## **CONSIDERED –**

The report of the Monitoring Officer requesting the Committee to consider the arrangements for the appointment of an Independent Member to the Standards Committee.

The report highlighted how Mr Daghish had been appointed to the Standards Committee as an Independent Member in 2005 for a four year period which would terminate at the time of the Annual Council meeting in June 2009. Members were asked, therefore, to consider a recruitment process to fill the position currently held by Mr Daghish.

Details of the recruitment process were provided and it was noted that a panel of Members from the Committee (two Independent Members and two Elected Members) would be required to interview the short-listed candidates and make recommendations to the Standard Committee. It was expected that this Panel would meet on 22/23 April 2009. It was suggested that Members who were unable to be at this meeting may wish to be considered for that Panel and, therefore, they should be contacted before a final decision was made on the composition of that Panel.

It was noted that guidance from the Standards Board suggested that Independent Members should serve for a maximum term of eight years, unless a Local Authority considered that an Independent Member should serve a longer term than that. It was noted that Mr Daghish would have served an eight year term on the Standards Committee, at the conclusion of his appointment period, in June 2009. Mr Daghish had indicated a willingness to continue for a short period of time, after June 2009, should he be successful in the recruitment process. Members were asked to consider, in principle, whether they thought it appropriate that Mr Daghish should continue after the recommended eight year period of service, if deemed the most appropriate candidate. Members suggested that Mr Daghish brought a wealth of experience and knowledge to the Standards Committee and felt it appropriate, that should he apply and be successful in the recruitment process, that he should be appointed to the Standards Committee, beyond the recommended eight years. It was suggested, therefore, that Mr Daghish could be appointed for one year, should he prove to be successful in the recruitment process, and, if not, then the successful candidate should be appointed for a period of four years.

## **RESOLVED –**

- (i) That the recruitment process for the Independent Member position currently held by Mr Daghish be commenced;
- (ii) That approval be given to the proposed recruitment process set out in the report, taking account of the amendments, as highlighted above, in terms of the final appointment, following the process;

- (iii) That all Members of the Standards Committee be contacted to determine their availability to participate in the Interview Panel.

### **232. 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 Members of the Authority. The report provided information on the following:-

- Local Ethical Framework.
- The Case Tribunals (England) Regulations 2008.
- Annual Assembly 2009.
- Complaints Received.
- Standards Board Monitoring.

Members were asked to note that places had to be booked for the forthcoming Annual Assembly 2009, as there were usually few places available. It was suggested that two places were booked by the County Council for one Independent Member and one Elected Member to attend the Assembly.

#### **RESOLVED –**

- (i) That the contents of the report be noted;
- (ii) That two places be booked for an Independent Member and an Elected Member to represent the County Council at the Eighth Annual Assembly of Standards Committees.

### **233. STANDARDS BULLETIN**

#### **CONSIDERED –**

The report of the Monitoring Officer presenting to the Committee, for consideration, a draft of the forthcoming Standards Bulletin.

A Member noted that in the section headed “Adjudication Panel Cases” attempts to anonymise some of the information had failed as some names and areas appeared in the information, which highlighted the details of the persons concerned. It was suggested that the matters highlighted within this section should be further anonymised to ensure that both personal details could not be gleaned from the information given.

It was noted that there was no paragraph welcoming the newly appointed Independent Member, Mr Henry Cronin.

#### **RESOLVED –**

That, subject to the further anonymising of the “Adjudication Panel Cases” section and the addition of a paragraph welcoming Mr Cronin as the newly appointed Independent Member, the Bulletin be circulated to Members of the Authority.

### **234. STANDARDS COMMITTEE WORK PROGRAMME 2009**



**CONSIDERED –**

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

It was noted that the Complaints and Ethical Indicators report, providing details of the annual returns in relation to those indicators, would be submitted to the next meeting of the Committee.

Members suggested that there was a need to complete the consideration of the use of the Regulation of Investigatory Powers Act 2000 (RIPA), in relation to the County Council's use of this to investigate local issues, and it was requested that a report be brought to the next meeting of the Committee.

Other issues raised included the use of the ethical statements in official County Council publications, inviting Group Leaders to subsequent meetings of the Standards Committee and the assessment of the Citizens Panel questionnaire to determine whether awareness of the ethical framework had increased since previous questions were asked of the Panel, to determine whether the Committee's Communication Strategy was working.

**RESOLVED –**

That, subject to the comments above, Members agree the Standards Committee's Work Programme for 2009 attached as Appendix 1 to the report.

**235. NORTHERN SECRETARIES MEETING/INDEPENDENT MEMBERS FORUM**

**CONSIDERED –**

The Chairman provided updates in respect of recent meetings of the Northern Secretaries Meeting and the Independent Members' Forum for the Committee's information. He stated that the Minutes from the most recent meeting of the Independent Members Forum were available and would be provided with the agenda for the next meeting of the Committee.

**RESOLVED –**

That the updates and information provided by the Chairman be noted.

(The above item was accepted by the Chairman as an urgent item in view of the need to update the Committee on the information provided at the meetings highlighted, before the next meeting of the Committee).

SL/ALJ