

**NORTH YORKSHIRE COUNTY COUNCIL**

**STANDARDS COMMITTEE**

Minutes of the meeting held at County Hall, Northallerton on Monday, 21 September 2009.

**PRESENT:**

Mr James F S Daghish (Chairman).

County Councillors Philip Barrett, David Jeffels, J W Marshall, Peter Sowray and Geoff Webber.

Independent Members: Gillian Fleming and Henry Cronin.

Apologies were received from County Councillor Peter Pople and Independent Member Dr Janet Holt.

One member of the public was also present.

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

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**9. MINUTES**

**RESOLVED –**

That the minutes of the meeting held on Wednesday, 5 August 2009, having been printed and circulated, be taken as read and signed by the Chairman as a correct record subject to the following amendment:-

Minute No 5 – Appointments to Sub-Committees – final paragraph in the resolution – remove “be recommended to”.

**10. ELECTION OF VICE-CHAIRMAN**

**RESOLVED –**

That Ms Gillian Fleming be appointed as the Vice-Chairman of the Standards Committee until the first meeting of the Committee following the annual meeting of the County Council in 2010.

**11. PUBLIC QUESTIONS OR STATEMENTS**

**RESOLVED –**

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

## 12. COMPLAINTS AND ETHICAL INDICATORS

CONSIDERED –

The report of the Monitoring Officer and the Chief Executive providing statistics in relation to complaints and compliments received by the Council for Quarter 3 in 2008/2009 and Quarter 1 for 2009/2010. The report also presented information in relation to agreed ethical indicators for the period 1 April 2008 to 31 March 2009 which assisted in giving an indication of the health of the authority in relation to standards and ethics.

Amanda Fry, Staff Officer to the Chief Executive, presented the compliments and complaints quarterly report for both Quarter 3 – October to December 2008 and Quarter 1 – April to June 2009. She stated that the reports had been provided to both Management Board and the Executive as part of the performance management data.

She outlined how the information was utilised, changes to the categories and changes to the way in which Ombudsmen complaints were being investigated.

Members noted that the number of complaints upheld had increased in percentage terms and asked whether this was considered to be a negative feature. In response it was stated that this was not seen as a good thing, as the number of upheld complaints suggested that these were not being dealt with correctly at the initial stage, which was why extensive work was being undertaken with staff to determine how complaints were being dealt with and to emphasise the need to deal with these straight away.

It was noted that the figures relating to January to March 2009 had not been included in the report and it was stated that these would be supplied to Members subsequently. Members considered that, taking account of the size of the organisation, there were surprisingly few complaints that had been made. It was asked whether all of those coming through were complaints or whether these could be deemed as observations. In response it was stated that it was recognised that not all the issues raised were complaints as some were requests for information. It was emphasised that all issues were looking to be dealt with in as speedy a manner as possible.

It was noted that staff were provided with training, which would be continuous and updated, in how to deal with complaints, to ensure that these were addressed appropriately.

A Member asked, with each Authority encouraged to deal with standards issues in its own way, whether there was an overall framework for dealing with complaints or whether local authorities were left to design their own systems, which best suited their needs. In response it was stated that there were several over-reaching bodies that dealt with complaints, for example the Ombudsman, CAA, etc, therefore, there was a requirement to ensure that the required format to meet their particular needs was met. It was also noted that national software in relation to dealing with complaints was being developed, which would see local authorities dealing with complaints in a similar way and it was noted that the County Council was looking to introduce this at an early stage.

A Member referred to the statistics provided in relation to the misuse of IT, email or internet facilities and, noting that there had been 12 allegations that had been investigated, raised concerns that there was no information to indicate whether any of these had been particularly serious cases.

It was noted that of the 59 cases investigated by Internal Audit, 29 of those had been communicated via whistle blowing opportunities and Members were pleased that this system was shown to be working.

Members noted a large rise in compliments received between Quarter 4 2008/09 and Quarter 1 2009/10 and wondered why this was the case. In response it was stated that these had been under reported previously and, following a full explanation to staff, figures had risen.

Members asked when there was likely to be a reasonable consistency to the compliments and complaints information reported to the Committee. In response it was stated that the introduction of the national software package would assist in providing consistent statistics. It was emphasised, however, that national affects, such as an increase in complaints in respect of social care, etc could still cause "blips" in the figures, and had to be borne in mind.

A Member suggested that the information provided on the misuse of IT was, in essence, meaningless, without the information relating to the range of issues that had been investigated being provided. In response it was emphasised that the information provided related more to the effect of the whistleblowing system, rather than in-depth information as to the issues investigated. It was noted that information of this type would be reported to the Audit Committee, of which the Chairman was also a Member. The Chairman stated that, where required, information of this type could be obtained and provided to Standards Committee Members for information purposes. Members stated that they were glad to see that the details of the investigations were followed up by a Committee of the County Council.

Reference was made to the number of employment tribunals received in 2008/09 and it was noted that eight had been settled. It was asked whether these had been settled because it was the easiest option to take. In response it was stated that each case was judged on what was the best position for the Council and whether it would be cost effective to settle or not. It was emphasised that settlement was not considered as an easy option, but as the most cost effective to the Council. Details of the procedure undertaken in relation to employment tribunals was outlined, together with how the decision to settle claims was considered.

#### **RESOLVED –**

That, subject to action identified above being responded to, the report be noted.

### **13. REVIEW OF COMMUNICATIONS STRATEGY**

#### **CONSIDERED –**

The report of the Monitoring Officer providing a report on the progress of the review of the Standards Committee Communications Strategy and related matters.

The Monitoring Officer stated that the report continued the Committee's review of the Communications Strategy and looked to replace some of the out of date information contained within the Strategy. She emphasised that the basis of the current Communications Strategy was sound, therefore, it required an update rather than a complete overhaul. She noted that some issues from the review of the Ethical Framework could also require reiteration in the Committee's Communications Strategy.

The Monitoring Officer referred to the interconnection between the Corporate Communications Strategy and the Committee's Strategy. She noted that the County Council's Strategy was not inconsistent to that of the Standards Committee Strategy. She stated that Members had sought to ensure that County Council publications

promoted openness and her consideration of this matter led her to conclude that many of the Council's activities and policies reflected the principles outlined by the Committee and these were being actively embraced. Details of the principles were set out in the report.

She suggested that it may be an appropriate time for a further article to be placed in the NY Times, especially as public concerns had been heightened following the recent issues relating to MP expenses. It was noted that an article had recently been placed in a leading local newspaper, on behalf of the County Council, in response to the public interest about expenses. Discussions were currently on going with the Communications Unit as to the timing of placing further articles in the NY Times.

In relation to this matter Members noted the great amount of public unrest that had been generated in respect of the MPs expenses issues. Members considered that the public, in general, were expressing their distrust of public figures, and that distrust was leading to a fall in voting. It was suggested that an article should be published at the earliest opportunity, separate from other issues, to ensure the public were aware of how Local Government expenses were regulated and could not be abused in the way this had taken place in central Government. The Chairman considered that articles in the NY Times were also required to highlight the recent changes in regulations and to provide details of the new Standards Committee, together with how it supports the Council's performance. It was suggested, therefore, that a recommendation could be made to the Editorial Board of the NY Times, to produce articles in line with the issues outlined above, to take forward at a time they considered to be appropriate.

The Monitoring Officer noted that she had received a Freedom of Information request in relation to Councillors expenses, which had led to little interest being generated, which in turn highlighted how well regulated expenses for Councillors were.

The Monitoring Officer provided details of a review of the Committee's Action Plan for 2007/2009 and the proposed Action Plan for 2009/2011.

It was asked what was included in the induction process in terms of ethical training. In response the Monitoring Officer stated that she would provide details of this to a subsequent meeting of the Committee. It was noted that there was currently nothing in the recruitment pack in terms of the general ethical framework. Members suggested that details of the ethical framework could be placed on the intranet and also on the County Council's website. It was emphasised that it would be beneficial to have all issues relating to standards and ethics in one place on the website to assist the development of those.

It was noted that a brief ethical framework survey had been undertaken in 2006 to gauge public perception of standards and ethics, within the County Council, and it was asked whether it was an appropriate time to undertake a similar survey to determine how awareness had changed. In respect of this it was suggested that it would be probably more beneficial to undertake such a survey following the published articles in the NY Times, possibly in early 2010. A review of the Citizens Panel's perception of ethics and standards at the County Council could be undertaken at the same time.

The Monitoring Officer outlined how requirements in relation to the Officer Register of Interests and Code of Conduct were being processed and how information on the intranet and internet was being updated.

Members considered the current Standards Committee Communications Strategy, as detailed at Appendix 1 to the report, and provided the following observations:-

- The Strategy had a tendency to swap between percentages and ratios when providing statistical information. It was suggested that this would be better if details were provided in one format, consistently, throughout the report.
- At 6.3 (b), in respect of communicating internally, it was suggested that the issue, “to communicate the role of Council’s Leader and Chief Executive Officer in the Ethical Agenda”, should also be included at 6.2, communicating externally.
- At 7.2 it was suggested that the final bullet point should be amended to read “up date on cases determined locally”, and an additional bullet point to read “update on cases determined by Standards for England”.
- In terms of item 9 – Means of Communication – it was suggested that an additional method of external communication be included in respect of Council tax notices sent out, which went to every household and could include information on standards and ethics.

In terms of the review of the Action Plan 2007/09 Members suggested the following:-

- In terms of Objective 5 – “To raise awareness amongst the staff and Councillors of the standards expected of them” – an item could be included in the staff newsletter on an annual basis. It was noted that this procedure had happened once in the past and Members considered that this should be a continuing process.

In terms of the revised Action Plan 2009/11 Members made the following observations:-

- Number 2 – “Promoting awareness among the public of the work of the Committee” – Members noted that this item suggested an annual update, but considered that it would be better if a date for the update was agreed with the Chairman and included as part of the timescale.
- Number 2.4 – “Identifying further opportunities to work with other authorities in the promotion of ethical standards” – Members welcomed opportunities to work alongside other local Standards Members and Committees to gain information and experience of the issues affecting them. They suggested working alongside National Park Authorities, City of York Council and local District Councils and consideration should be given to having Joint Standards meetings to share good practice. It was noted that the Monitoring Officer from City of York had recently undertaken work for the County Council’s Monitoring Officer, to assist with an assessment process within the County Council. The Monitoring Officer stated that she would investigate this matter and report back to a subsequent meeting.
- Number 3.1 – “Secure the attendance of the Council’s Leader and Chief Executive and have other Group Leaders at the Standards Committee”. – It was noted that Standards for England were looking at this issue and suggested that consideration should be given to specific meetings being designated to include the attendance of the above mentioned individuals, to encourage their attendance. The Chairman noted that he was to meet the Chief Executive following this meeting and would reiterate the importance of leading Members and the Chief Executive regularly meeting the Standards Committee. Members suggested that the first meeting of 2010 could be designated to

meeting with Group Leaders and the Chief Executive, with an appropriate agenda devised in relation to that. The Monitoring Officer stated that she would investigate this possibility and report back to the next meeting.

- Number 4 – “To raise awareness amongst the staff and Members of the standards expected of them” – It was suggested that the induction programme should be included as an action for developing this objective.
- It was noted that in terms of Members interests, Members were reminded on an annual basis of their need to update their Register of Interests.
- Members considered the way in which local press could be included in developing the promotion of ethical and standards issues. It was suggested that the Head of the Communications Unit should be invited to the next meeting of the Committee to consider ways of better engaging with the local press.
- It was suggested that local “Roadshows” and publicity events were useful ways of engaging with the public and could be considered for the promotion of ethical and standards issues. In response it was stated that these events were not utilised for the promotion of these issues as a matter of course, however, the County Council attended a number of these events and through the promotion of its services emphasised the strong ethical approach it adopted.
- Area Committees were also suggested as a good source of promotion for ethical and standards issues.

#### **RESOLVED –**

- (i) That, subject to the amendments as suggested by Members detailed above, the revised Communications Strategy be agreed.
- (ii) That, subject to the amendments suggested by Members as detailed above, the action points in Appendix 2 be agreed.
- (iii) That the Communications Unit be contacted to determine when would be an appropriate time for articles to be placed into the NY Times in relation to the Standards Committee and ethical/standards Issues, as outlined above, with articles placed in the publication subsequently.

#### **14. REVIEW OF ETHICAL ARRANGEMENTS**

##### **CONSIDERED –**

The report of the Monitoring Officer reviewing the ethical arrangements in place within the Authority.

The Monitoring Officer explained how the report set out the ethical arrangements in place within the Authority and ideas for future developments based on national examples of good practice and derived from the Authority’s annual return to Standards for England. A copy of the annual return was attached as an Appendix to the report.

Details of the County Council’s documentation and processes, external standards

documentation, national examples of good practice and other good practice measures were detailed within the report.

In terms of the County Council's documentation and processes, the Monitoring Officer stated that these were currently on the County Council's website and referred to in the Standards Bulletin. She noted that efforts were being made to provide a Standards page on the County Council's website to make obtaining this information much easier.

In terms of the national examples of good practice the Monitoring Officer noted that, in terms of providing e-learning opportunities for officers and Members on Ethical Standards, the County Council's Chief Executive's Group had developed an e-learning package for officers and were looking to develop this so that it could be utilised for Standards issues. This would continue to be explored and any developments would be reported back to the Committee.

A Member stated that examples (e) (f) (j) contained within the National Examples of Good Practice could be provided by Standards for England as these were applicable to all Authorities. She suggested that there was an opportunity to liaise, in relation to this provision, at the forthcoming Standards Committees' Annual Conference.

In terms of item (k) of the National Examples of Good Practice, "Ensuring significant partners had a Code of Conduct reflecting similar principles", it was suggested that, despite the statement promoting this, the County Council could do more, proactively, to ensure partners had appropriate ethical principles in place or were working to their own ethical code. The Monitoring Officer noted that the County Council had officers working on the development of partner working and she would seek a response to the issue raised for the next meeting of the Committee.

#### Annual Return

The Monitoring Officer explained the Annual Return to Standards for England for the benefit of Members. It was noted that the details would have been provided to the local press through the circulation of Committee papers.

#### **RESOLVED –**

- (i) That the contents of the report be noted;
- (ii) That the actions outlined above be acted upon where appropriate;
- (iii) That the examples of good practice measures identified be developed through the Committee's work plan where appropriate.

**County Councillor Barratt declared a personal and prejudicial interest in respect of the following item, in relation to him being a Member of Craven Area Committee and a Member of Craven District Council. He left the room during consideration of the item and took no part in the discussion or vote on this matter.**

**15. REQUESTS FOR DISPENSATIONS – CRAVEN AREA COMMITTEE**

CONSIDERED –

The report of the Monitoring Officer outlining requests from Members of Craven Area Committee for a dispensation, in almost identical terms and in respect of the same issues, from the Standards Committee.

The report outlined how Members of the Craven Area Committee, who were also Craven District Councillors had been invited to make a request for a dispensation from the Standards Committee, to enable them to speak, vote and be included within the quorum at meetings of the Area Committee when issues pertinent to the County Council were being discussed in respect of Craven District Council's proposals for the introduction of pay and display car parking charges for:-

- The car park at Craven swimming pool, Aireville Park, Skipton.
- North Street car park, Gargrave.
- Main Street car park, Embsay, and all further proposals by Craven District Council relating to car parking charges in the Craven district.

The dispensations had been requested as Members, who were also Members of Craven District Council, would have been deemed to have a prejudicial interest in these matters and would not have been able to take part in consideration of these. This would result in the meeting becoming inquorate and causing a delay in the decision making process.

Details of the Members prejudicial interests and the appropriate dispensation process were outlined in the report.

Should the Standards Committee be minded to grant the dispensations it must consider the duration and scope of them. Any dispensations granted would allow the Members concerned to fully participate in the specified matters, including speaking and voting upon them. The dispensations would be recorded in writing and kept with the relevant entries in the Council's Register of Members Interests.

**RESOLVED –**

- (i) That, following careful consideration, the Committee agrees to grant the applications for dispensations by the County Council Members of the Craven Area Committee listed at Appendix 1 to the report, enabling them to speak, vote and be included within the quorum at meetings of the Area Committee on which they sit when that Committee is determining issues pertinent to the County Council, in respect of Craven District Council's proposals for the introduction of pay and display car parking charges for the car park at Craven Swimming Pool, Aireville Park, Skipton, North Street Car Park, Gargrave and Main Street Car Park, Embsay and all further proposals by Craven District Council relating to car parking charges in the Craven District;
- (ii) That the dispensations be granted until the date of the Local Government elections in 2013.

**County Councillor Jeffels declared a personal and prejudicial interest in respect of the following item in relation to him being a Member of the Yorkshire**



**Coast and Moors County Area Committee and a Member of Scarborough Borough Council. He left the room during consideration of the item and took no part in the discussion or vote on this matter.**

**16. REQUESTS FOR DISPENSATIONS – YORKSHIRE COAST AND MOORS COUNTY AREA COMMITTEE**

CONSIDERED –

The report of the Monitoring Officer outlining requests from Members of Yorkshire Coast and Moors Area Committee for a dispensation, in almost identical terms and in respect of the same issues, from the Standards Committee.

The report outlined how Members of the Yorkshire Coast and Moors Area Committee, who were also Scarborough Borough Councillors had been invited to make a request for a dispensation from the Standards Committee, to enable them to speak, vote and be included within the quorum at meetings of the Area Committee when the following applications for the registration of village greens were being discussed and in respect of Scarborough Borough Council's interest in the land on which the application sites lay:-

- An application for the registration of a village green at The Sunken Garden, St Nicholas Cliff/Marine Parade, Scarborough.
- An application for the registration of a village green at The Old Pool Site, Mulgrave Road, Whitby.

The dispensations had been requested as Members, who were also Members of Scarborough Borough Council, would have been deemed to have a prejudicial interest in these matters and would not have been able to take part in consideration of these. This would result in the meeting becoming inquorate and causing a delay in the decision making process.

Details of the Members prejudicial interests and the appropriate dispensation process were outlined in the report.

Should the Standards Committee be minded to grant the dispensations it must consider the duration and scope of them. Any dispensations granted would allow the Members concerned to fully participate in the specified matters, including speaking and voting upon them. The dispensations would be recorded in writing and kept with the relevant entries in the Council's Register of Members Interests.

A Member considered the applications to be wholly different to those previously determined at Min no. 15, above, as he considered that Members had very strong prejudicial interests in respect of these matters. He considered there was increased conflict for the Members involved because of the value of the assets, which he considered to be worth a considerable amount of money. He suggested that the "dual hatted" Members would have an undue influence because of this. He did not feel that Members who sat on both bodies would be able to reach an impartial decision.

The Chairman asked whether there were other ways of determining these matters, should the dispensations not be granted. The Monitoring Officer explained that it was a legal obligation for the issues to be determined and, as this was an Executive function devolved to the Area Committee, this was likely to be referred to the Executive for determination. It was emphasised that this matter should not influence Members decision on whether it was right to grant the dispensation applications.

A Member suggested that some of the Members involved could also have pre-determination issues to take into account, if there were involved in decisions made by the Executive of Scarborough Borough Council in relation to the disposal of land. The Monitoring Officer stated that she would provide appropriate information to Members in relation to pre-determination matters, subsequent to this meeting.

The Chairman sought to clarify on whether the Member's concerns regarding the granting of the dispensations related to one or both of the village green registration applications. The Member considered that he had the same concerns in respect of both applications in ethical terms.

#### **RESOLVED –**

- (i) That, following careful consideration, the Committee does not grant the applications for dispensations by the County Council Members of the Yorkshire Coast and Moors County Area Committee listed at Appendix 1 to the report, and, as a consequence, they would be unable to speak, vote and be included within the quorum at the meeting of that Area Committee, when that Committee determined applications for the registration of village greens at The Sunken Garden, St Nicholas Cliff/Marine Parade, Scarborough and at The Old Pool Site, Mulgrave Road, Whitby; and
- (ii) That the Monitoring Officer considers an alternative arena for the registration of village green applications to be determined.

#### **17. PUBLIC PERCEPTION OF ETHICS**

##### **CONSIDERED –**

The report of the Monitoring Officer providing details of the findings on public perceptions of ethics recently published by Standards for England. Full details of the Standards for England report were attached at Appendix 1.

It was noted that at the time the consultation for the report was undertaken, the MPs expenses issue had an impact on public perceptions, which led to a conclusion that there had been an overall negative impact on public perceptions in terms of ethics.

The report also highlighted the many factors which influenced public perceptions of local government, many of which are outside of the control of local authorities. Key factors included:-

- Media influence.
- The relationship between people's political values and the way they rate services.
- The expectations of service users rising.
- The way in which people view their local area.

The report highlighted that the public were more likely to believe their local Councillors than their local MP, and there was a clear difference between the perception of the behaviour of local Councillors and the actual amount of complaints made against local Councillors. The research indicated that Local Standards Frameworks had had a positive impact on local government and the behaviour of Members had improved. Those within local government had a far higher level of confidence in the ability of local government to uncover poor behaviour and deal with it properly, when compared to the public. Public attitudes towards local Councillors

seemed to have changed less markedly than for local MPs, politicians generally and Government Ministers.

Members were encouraged by the findings, however, suggested that further work was required to ensure the public were aware of the mechanisms in place to ensure that local Councillors complied with appropriate ethical standards.

It was suggested that further work could be undertaken with the Communications Unit, alongside the findings of this report, to consider better engagement with the local press in respect of ethical standards.

#### **RESOLVED –**

That the report be noted.

### **18. TRAINING PLAN**

#### **CONSIDERED –**

The report of the Monitoring Officer reviewing the Standards Committees Training Plan for 2009.

Details of the revised Standards Training Plan for 2009 were appended to the report. It was noted that further standards training for Standards Committee Members was planned for 30 November 2009, following the Committee's meeting on that date.

Training for recently appointed Councillors to the Committee would be included in the training scheduled for 30 November 2009 and would be utilised as a general refresher course for all Committee Members.

#### **RESOLVED –**

That the Standards Training Plan, as detailed in Appendix 1 to the report, be noted.

### **19. COMPLAINTS AND FINDINGS/GUIDANCE FROM STANDARDS FOR ENGLAND**

#### **CONSIDERED –**

The report of the Monitoring Officer updating Members on the development of the ethical agenda and on any complaints received about Members of the Authority.

The following issues were highlighted:-

- New Codes of Conduct for Members and officers – a revised Code of Conduct for Members was expected in late autumn 2009 and a further consultation on the introduction of an officer's Code of Conduct was likely to take place in 2010.
- Suspending a Standards Committees Assessment and Review functions – information related to that was provided in an Appendix to the report.
- New Standards for England training DVD – Standards for England were currently finalising a new training DVD on local assessment which would be available shortly.
- One new complaint had been received against a County Councillor that may have breached the Code of Conduct since the last meeting of the Committee. A meeting of the Complaints Assessments Sub-

Committee would take place on 21 September 2009 to assess the complaint.

- Previous complaints – A complaint made in May 2009 suggesting that a County Councillor may have breached the Code of Conduct had been assessed by the Complaints Assessment Sub-Committee which found that no action should be taken. Subsequently a request was received for a review of that decision and the Complaints Review Sub-Committee found that no action should be taken.
- Details of the monitoring of Local Ethical Framework arrangements undertaken by Standards for England were detailed and it was noted that the Monitoring Officer had submitted the return for the authority for the reporting quarter April to June 2009.

It was noted that should a determination be required in respect of a complaint, there was a three month period from that decision being made to the determination having to take place.

**RESOLVED –**

That the report be noted.

**20. STANDARDS BULLETIN**

**CONSIDERED –**

The report of the Monitoring Officer presenting a draft copy of the Standards Bulletin for Members consideration. A copy of the draft bulletin was appended to the report.

Members suggested that the “Ethical Framework Guidance Documents” section could be altered to provide a section detailing the documents that were most likely to affect Members in their every day work, so that they had easier access to the information required.

**RESOLVED –**

That, subject to the alteration of the “Ethical Framework Guidance Documents” section, as detailed above, the bulletin be circulated to Members of the Authority.

**21. STANDARDS WORK PROGRAMME 2009**

**CONSIDERED –**

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

The current Work Programme for the Standards Committee was attached at Appendix 1 to the report and incorporated action points from the Authority’s Ethical Audit Action Plan.

It was noted that the item re: Complaint Investigation and the Determination Procedures had been deferred until the Committee’s November meeting.

Issues identified at today’s meeting for further work would be incorporated into the Work Programme provided to the next meeting.

**RESOLVED –**

That the Standards Committee Work Programme be noted.

SML/ALJ