

## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on Monday 1 February 2010.

#### **PRESENT:**

Mr James F S DGLISH (Chairman).

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

Independent Members: Ms Gillian Fleming, Dr Janet Holt and Henry Cronin.

Apologies were received from County Councillor Geoff Webber.

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

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#### **27. MINUTES**

##### **RESOLVED –**

That the minutes of the meeting held on Monday, 30 November 2009, having been printed and circulated, be taken as read and signed by the Chairman as a correct record, subject to the following amendments:-

Minute Number 24 – Complaint Investigation And Determination Procedures – Information For Interviewees – take out second sentence; replace “investigated” with “interviewed” in sentence three; take out “act as representative” and replace with “accompany them” in sentence three.

Minute Number 24 - Complaint Investigation And Determination Procedures – The Bundle of Evidence – sentence two – replace “it was” with “the report”; sentence four after “the Committee accepted” add “the reports view” – sentence five – replace “it had been” with “the report had found”.

Minute Number 24 - Complaint Investigation And Determination Procedures – Members comments on both the investigation and determination procedures – bullet point three – after “investigation” add “report”.

#### **28. 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.

#### **29. PROTOCOL FOR OFFICERS’ GIFTS AND HOSPITALITY**

##### **CONSIDERED –**

The report of the Monitoring Officer presenting Members with a first draft of a Protocol for Officers' Gifts and Hospitality for the Authority, for their comments.

The report included a first draft of the protocol, attached as an Appendix to the report. Also attached was a revised registration of Officers' Gifts and Hospitality Form.

Subject to any comments from Members, the Monitoring Officer would also consult with other officers within the Authority, as appropriate, on the draft protocol and would report back to a future meeting of the Committee.

It was noted that the protocol was based on those relating to other local authorities and also the one in place for Members.

The Chairman referred to item 2.1 (b) within the protocol, which related to the acquisition of goods and services and asked whether this included information. In response it was stated that it depended upon what the information was being used for, as officers should only use their position to deliver a service and not for their own gain. It was considered, therefore, that the definition should be expanded to include reference to that.

In reference to paragraph 4.3 of the protocol, which referred to items of "low value" it was asked how these were determined. It was noted that all gifts, irrespective of their value, had to be declared, but those of little value, other than to that person, could be accepted. The register enabled monitoring of gifts being offered to take place.

A Member referred to paragraph 3.4 of the protocol which states "any one committing offences of this nature will also be subject to disciplinary action". She suggested that alternative wording for this should be introduced to state "any one involved in action of this nature" or "any allegation of this nature". It was suggested that the Monitoring Officer, in consultation with the Chairman, should decide the wording for this matter.

With reference to paragraph 8.1 of the protocol relating to the procedure for registration of gifts and hospitality. It was suggested that "where known in advance" should be added to the first sentence. In response it was considered that it was rare that hospitality would be offered without prior notice and, therefore, it was not considered necessary to alter the paragraph within the protocol.

It was noted that paragraph 6.1 (b) of the protocol should read "civic" rather than "civil".

It was stated that the issues relating to gifts and hospitality, and the information relating to which should be declared and which it was appropriate to accept, together with other appropriate, related information, would be circulated to all Directorates, for employees to be advised accordingly.

#### **RESOLVED –**

That, subject to the comments made above, the draft Protocol for Officers' Gifts and Hospitality be approved and circulated for further consultation with other officers within the Authority, as appropriate.

**County Councillor Peter Sowray declared a personal and prejudicial interest in respect of the following item in relation to him being a Member of the County Committee for Hambleton and a Hambleton District Councillor. He left the room during consideration of the item and took no part in the discussion nor vote on this matter.**

**30. REQUESTS FOR DISPENSATIONS – COUNTY COMMITTEE FOR HAMBLETON**

CONSIDERED –

The report of the Monitoring Officer presenting to the Committee, for its consideration, requests from dual-hatted Members of the County Committee for Hambleton, for dispensations, in almost identical terms and in respect of the same issues, from the Standards Committee.

A request was made in respect of forthcoming reports being submitted to the County Committee for Hambleton relating to Hambleton District Council's proposal to implement or review 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.

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

It was noted that Members had also sought clarification as to whether they would require dispensations to discuss a report on the Northallerton Town Square Enhancement Scheme. The Monitoring Officer stated that she had considered this matter and had not deemed it necessary for dispensations to be sought in respect of this report as Members would not be considered to have a prejudicial interest in respect of this issue.

The Members were therefore seeking dispensations in respect of the implementation or review of off street car parking charges by Hambleton District Council. 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 car parking issues.

**RESOLVED –**

- (i) That dispensations be granted to County Councillors Barker, Blades, Dadd, Hall, Huxtable, 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 implementation or review of off street car parking charges;
- (ii) That the dispensations be granted until the date of the Local Government elections in 2013.

County Councillor Sowray returned to the meeting.

**31. STANDARDS FOR ENGLAND REPORT - "ASSESSING THE IMPACT OF STANDARDS COMMITTEES"**

CONSIDERED –

The report of the Monitoring Officer presenting to the Committee, for its information and consideration, a copy of the Standards for England research report "Assessing the Impact of Standards Committees", recently published.

A copy of the full report was attached as an Appendix to the Monitoring Officer's report.

The report considered nine case studies looking at the following areas:-

- Organisational learning.
- Working with Town and Parish Councils.
- Member development.
- Working with partnerships.
- Recruitment and retention.
- Training and Development.
- Joint Standards and Audit Committees.
- Dealing with high pressure investigations.
- Embedding standards.

The key findings of the report were:-

- Notable Standards Committees were committed to a number of innovative practices;
- Leadership was essential, particularly in terms of political support within the Authority;
- The composition of Standards Committees had to be balanced. The majority of the case studies considered deliberately attempted to bring a range of skills, knowledge and experiences to the Standards Committee, especially in regards to Independent Members;
- Standards Committees learnt from each other. Organisational learning was a key aspect of case studies and the range of networks now in existence in the Local Government's Standards Community was highlighted.

Issues related to examples of notable practice in non-statutory roles identified in the report, as they relate to the County Council Standards Committee were discussed as follows:-

The Chairman referred to the potential links outlined between the Standards Committee and the Audit Committee, as detailed in the report, and noted that currently he served on both Committees, providing that link. He noted that with his forthcoming departure from his service to the Committees, that link would no longer be established and that there was a move to formalise this arrangement. He noted that there would be a need for an Independent Member serving on the Standards Committee to also serve on the Audit Committee, in the near future. He outlined the commitment required by the Member identified and the training and knowledge required to serve on the Audit Committee. It was expected that there would be a report to the Standards Committee in May 2010, which would seek to identify an Independent Member to serve on the Audit Committee.

The issue of forming innovative relationships with the Ombudsman, as outlined in the report, was discussed. It was noted that less correspondence was received from the Ombudsman than in previous years and there may be a case for providing more public information in respect of the services offered by the Ombudsman. It was

suggested that the development of the website for Standards' issues would be an appropriate place for that information to be provided. Regular updates on the corporate complaints system provided details of issues referred to the Ombudsman, to the Committee. It was noted that guidance was given through the corporate complaints system as to where members of the public should direct their complaints. It was stated that leaflets offering advice on the availability of the Ombudsman were available in Council offices.

In terms of other examples of notable practice in non-statutory roles identified in the report it was noted that the County Council Standards Committee had helped to:-

- Develop whistleblowing procedures.
- Give advice on Member/officer protocol.
- Review the Authority's Constitution.
- Commenting on employment disciplinary policies and procedures

In relation to anti-fraud policies it was noted that these were developed through the Audit Committee and it was suggested that this was more in line with the work of that Committee, rather than the Standards Committee.

In terms of the wider organisational practice identified by the Research Team Steering Group it was suggested that the Committee was either achieving, or moving towards achieving, the aims set out, apart from issues that appeared to be irrelevant to the Committee.

In terms of the Risk Management of Conduct Complaints it was noted by the Committee that, currently, there was little in place to provide feedback on the process from either the complainant or the subject of the complaint. It was noted that the Standards Bulletin gave some feedback on the decisions made but there was little in place for feedback in respect of those going through the process. In response the Monitoring Officer stated that feedback was obtained informally from those going through the process, however she would be developing a feedback form, allowing comments to be submitted in terms of the process, in the near future. Further details on this matter would be submitted to the next meeting of the Committee.

In respect of developing public recognition it was suggested that a future meeting of the Committee could discuss this issue with the Head of the Communications Unit and the Editor of the NY Times. Members acknowledged that there was some difficulty in finding appropriate times to provide information to the public and when that would have the maximum impact, particularly when the press tended to have more interest in stories relating to bad behaviour, when the County Council was attempting to put out a message of good ethical performance. The Committee considered that it would be appropriate to give further thought to this matter at a future meeting.

In terms of the development of an accessible website Members suggested that this should be developed so that all issues could be easily accessed, preferably on one page and on a prominent place on the web page.

Work was continuing to forge a meaningful relationship with the local press. In relation to creating a sustainable relationship with other Standards Committees, it was noted that a Forum was being established for the sharing of information between the Committees of various Authorities. It was emphasised that for this to be

meaningful, the other Standards Committees involved had to operate in a similar way to the County Council's.

The Standards Committee continually engaged in national debates and the wider standard community.

As far as practicable Standards Committee meetings were developed in an innovative manner.

In respect of case study one, outlined in the report, relating to Independent Members of the Standards Committee attending other Council Committees to learn about the organisation overall, it was considered that this was appropriate on an occasional basis, but if this was undertaken at every meeting it may appear that the Standards Committee was becoming too involved in "policing" the behaviour of Members.

In respect of case study six – Joint Training and Development it was suggested that there was more scope for that within the County Council as many Members were "dual-hatted". This, potentially, would allow wider training patterns to be established, would avoid duplication and cut down on costs. To enable that to work appropriately formal training records/plans would have to be established for Members, enabling them to update these whenever they had undertaken training. It was suggested that the development of training plans/records for Members had a wider remit than the Standards Committee and the issue would have to be discussed with human resources.

#### **RESOLVED –**

That the report, the Standards for England Research Report "Assessing the Impact of Standards Committees" and the issues raised by Members in relation to these, be noted.

### **32. ANNUAL ASSEMBLY 2009 – ORAL REPORT OF ATTENDEES**

The Monitoring Officer and Independent Member, Henry Cronin stated that they had attended the Annual Assembly on behalf of the County Council. They provided an oral report on the highlights of the assembly.

Mr Cronin noted that issues relating to the new complaints process had been debated, with a number of authorities considering that to be over bureaucratic and in need of a review. Other matters discussed included the embedding of Standards Committee's into the culture of the organisation and the different ideas put forward by different bodies in relation to how Standards Committees should be developed. He emphasised that it had been interesting to see how Standards Committees and the ethical agenda were being developed within other Councils.

The Monitoring Officer noted that there had been a discussion on the future of Standards for England, particularly since the introduction of the new complaints system.

Mr Cronin stated that he had written a detailed report on his experiences in respect of his attendance at the Annual Assembly, and he would circulate that to all Members of the Standards Committee.

Members noted that places were being offered for the 2010 Annual Assembly and it was asked whether it was worthwhile for Members of the Standards Committee to attend. In response previous attendees stated that it had been particularly interesting when they had just been appointed to the Standards Committee and considered it would be useful for the forthcoming new appointees to attend. The workshop

sessions provided at the assembly were of particular benefit, however, these were booked early, well in advance of the event, and Members wishing to attend should bear that in mind. The Chairman suggested that the newly appointed Independent Members and one elected Member should consider attending the 2010 Annual Assembly and should ensure that this was done as soon as possible so that they could attend the relevant workshops.

**RESOLVED –**

That the oral report and issues raised be noted.

**33. 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 any complaints received about Members of the Authority.

The report highlighted the following:-

Standards for England On-Line Guides

Standards for England had published various on-line guides in relation to:-

- Gifts and Hospitality.
- Disclosing confidential information.
- Bullying and the Code of Conduct.
- Lobbying.
- Personal and Prejudicial Interests.
- Freemasons and the Code of Conduct.
- Independent Members.

Details of the publications were appended to the report.

It was suggested that the various on-line guides be highlighted in the next edition of the Standards Bulletin providing links so that Members can easily access the information provided.

Guidance had also been published by Standards for England in relation to:-

- Charitable Trustees and Declarations of Interest under the Code.
- Predisposition, predetermination or bias and the Code.

It was suggested that these items also be highlighted, with links, in the forthcoming Standards Bulletin.

New Codes of Conduct for Members and Officers

It was noted that publication of the new codes was still awaited and further information would be provided to the Committee when it was available.

Complaints Received

One complaint against a Member had been received since the last report to the Committee (September 2009) and a meeting of the Complaints Assessment Sub-Committee would be taking place on 1 February 2010 to assess the complaint. In

respect of the complaint made in August 2009, alleging that a County Councillor had breached the Code of Conduct, the matter had subsequently been assessed by the Complaints Assessment Sub-Committee and was referred to the Complaint Determination Sub-Committee who found, on 18 January 2010, that the Member had failed to comply with the code and imposed sanctions, requiring a letter of apology to the complainant and to undergo training with the Monitoring Officer. The summary of the Sub-Committee's decision would be published in a local newspaper in the near future.

The Monitoring Officer acknowledged that the previous complaint had taken a long period of time to get to the determination stage because of the processes involved. She noted that representations had been made on this matter to Standards for England and Guidance on Preliminary Action was about to be published, which could shorten the process in appropriate cases. She stated that details of this matter would be brought to a subsequent meeting of the Committee.

A Member asked why complaints that were being dealt with through the local complaints process were dealt with so discreetly, as he had been unaware of the details of the recent complaint that had resulted in sanctions being imposed on a Member. In response the Monitoring Officer outlined how the complaints procedure was a statutory process and various statutory guidelines had to be complied with. It had to be borne in mind that the matters dealt with were subject to the access to information legislation, and that information had been deemed to be exempt to protect the anonymity of the complainant. It was noted that the decision of the Complaint Determination Sub-Committee would be in the public domain shortly. It was suggested that Members of the Committee should be made aware of decisions such as this prior to them being released to the public. The Monitoring Officer stated that she would ensure that Members of the Committee were provided with details of the Decision Notice prior to its publication, however, Members should take account of the fact that this remained private until the publication date.

#### Standards for England Monitoring

The Monitoring Officer stated that quarterly returns had been made by the Authority to Standards for England in respect of the Local Ethical Framework Arrangements via an on-line information return system.

#### **RESOLVED –**

That the report be noted and issues raised by Members be acted upon where appropriate.

#### **34. STANDARDS BULLETIN**

#### **CONSIDERED –**

The report of the Monitoring Officer presenting a draft Standards Bulletin for consideration.

A draft of the Bulletin was attached to the report as an Appendix and Members were requested to consider this with a view to its subsequent circulation.

A Member highlighted that thanks had been offered to Gillian Fleming following her resignation from the Committee, however, thanks had not been offered to the Chairman, James Daghish. It was noted that Mr Daghish would be thanked for his service to the Committee in a subsequent issue of the Bulletin.



Members referred to the case highlighted in the Bulletin from Epsom and Ewell Borough Council and outlined their surprise in respect of the eventual action taken.

**RESOLVED –**

That the Bulletin be approved and circulated to Members of the Authority.

**35. STANDARDS WORK PROGRAMME 2010**

**CONSIDERED –**

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

Full details of the Work Programme for 2010 were attached as an Appendix to the report.

Members discussed the suggested items for the next meeting of the Committee on 10 May 2010.

In respect of the Committee's Communications Strategy it was noted that the proposed report would cover whether it was an opportune time to publish a Standards' article in the NY Times. It was noted that further feedback from the Citizens' Panel would be sought soon and that it would be appropriate to have an article in the NY Times before that was sought. It was noted that the Head of the Communications Unit and the Editor of the NY Times would be at the next meeting of the Committee, so this would be an opportune time to discuss that matter.

The Monitoring Officer noted that the respective Group Leaders were being invited to attend the next meeting of the Committee and asked whether Members had any issues that they wished to raise with them. In response, Members outlined the following:-

- The general ethical performance of the County Council.
- How they engage the respective Members of their particular groups to inform themselves of relevant information in respect of ethical standards.
- To consider issues that would be of greatest challenge to the Local Authority in the next few years and how the Standards regime can assist in meeting those challenges.
- Issues relating to the local determination of complaints.
- Issues relating to Members awareness when communicating via email in an attempt to eliminate time consuming, costly complaints procedures.

The Monitoring Officer referred to Members training and stated that training sessions would be organised when the new Code of Conduct had been published. It was expected that a Members Seminar would be held, allowing all Members to be addressed. It was expected that the format for the seminar would be some type of role play and question and answer session and it was requested that Members of the Standards Committee be available to assist with the delivery of that.

**RESOLVED –**

- (i) That the issues raised by Members, as detailed above, be noted;
- (ii) That the Standards Committee Work Programme for 2010, as detailed at Appendix 1 to the report, be approved.

**36. GILLIAN FLEMING**

The Chairman stated that this would be the last meeting that Independent Member, Gillian Fleming, would be attending following her resignation from the Committee due to increased work commitments.

Members joined the Chairman in thanking Ms Fleming for her invaluable contribution to the Committee and its work over the years and wished her well in the future.

**RESOLVED –**

That Gillian Fleming be thanked for her contribution to the Committee and its work over the years.

SL/ALJ