

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on 24 January 2011.

PRESENT:-

Mr Henry Cronin (Chairman).

County Councillors Philip Barrett, John Blackie (as Substitute for County Councillor Peter Pople), David Jeffels, J W Marshall, Peter Sowray and Geoff Webber.

Independent Members: Hilary Bainbridge, Hillary Gilbertson and Dr Janet Holt.

Apologies were received from County Councillor Peter Pople.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

76. MINUTES

RESOLVED –

That the minutes of the meeting held on 13 September 2010, having been printed and circulated, be taken as read and signed by the Chairman as a correct record, subject to the following alterations:-

In respect of those present at the meeting, Independent Member: Hilary Bainbridge's name should be spelt with one I for Hilary;

In the list of apologies for the meeting, Independent Members should read Hillary Gilbertson and Dr Janet Holt.

Page 3 – Minute 63, Group Leaders discussion with Standards Committee – second paragraph, should read dual-hatted Members not dual-hated.

Page 6 – Minute 66, Update re Members attendance at Committees – paragraph 5, remove final sentence.

77. 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.

78. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED –

That Hillary Gilbertson be appointed Vice-Chairman of the Committee.

79. LOCAL ETHICAL FRAMEWORK DEVELOPMENTS

CONSIDERED –

The report of the Monitoring Officer updating Members with regards to the proposed changes to the national standards regime.

The Monitoring Officer stated that the Decentralisation and Localism Bill had been published on the 13 December 2010 and highlighted the main issues emanating from that. She noted that it was proposed to implement a complete change to the way in which the Ethical Framework would go forward.

It was expected that Royal Assent would be given to the Bill in late 2011 and would be phased in over a period of time. The Bill would see an end to Standards for England and would not require the Authority to have a Standards Committee, however, there would still be a statutory duty on local authorities to promote high standards of ethical conduct. The County Council would have to consider how it intended to carry that out in future.

She highlighted how First Tier tribunals, the Statutory General Principals and the Statutory Code of Conduct would be abolished through the Bill. Local Authorities would be able to adopt their own Code of Conduct and would be free to determine how that was administered. It was suggested that a quicker, more effective process could be put in place to determine any breaches of a voluntary code. Members would continue to register interests and the register would continue to be monitored by the Monitoring Officer.

It was noted that the Bill would make the use of position improperly for personal gain a criminal offence and contraventions would be referred to the Magistrates Court.

The Monitoring Officer stated that the Standards Regime within the County Council would continue for the foreseeable future. Consideration should be given, in the meantime, as to how the County Council would continue with Standards issues in the future, following the cessation of the national standards regime. She noted that a briefing note on the position would be provided for Members and further discussions involving the Leader and Group Leaders would take place to consider how the “in-house” arrangements could be provided.

Members noted that the current complaints system tended to be over bureaucratic and suggested that any system developed by the County Council should be much simpler and less time consuming. It was asked, should the County Council develop its own Code of Conduct, what validity that would have in respect of Councillors. In response the Monitoring Officer stated that should the Council adopt a Code of Conduct then Members would have to sign up to that and abide by it.

A Member, who had been the subject of a number of investigations and referrals to Standards for England, highlighted an alternative view to those expressed by other Members. He suggested that the whole system had been over bureaucratic and had stifled meaningful debate. He considered the system to have been costly and time consuming, with, in the main, little benefit to the Authority. He asked for a more realistic approach to be adopted by the County Council, which was much less bureaucratic and more fit for purpose.

An Independent Member emphasised that it was for the Council to decide on the process it wished to adopt, but emphasised the need to ensure that the process was clear and to determine what role the Committee would play in that. She emphasised that there was a need for something to be in place, but with far less bureaucracy than had been in place before.

A Member suggested that if a Code of Conduct was introduced it may not be necessary for a Standards Committee to meet on a timetabled basis, but could meet as and when required.

A Member considered that there was no need to hastily make arrangements, as the full impacts of the Localities Bill still had to be discussed by Parliament and amendments could be made. It was suggested that some kind of voluntary code and Standards Committee would be required, as there was a need to have appropriate arrangements for the public to make complaints, where necessary. It was felt, however, that Member-v-Member complaints could be dealt with internally, in a much less time consuming and costly way.

Members agreed that, for the public perception, there was a need to have a system where complaints could be considered, however, it needed to be much simpler than at present, with a minimalistic approach adopted. It was further suggested that rather than having timetabled meetings it may be appropriate to have a Committee that could meet as and when required to consider complaints. The system also needed to weed out vexatious and trivial complaints.

Members emphasised the need to ensure the public had confidence in the system and that there was a transparent process in place whereby complaints against the conduct of Members of the Council could be seen to be acted upon appropriately. An Independent Member suggested that formal Standards Committee meetings assisted in that process, ensuring that the Members involved were kept up to date with how issues were being developed and giving them credibility for the decisions that they would be taking. Members agreed in principal, but considered that briefings rather than formal Committee meetings could be utilised to ensure Members were kept up to date.

The Chairman summed up the issues that had been discussed, emphasising that the final details of the Localities Bill still had to be published, but whatever happened, some kind of code would be required to be adopted by the County Council. The process of how the Code would be overseen would be for the Council to decide in terms of arrangements in respect of complaints, hearings, sanctions, etc. He emphasised that the confidence of the public in the County Council overseeing the behaviour of its own Members was vital. He noted that there was a difference between internal complaints and public complaints. He suggested that further consideration of how the County Council would develop its own Standards regime could be explored with Group Leaders who were due to attend the next meeting of the Standards Committee. He considered that there may be a clearer indication of the final format for the Localities Bill by then.

The Monitoring Officer considered that, whatever stage the Bill was at it was worth exploring with Group Leaders and the Leader of the Council how the County Council may provide Standards arrangements in the future, at the next Standards Committee meeting.

She highlighted the issues raised within the Bill in respect of clarification on pre-determination.

RESOLVED –

- (i) That the contents of the report be noted;
- (ii) That the preliminary views of the Committee in relation to the proposed requirements to continue to promote and maintain high standards of conduct, including consideration of the powers to adopt a voluntary Code of Conduct, as outlined above, be noted; and

- (iii) That the Monitoring Officer brings a detailed options appraisal paper to the next meeting of the Standards Committee, to discuss with Members and Group Leaders.

80. APPOINTMENT OF INDEPENDENT MEMBER

CONSIDERED –

The report of the Monitoring Officer asking the Committee to consider the arrangements for an appointment to one of the Independent Member positions on the Standards Committee.

The report outlined how the appointment of Independent Member Dr Janet Holt came to an end at the date of the Annual Council Meeting in May 2011. It was thought sensible, therefore, to seek Members views regarding an appropriate recruitment process for the appointment to that position.

It was noted that, previously, Standards for England had advised that Independent Members should serve no more than two terms of four years, after which new Members should be recruited. It was noted, however, that recent advice from Standards for England had stated, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time, an Authority could extend that term for a further period, given the uncertainty regarding the future of the Standards regime. This could only be done during the term of office of an existing Independent Member and by approval from the full authority.

In line with that advice it was recommended to Standards Committee Members that the sensible way forward would be to recommend to the County Council that Dr Holt be re-appointed to the Committee, upon the expiry of her current term of office, for a further period of two years.

It was noted that should Dr Holt not wish to be re-appointed, rather than embark upon a costly recruitment process, the Committee could seek, under Regulation 5 (3) of the Standards Committee (England) Regulations 2008 to make a temporary appointment of a neighbouring authority's Standards Committee Independent Member.

RESOLVED –

That the appointment of Dr Janet Holt for a further period of two years, upon the expiry of her current term of office, be recommended to the Annual Meeting of the County Council in May 2011.

81. STANDARDS BULLETIN

CONSIDERED –

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

A Member raised the issue of the publication of outcomes following the local determination of Standards issues. He noted that his local District Council published these in its internal publications and wondered how the County Council published those. He noted that it was a statutory responsibility to publish those details. In response it was stated that details of the final notice were sent to the appellant, the complainant and were published in the local press. The Member concerned stated that it may not be altogether appropriate to only publish in the local press as some people did not read that, therefore, he suggested that details were provided on the County Council's website allowing the public to have clear access to the details. He considered that publicity assisted in preventing vexatious complaints being raised as

full publicity gave details of the nature of the complaint and the subsequent action taken. He asked that future determinations be published on the website to generate public confidence in the process.

The Monitoring Officer noted that in a case where a Member had been exonerated, it was in their power as to whether the details should be published or not.

It was suggested that the Committee should determine how future breaches of the Code by Members should be publicised. In response it was considered appropriate that where a breach had occurred that this should be detailed on the County Council's website. In respect of that it was emphasised that this course of action would be from henceforth and would not be applied retrospectively.

A Member noted that the reminder within the Bulletin for Members to update their Register of Interests and asked whether this was a problem for the Authority. In response the Monitoring Officer stated that Members were generally good at ensuring that their Register of Interests was updated and did receive an annual reminder in relation to this.

RESOLVED –

- (i) That, subject to the above comments, the Bulletin be updated as necessary and then circulated to Authority Members and senior officers; and
- (ii) That for future determination cases, where a breach of the Code of Conduct has been found to have been made, the details be provided on the County Council's website.

82. DECISION MAKING

CONSIDERED –

The report of the Monitoring Officer updating the Committee regarding the statement made by a County Councillor at the Committee's meeting held on 13 September 2010. The report highlighted how a County Councillor made a statement at the previous meeting expressing concern over certain aspects of the decision making processes of both the Planning Committee and the Standards Committee. Since then the Chairman had written to the Councillor concerned in relation to the reasons for his concerns highlighting that the aim was to ensure that the Standards Committee should be seen to be dealing appropriately with any issues which fall within its remit. Subsequently there had been an exchange of correspondence with a view to identifying any issues which the Standards Committee should address.

The concerns raised by the Member were being discussed with him, following the correspondence received, and guidance was being provided as to how best to address these.

RESOLVED –

That the report be noted.

83. DEVELOPMENTS, 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.

Issues highlighted in the report included:-

- Decentralisation and the Localism Bill.
- On line case review 2010.
- New complaints received.
- Previous complaints.

In terms of the complaints, it was noted that one new complaint had been received since the previous meeting, one had been considered by the Complaints Assessment Sub-Committee and was referred to the Monitoring Officer for investigation. A complaint received on 16 July 2010 had been assessed and was on going and a complaint received on 23 July 2010 had been assessed and was to be considered by the Committee's Determination Sub-Committee which would take place shortly.

RESOLVED –

That the report be noted.

84. WORK PROGRAMME 2010/11

CONSIDERED –

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

Details of the Work Programme were appended to the report and it was noted that, in light of the Localism Bill, there were a number of issues to address over the year. The Monitoring Officer stated that as the situation developed further issues would be included within the Work Programme.

Members discussed issues raised by the Independent Remunerations Panel, which had been highlighted at the last meeting of the County Council, in relation to Members' attendance at meetings. They suggested that the findings of the Panel were at odds, in many cases, with Members of the Council and suggested that the Standards Committee should liaise with the Panel in respect of this matter. Members suggested that the issues raised by them in relation to Members attendance at meetings should be discussed with the Independent Remuneration Panel, through the Chairman of the Committee, and it may be necessary for him to highlight the issue in writing to coincide with their forthcoming deliberations on the remuneration of Members.

The Chairman considered that the Standards Committee should be concerned with ethical matters and was not clear as to whether this was an issue for the Standards Committee or for full Council. Members considered that the Standards Committee should submit a view on this matter, particularly as the Standards Committee took a report on Members attendance at meetings on an annual basis.

RESOLVED –

That the issues raised be acted upon where appropriate and that the Work Programme for 2011 as attached, be agreed.

SL/ALJ