

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on 16 May 2011, commencing at 10.30 am.

PRESENT:-

Mr Henry Cronin (Chairman).

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

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

Apologies were received from County Councillor David Jeffels.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

85. MINUTES

RESOLVED –

That the minutes of the meeting held on 24 January 2011, having been printed and circulated, be taken as read and signed by the Chairman as a correct record.

86. 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.

87. CHIEF EXECUTIVE OFFICER AND GROUP LEADERS' SESSION WITH COMMITTEE

The Chief Executive, the Leader of the Council, County Councillor John Weighell, joined the Committee to further discuss ethical issues and Standards matters, as had been discussed at earlier meetings. It was noted that County Councillor Webber, Leader of the Liberal Democrats Group was present as a Member of the Committee and that County Councillor Blackie, North Yorkshire Independents Group Leader was unable to attend the meeting.

The Chairman opened the discussion by outlining the issues that had come from the previous meeting held with Group Leaders, in May 2010, as follows:-

- Disproportionate nature of current regime.
- Future of Standards regime.
- Engagement of Members.
- Dual Hatted Members.
- Dispensations.
- Officer/Member relationships.

- Induction Training.
- Complaint handling.

It was noted that since that meeting additional support had been introduced for Members in respect of complaints against them and a full plan for induction training was underway. The main issues to consider, going forward, therefore, were considered to be the disproportionate nature of the current regime and the future for Standards matters.

The Leader of the Council referred to the general behaviour of elected Members and considered that to be exemplary, with one or two exceptions, compared to many other areas up and down the country. He judged the general behaviour on how Members conducted their selves in Council meetings, and suggested that this had improved over the last year despite their being a number of controversial issues to discuss. He noted that there was some animosity from the general public towards Members and officers at the moment and considered that the Standards regime emanating from the Localism Bill could be used to protect Members and Officers. He noted some threats that had been made to elected Members of the Council and the security measures that had been required to negate these. He considered that an element of protection for Members and Officers should be considered when details of the new regime were brought forward.

The Chief Executive stated that he shared the thoughts of the Leader of the Council on many of the issues outlined. He considered that the transparency agenda gave people higher expectations as to what they were allowed to do, and in general, most people fell within reasonable boundaries, however, some had a tendency to go beyond those. He also considered a significant issue to be the relationship between officers and Members. He also considered general behaviour to be good, both from Members and Officers points of view, despite the County Council having to deal with some difficult issues in recent times. He emphasised the need for any changes in the Standards regime to ensure that an investigatory power remained in terms of Member and Officer conduct, to match public expectation that ethical conduct was being monitored.

County Councillor Webber noted that he was a Member of two Local Authorities and considered the standards at the County Council to be of a high level. He emphasised, however, that he would like to see a more informal system put in place than at present, in terms of investigations into complaints against Members, reducing the bureaucracy and cost of the current system. He raised concerns regarding the current sanctions that could be imposed by the Standards regime and suggested that a great deal of time was being spent in investigating cases, with little action being taken as a consequence. He emphasised that honesty and integrity would be key elements of the future ethical regime for the County Council.

Members of the Committee agreed with the statements made by the Chief Executive and Group Leaders, emphasising that behaviour within the County Council amongst Members tended to be good natured. It was suggested that, in future, a balanced and proportional response was required to Standards issues that arose. A Member also suggested that a local filter was required to pin point repeated complaints and to act accordingly. It was emphasised that there was a need to ensure that the future Standards regime was not bureaucratic, provided security for Members and also had the confidence of the public. A Member noted that much of the abuse directed towards Members came from the internet and suggested that some safe guards were required to address that factor.

The Monitoring Officer noted that the next agenda item related to the possible development of the Local Ethical Framework and suggested that all those present should remain to discuss that matter.

RESOLVED –

- (i) That the issues raised during discussion with the Chief Executive Officer and Group Leaders be noted; and
- (ii) That further consideration be given to the development of the Local Ethical Framework through consideration of the next item to be discussed at this meeting.

88. LOCAL ETHICAL FRAMEWORK DEVELOPMENTS

CONSIDERED –

The report of the Monitoring Officer updating Members regarding proposed changes to the National Standards Regime.

The Chief Executive and Group Leaders remained in the meeting to discuss the possible development of the Standards regime for the County Council.

The report of the Monitoring Officer outlined the background to the changes taking place in respect of the Standards regime and the options that were being proposed for Local Authorities to develop their own. She noted that there would still be a duty on Local Authorities to uphold ethical standards, with a Standards regime in place, supported by a Code of Conduct, together with simple and proportionate arrangements for dealing with any complaints or breaches of that Code.

The Monitoring Officer stated that the Government would be surprised if Councils did not have a Code of Conduct in place, therefore, it was likely that the County Council would adopt a voluntary code and would have an enforcement mechanism in place. Options in relation to that were detailed in Appendix 4 to the report.

The Monitoring Officer stated that the adoption of local procedures would make the Standards regime simpler than at present and much less bureaucratic, however, the principals behind the system would remain the same.

The Monitoring Officer had set out a series of issues for the Committee to discuss in relation to how the County Council should continue the Standards regime once the current legislative framework had been abolished. The issues highlighted were as follows:-

- How should NYCC carry out its statutory duty to promote and maintain high standards of conduct by Members.
- Should NYCC adopt a voluntary Code of Conduct for Members.
- If there should be a Code of Conduct for Members what should the scope of it be.
- If there should be a Code of Conduct for Members how should it be enforced - should NYCC establish a voluntary Standards Committee under the new regime.

The views of the Committee and invited guests were sought.

Members agreed that there should be a Code of Conduct within the County Council and that Members should be required to sign up to that. It was suggested that public

perception required a Code. Members again emphasised the need for a less bureaucratic and more proportional system to be in place taking account of the views of the public and the needs of elected Members. It was suggested that the Standards Committee would not have to meet on such a regular basis, however, it would require a dedicated, experienced group of representatives to determine complaints and any transgressions in terms of the Code of Conduct. It was considered that a simpler Code of Conduct would also assist the process.

Members considered that there was a need to retain an independent view on the Standards Committee, as well as the views of elected Members and, therefore, arrangements for the Committee as at present, in terms of its Constitution, would be appropriate.

A Member referred to the issues that had been raised earlier in the meeting regarding the intervention of the Police in respect of security problems for elected Members and he suggested that these were matters for the Police to deal with and could not be addressed by the Standards Committee. He considered that it was safer to allow people to raise issues, rather than try and prevent them, as this could lead to more extreme action being taken by the public. He considered that many of the detracting "blogs" and comments published in respect of Members were part and parcel of being an elected Member and that freedom of speech should remain. Members agreed with what was said, but suggested that some of these publications went outside the law, in terms of defamation, and should be dealt with accordingly, with mechanisms in place to ensure action was taken. The Chief Executive considered that there were two categories in relation to this, matters for the Police would relate to instances of harassment against Councillors, whereas other matters would be dealt with through the County Council's own procedures. He emphasised that, in the main, people were allowed to comment on issues and Councillors, as long as what they said was reasonable.

The Leader of the Council outlined his personal view in relation to the possible Standards regime for the County Council. He considered that the formal support mechanism for Members was important, as sometimes, when issues arose, they could feel isolated. He considered there was a need to have a Code of Conduct within the County Council and that an Independent Committee, away from the Executive and Scrutiny functions should be in place to over see that. He suggested that the Committee could meet less regularly and could have fewer people on it, but he emphasised the need for such a Committee.

The Chairman summarised the issues that had been raised during the general discussion on conduct within the County Council and the way forward in respect of the Standards regime. He noted that the following issues had been raised:-

- The conduct of Members within the County Council was very good.
- Officer/Member relationships were good.
- There was a need to protect Members and Officers from some aspects of conduct undertaken by members of the public, as had been experienced in recent times.
- It was considered that there should be a Code of Conduct.
- There should be a process/system in place for the Code, much less bureaucratic than the previous system, but still providing reassurance to the public.

- Vexatious/harassment issues should be dealt with within the adopted process.
- The role of Independent Members would require clarification.
- Ultimately it would be the County Council that would decide how the Standards Committee was constituted, and who would be included on that.
- The system would be based around the voluntary Code adopted by the County Council.
- The new Standards regime and process would have to be taken forward through the appropriate County Council channels, for the system to be put in place.

The Leader noted that Scarborough Borough Council had developed a system for dealing more robustly with vexatious complaints, and that was clarified by a Member from that area. It was also noted that the Local Government Ombudsman had a process for dealing with such issues. In both cases a cut off point was indicated as to where no further correspondence would be accepted on the issue. The Monitoring Officer stated that a policy was in place to cut out vexatious complaints, however, the statutory process currently worked to make it difficult for the County Council to not respond to these. She suggested that the new procedure would allow for a better way of addressing these matters to be developed.

The Leader of the Council thanked the Chairman and the Independent Members who were part of the Standards Committee for the work that they carried out in ensuring Standards were high at the County Council.

RESOLVED –

That the issues raised by Members be taken account of in respect of the development of an appropriate and proportionate Standards framework for the Authority in the future and that further details of that framework be submitted to subsequent meetings of the Standards Committee.

89. ANNUAL REPORT OF THE STANDARDS COMMITTEE

CONSIDERED –

The report of the Monitoring Officer presenting Members with the draft Annual Report of the work of the Standards Committee.

She highlighted how the Annual Report was produced to appraise the authority of the work of the Committee, assisting in raising the profile and awareness of the Committee and ethical standards generally. The Annual Report was to be presented to County Council in July 2011.

RESOLVED –

That the draft Annual Report be approved and be presented to the meeting of the North Yorkshire County Council taking place in July 2011.

90. CORPORATE COMPLAINTS AND COMPLIMENTS

CONSIDERED –

The report of the Monitoring Officer presenting Members, for their information, schedules of the corporate compliments and complaints received during Quarter 2 (July to September 2010) and Quarter 3 (October to December 2010).

A Member raised concerns that the report provided would take a great deal of time to produce, but was very much service related, with specific issues identified and considered that it may be more appropriate to provide trends, so as to produce a report that was not as intensive on officer time. The Monitoring Officer reassured the Member that the report was not particularly time consuming to produce as the information was collected as a matter of course, but accepted that it may be more appropriate to highlight exceptional problems and trends, which provided a background to issues within the County Council for the benefit of Members. She suggested that the matter be discussed by her, with Management Board, to determine a way forward.

A Member noted that it was important that the information continued to be collected as it was important to the County Council to have that available to determine how they were performing.

A Member raised concerns regarding the issue outlined in the report relating to the Corporate Director's involvement in a complaints case. The Monitoring Officer explained that the issue had been addressed as, should a Corporate Director respond to a complaint at Stage One, it would require another Corporate Director to respond further, should the complaint carry on to later stages.

RESOLVED –

That the issues highlighted above be addressed by the Monitoring Officer accordingly and the report be noted.

91. MEMBERS' ATTENDANCE AT COMMITTEES

CONSIDERED –

The report of the Assistant Chief Executive (Legal and Democratic Services) outlining the record of the number attendance of Members of the County Council at meetings of the County Council and its Committees for the period 1 April 2010 until 31 March 2011.

It was noted that, previously, the benchmark considered appropriate for attendance had been set by the Committee at 60%.

Members raised concerns regarding the purposefulness of the figures provided and wondered whether it was appropriate for the Committee to consider, out of context, the attendance of Members at meetings, particularly when no explanation of their non-attendance was provided alongside those figures.

An Independent Member of the Committee suggested that the figures would be of interest to the general public, allowing them to determine whether Members had been attending meetings to represent them.

Members raised concerns that if no further action was to be taken in respect of low attendance, there appeared to be little point in reporting that.

The Chairman considered that the figures provided were generally good, were better than in the previous year and did not think that the matter should be taken out of proportion. He considered that, in terms of attendance at meetings, most Members were doing what was expected of them and, where this was not the case, Group Leaders could address that with the Members concerned.

The Monitoring Officer considered the report to be appropriate to be submitted to the Standards Committee. She suggested that providing details of attendance at meetings was appropriate for the County Council to publish and it was likely that that information would appear on the County Council's website alongside remuneration details. She also noted that the information produced was provided alongside other appropriate information about Councillors, therefore, the public were not merely being given the attendance figures alone.

An Independent Member suggested that it was appropriate for the information to be provided as it allowed Councillors to explain why they had not been representing their constituents at certain meetings. She asked what sanctions could be imposed in terms of non-attendance at meetings. In response Members indicated that the ultimate sanction was for the public not to vote for the Councillor at the time of the next election.

RESOLVED –

- (i) That Members comments be noted;
- (ii) That copies of the statistics be circulated to the Leaders of the Political Groups of the County Council.

92. DEVELOPMENTS, COMPLAINTS AND FINDINGS/GUIDANCE FROM THE 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 main developments related to the Localism Bill, the implications of which had been discussed earlier in the meeting.

In terms of complaints received there had been two new complaints in respect of a Member of the Authority potentially having breached the Code since the last meeting of the Committee. Details of the progression of those complaints were provided.

Details were also provided in respect of previous complaints that had been brought to the attention of the Committee. In respect of those she highlighted that:-

- Complaint NYCC/SC07 – The Determination Sub-Committee accepted the Investigating Officer's conclusion that there had been no breach of the Code.
- Complaint NYCC/SC08 – The Determination Sub-Committee found that there had been a breach of paragraphs 10 and 12 of the Code of Conduct and the Sub-Committee imposed a sanction that the Member be censured.
- Complaint NYCC/SC/10 was currently being investigated.

An Independent Member raised concerns that the procedure from the complaint being received to the Determination being provided appeared to be a very long time. In response it was explained that each stage of the procedure had set guidelines and time lines and, in the main, these were adhered to. It was noted that the guidance stated that complaints should take no more than six months to conclude, from start to finish, but mitigating circumstances would allow these to take longer. It was noted that in a number of cases such circumstances had arisen, which required longer investigations to be carried out.

It was emphasised that the bureaucratic nature of the process and the different stages involved led to excessive delays.

RESOLVED –

That the report be noted.

93. STANDARDS BULLETIN

CONSIDERED –

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

Members were asked for comments on the draft Bulletin before it was finalised and sent to Members of the County Council.

An Independent Member suggested that a headline should be placed within the Bulletin emphasising that the current Standards regime was still in place, until the Localism Bill became an Act of Parliament. In response it was stated that that issue would be highlighted within the Bulletin.

RESOLVED –

That, subject to the alteration highlighted above, the Bulletin be circulated to Authority Members and senior officers.

94. STANDARDS TRAINING PLAN 2011/12

CONSIDERED –

The report of the Monitoring Officer reviewing the Standards Committee's Standards Training Plan for 2011/12.

An updated training plan was attached as an Appendix to the report for Members information. Due to the current uncertainty regarding the Standards regime no further training for Members was planned until the proposals for any new Standards regime for the Authority became clearer. A training plan had been amended on that basis.

RESOLVED –

That the Training Plan as detailed be noted.

95. WORK PROGRAMME 2011

CONSIDERED –

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

Details of the Work Programme for the Standards Committee was attached as an Appendix to the report.

It was noted that the current Work Programme was being kept light so that work arising due to the changes in the Standards regime could be accommodated over the year. Members asked whether there would be a need to hold the meeting scheduled for 1 August 2011 if there had been no developments in respect of the Localism Bill by then. In response the Monitoring Officer stated that she would review that matter nearer the time.

RESOLVED –

That the Standards Committee's Work Programme for 2011 be noted.

The meeting concluded at 11.30.

SL/ALJ