

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Minutes of the meeting held on 16 January 2012 at 10.30 am at County Hall, Northallerton.

PRESENT:-

Mr Henry Cronin (Chairman).

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

Independent Members: Hilary Bainbridge and Hilary Gilbertson.

APOLOGIES FOR ABSENCE:-

Apologies for absence were received from County Councillor David Jeffels and Dr Janet Holt.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

It was noted that Dr Janet Holt's details on the membership page showed that she had been appointed to 2011, whereas, at an earlier meeting, she had been re-appointed to serve on the Committee until 2013. The error was acknowledged and it was stated that the Constitution page would be changed accordingly.

107. MINUTES

RESOLVED –

That the Minutes of the meeting held on 28 November 2011, having been printed and circulated, be taken as read and be signed by the Chairman as a correct record, subject to a spelling correction, to read "bureaucratic", within the fourth paragraph of the preamble to Minute 100.

108. PUBLIC QUESTIONS OR STATEMENTS

There were no questions or statements from members of the public.

109. LOCAL ETHICAL FRAMEWORK DEVELOPMENTS - THE LOCALISM ACT 2011

CONSIDERED –

The report of the Monitoring Officer providing an update regarding proposed changes to the national standards regime arising out of the Localism Act 2011 and seeking the Committee's views on appropriate arrangements for the Authority's future local standards framework. The latest information from the Government was that the date for implementation of the changes to the standards regime would be 1 July 2012.

Views expressed during the Committee's debate included the following:-

- County Councillor Geoff Webber suggested that a protocol should be adopted which specified that any Standards Committee under the new local standards regime must be chaired by a Member from other than the ruling Group so that the public could see that the Committee was operating outside the ruling Administration. Various other suggestions were put forward by other Members, which included the following:- The Chairman should be appointed on the basis of the best person for the job rather than by political Group; the Chairman should be an independent person, although it was recognised that this might be difficult because, under the current proposals, an independent person could not vote, and, if appointed Chairman, could not therefore exercise a second or casting vote.
- It was suggested that an independent person should chair any complaints panel as this would provide confidence to the public. An alternative suggestion was put forward was that such a panel should be chaired by a Member from a different Group to the Member who was the subject of the complaint. A further suggestion was that such a panel should not include any Councillors from the same Group as the Member who was the subject of the complaint.
- Hilary Bainbridge urged caution that the new system did not become too political which might result in allegations of Members defending other Members of the same Group or being vindictive against Members from other Groups.

With regard to the above comments, the Monitoring Officer undertook to bring forward an Options Paper and operational protocols. She also advised that she would wish to see the new process, which had yet to be determined, endorsed within the County Council's Constitution.

With regard to remuneration for the independent persons, the Monitoring Officer withdrew the recommendation within the report and advised that she wished to report to a future meeting on this issue.

With regard to the selection of Members to comprise a panel to interview appropriate independent person candidates, the Monitoring Officer withdrew the recommendation within the report and advised that this would be submitted to a future meeting of the Committee.

The Committee was also requested to convene an additional meeting at which further recommendations could be considered for submission to the meeting of the full County Council on 14 May 2012. Monday 23 April 2012 at 2pm for the Committee's meeting was agreed.

RESOLVED –

(i) THAT IT BE A RECOMMENDATION TO FULL COUNCIL THAT –

- (a) the Authority's duty to promote and maintain high standards of conduct be discharged as set out in section 5 of the report and from time to time in such other ways as the Monitoring Officer, in consultation with any Standards Committee established by the Authority, may deem appropriate;
- (b) a non-statutory Standards Committee be appointed and that further work be undertaken by the Monitoring Officer in consultation with the

- Standards Committee regarding an appropriate composition and appropriate terms of reference for the new Committee to be approved by full Council;
- (c) the Authority publicise its adoption/revision of the Code on the Authority's website and Intranet and in any other ways the Standards Committee deems appropriate;
 - (d) all functions in respect of the publication of Standards Committee independent person vacancies be delegated to the Standards Committee and that the Committee then delegates such functions to the Monitoring Officer in consultation with the Chair of the Committee;
 - (e) the power to assist in the recruitment of Standards Committee independent persons (but not to approve individual appointments) be delegated to the Standards Committee;
 - (f) the Monitoring Officer advertise vacancies for the appointment of three Independent Persons;
 - (g) the Monitoring Officer be designated as Proper Officer to receive written requests for a dispensation by Members and co-opted Members; and
 - (h) the power to grant dispensations to Members and co-opted Members be delegated to the Standards Committee, after consultation with the Independent Person.
- (ii) That the following matters be incorporated into the new/revised Code to be submitted to a future meeting for the Committee's consideration:-
- (a) Paragraphs 3 to 7 of the existing Code of Conduct which cover the following:-
 - treat others with respect.
 - comply with equality and discrimination laws.
 - no bullying (anyone).
 - no intimidation (those involved in a complaint).
 - not compromising officers' impartiality.
 - not disclosing confidential information (except where permitted).
 - not bringing office/authority into disrepute.
 - not using (or attempting to use) position improperly to confer an advantage/disadvantage.
 - using Authority resources for proper purposes.
 - have regard to CFO and MO advice.
 - (b) The General Principles as listed in the Annex to the existing Code of Conduct.
 - (c) A requirement for Members to sign an undertaking to comply with the Code of Conduct and agree to be bound by it, to be completed as part of the Acceptance of Office.
 - (d) A requirement for Members to keep their registration of interests updated, in particular in response to annual reviews of Members' registrations or following reminders issued within Standards Bulletins.

- (iii) That the Monitoring Officer, within the further proposals she drafts, include provision in the Council Procedure Rules requiring Members to withdraw from the meeting room where they have a disclosable pecuniary interest.
- (iv) That the Monitoring Officer, within the further proposals she drafts, include three independent persons and that they be non-voting co-opted members on the new Standards Committee.
- (v) That, subject to recommendations (d) and (e) of part (i) of this Resolution being approved by the Authority, the independent person vacancies be published on the Council's website (and publicised in any other ways the Monitoring Officer and Chair of the Committee deem suitable), and that the Chairman of the Standards Committee with the Monitoring Officer undertake short-listing of applicants.
- (vi) That the Monitoring Officer report back to the Committee regarding the following:-
 - (a) with a first draft of a new/revised Members' Code of Conduct, which can be expanded as and when the relevant Regulations are available;
 - (b) with a draft composition and terms of reference for the new Standards Committee to be approved by full Council;
 - (c) with draft arrangements for a new Register of Members' Interests;
 - (d) with draft arrangements for a new local standards regime;
 - (e) with draft arrangements and a draft timescale for the appointment and role of Standards Committee independent persons;
 - (f) whether the same remuneration should be paid to the independent persons as is currently paid to the Standards Committee independent Members; and
 - (g) asking the Committee to determine which of its Members should comprise a panel to interview appropriate independent person candidates and report back to the Standards Committee with a recommended candidate for appointment by full Council.
- (vii) That a meeting of the Committee be convened for Monday 23 April 2012 at 2pm at County Hall at which further recommendations can be considered for submission to the meeting of the full County Council on 14 May 2012.

110. REQUESTS FOR DISPENSATIONS

Note: County Councillor Peter Pople had previously left the meeting prior to consideration of this item of business.

CONSIDERED –

The report of the Monitoring Officer presenting, for the Committee's consideration, requests for dispensations from dual-hatted Members of the Yorkshire Coast and Moors County Area Committee to enable them to speak, vote and be included within the quorum at meetings of that Committee when it was determining issues pertinent to the County Council in respect of the implementation and/or review of off-street car park and permit charges and the structure for issuing permits by Scarborough Borough Council.

It was reported orally that dispensation requests had been received from County Councillors John Blackburn, Mike Cockerill, Janet Jefferson, Jane Kenyon, Pat Marsburg, Penny Marsden, Joe Plant, Peter Popple and Herbert Tindall.

RESOLVED –

That dispensations be granted, for the period ending on the date of the local government elections in 2013, to the following nine dual-hatted County Council Members of the Yorkshire Coast and Moors County Area Committee to enable them to speak, vote and be included within the quorum at meetings of the Yorkshire Coast and Moors County Area Committee when the Committee is determining issues pertinent to the County Council in respect of the implementation and/or review of off-street car park and permit charges and the structure for issuing permits by Scarborough Borough Council:-

County Councillor John Blackburn
County Councillor Mike Cockerill
County Councillor Janet Jefferson
County Councillor Jane Kenyon
County Councillor Pat Marsburg
County Councillor Penny Marsden
County Councillor Joe Plant
County Councillor Peter Popple
County Councillor Herbert Tindall

The meeting concluded at 11.40 am.

RAG/ALJ