

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on 15 October 2013 at 10.00 am at County Hall, Northallerton.

Present:-

County Councillors Andrew Goss, Helen Grant, David Jeffels, Caroline Patmore and Peter Sowray.

Independent Persons: Mrs Hilary Gilbertson MBE and Mrs Louise Holroyd.

1. Appointment of Chairman

Resolved –

That County Councillor Caroline Patmore be appointed Chairman of the Standards Committee for the full term of the County Council, until the County Council elections scheduled for May 2017.

County Councillor Caroline Patmore in the Chair

Copies of all documents considered are in the Minute Book

2. Minutes

Resolved –

That the minutes of the meeting held on 11 February 2013, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

Arising from Minute Number 14 – Members Attendance Monitoring, the Chairman noted that Group Secretaries were to be kept informed of Members attendance details, through an informal process and she wondered whether this had been adhered to. The Monitoring Officer stated that the process had not been implemented as yet, however, details of Member attendance would be required shortly for the purposes of the Remuneration Panel and the process could be implemented at that stage. The Chairman considered it important to follow this matter through and would particularly like to see the monitoring of Members arriving late at, and leaving early from, meetings.

3. Appointment of Vice-Chairman

Resolved –

That County Councillor David Jeffels be appointed Vice Chairman of the Standards Committee for the full term of the County Council, until the County Council elections scheduled for May 2017.

4. Public Questions or Statements

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

5. Corporate Complaints and Compliments – Annual Report 2012/2013

Considered –

The report of the Monitoring Officer providing Members with details of the Council's Annual Report 2012/2013 regarding Corporate Complaints and Compliments, covering the adult social care, children's social care and corporate procedures.

Danni Reeves, the Corporate Complaints Co-ordinator, presented the report, highlighting the following:-

- A summary of the key figures detailed within the report.
- In comparison to 2011/12, complaints were up and compliments were down.
- It was noted that a new corporate system for monitoring and logging complaints had been introduced and it was suggested that the more efficient system had probably raised the number of complaints in comparison to last year.
- It was noted that, similarly, the way in which compliments were recorded had changed and a simple "thank you" for doing a good job was no longer recognised officially as such.
- The new system allowed for more analysis to be developed in terms of complaints and compliments received, allowing a better response to be developed, particularly in relation to complaints.

Following the initial presentation of the report the following issues were discussed:-

- Clarification was provided in respect of how requests for service were differentiated from complaints. It was noted that when a request for service had not been acted upon this could then become a complaint, however, there was a protocol to follow in relation to that.
- Members congratulated staff on obtaining the large number of compliments despite the system having changed to eliminate a number of these and considered that the performance of staff was encouraging when so many compliments were being received despite the current situation in terms of financial constraints.

Resolved –

That the report be noted.

6. Exclusion of the Public and Press

Resolved –

That the public and press be excluded from consideration of the following item – Vexatious Complaints – as this would involve the likely disclosure of exempt information as defined by paragraphs 1 and 2, as specified in column 2, of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

7. Vexatious Complaints/Unreasonably Persistent Complainants

Considered –

The report of the Monitoring Officer requesting the Committee to consider the handling of complaints from a member of the public who had, for a period of time, submitted a succession of complaints and Freedom of Information requests which had absorbed a significant amount of resource. The report summarised the events that had occurred and the various frameworks and guidance that were relevant to the handling of complaints and Freedom of Information requests and sought the Committee's views on the next stages in the handling of those matters.

It was noted that given the nature of the report it had been necessary to include information and appendices which were of a sensitive nature and comprised of personal data. The Minutes produced in relation to this matter reflect the sensitive nature of the information provided.

In view of the extent of involvement that had been required of officers, various files relating to the matters raised by the complainant were made available for members' consideration during the meeting.

The report set out the role of the Standards Committee in handling unreasonably persistent and/or vexatious complaints and details of the protocol, in relation to that, were provided in an appendix to the report.

Details of the Council's Policy on unreasonably persistent complainants were also appended to the report as were details of guidance from the Information Commissioner on vexatious Freedom of Information requests.

Details of the numerous complaints and requests for information from the complainant were provided for Members information.

The report went on to provide details of how to consider whether a complainant was unreasonably persistent in accordance with the Council's Policy, how the current matter which was the subject of the report accorded with the Council's Policy, how the Freedom of Information requests correlated with what was considered to be vexatious in relation to the appropriate guidance, how potentially vexatious requests could be identified and what action could be considered as a response to the matters outlined.

Members outlined the following in respect of the report:-

- The large amount of officer time and finance required to investigate the complaints and requests for information were noted.
- Clarification was provided in respect of the difference between burdensome and vexatious complaints.
- It was noted that each complaint and request had been considered individually and that guidance from the Information Commissioner

suggested that where undue time and resources were required in investigating matters which were unduly burdensome then the Authority was able to refuse to undertake any further consideration of such matters.

- Members welcomed the professional approach undertaken by the County Council's officers in responding to the issues highlighted.

Resolved –

- (i) That the matter be the subject of a further report to the Committee as soon as possible;
- (ii) That the Chairman and Independent Persons, in liaison with appropriate officers, give further consideration as to whether the complainant should be advised that this matter was to be the subject of a further report to the Committee and invited to attend;
- (iii) That the authority to determine a process for consideration of the matter, in consultation with the Chairman of the Committee and Independent Persons, be delegated to the Monitoring Officer or, in her absence, the Chief Executive;
- (iv) That approval be given to appending the updated version of the ISO guidance referred to in paragraph 2.6 of the report, to the Standards Committee protocol;
- (v) That any further action considered appropriate in relation to this matter be discussed with the Chairman of the Committee and the Independent Persons and be included in a subsequent report to a meeting of the Committee.

8. Local Ethical Framework Issues

Considered –

The report of the Monitoring Officer highlighting the following:-

- Briefing Members on new ethical framework issues;
- Seeking authority from the Committee to recommend to full Council the amendment of the Code of Conduct regarding registration requirements and to recommend the making of a consequent change to the current form for registering Members interests at the County Council, so that Members could treat trade union membership as a personal, non-pecuniary interest, as required under new DCLG guidance, and for the Monitoring Officer to contact all Members of the County Council asking them to register such interests;
- Seeking the views of the Committee on whether and how the illustrative text for a Code which accompanied the letter from the DCLG might be used at this Council;
- Seeking the views of the Committee on whether, and, if so, when Registers Of Interest relating to former Members of the County Council, who were no longer County Councillors, should be disposed of;

- Seeking the views of the Committee on whether it would be appropriate and beneficial to provide specific advice to County Councillors who were also Members of a District Council, about claims for and receipt of allowances from more than one Council, or other public body;
- Seeking the views of the Committee on whether any changes to the current County Council Code of Conduct would be appropriate and beneficial;
- Seeking the Committee's agreement to administrative revisions to the Jurisdiction and Assessment Criteria.

The Monitoring Officer reported on recent guidance on interests received from the Department for Communities and Local Government stating that Councillors should treat trade union membership as a personal, non-pecuniary interest which should be registered and declared. This required a change to the Code of Conduct for the County Council as that currently only required registration of statutory disclosable pecuniary interest and made no provision for interests other than disclosable pecuniary interests. This was reflected in the current form for registering Members interests. It was noted that the matter required the approval of full Council. Details of the guidance and an illustration of the revised text for the Code were appended to the report. It was noted that all Members of the County Council had been advised of this matter and that this would be submitted for consideration to the next full County Council meeting.

In respect of the illustrative text for a Code submitted to the County Council by the DCLG it was considered that the County Council's current Code, subject to the addition of the matter relating to trade union membership, was appropriate and reflected the suggestions of the DCLG fully.

In relation to the issue of the holding of the Registers of Interests relating to former Members of the Council who were no longer County Councillors and whether that information should be held, and, if so, for how long, Members suggested that it would be appropriate for those details to be kept by the County Council for a full Council term, following the Councils departure, ie, four years.

It was noted that the DCLG had now clarified that no dispensation was required in respect of issues relating to the setting of the Council Tax as they had defined that any payment of, or liability to pay, Council Tax did not create a disclosable pecuniary interest as defined in the national rules. This accorded with the pragmatic view taken so far by the Council.

In terms of issues that had come to light relating to "dual hatted" members in respect of their allowances from more than one local authority, the views of the Committee were sought on whether it was felt appropriate and beneficial to provide specific advice to Members affected. In response Members contested the fact that these expenses had been "claimed" as many were paid as part of the allowance scheme and it was suggested that any advice should relate to that. In response the Monitoring Officer stated that it would probably be beneficial to re-visit the guidance to Members in relation to expenses and make the position clearer for "dual hatted" Members in respect of the allowances that they received. The Independent Persons considered it appropriate to ensure that the position was as open and transparent as possible.

The views of all County Councillors had been sought on the current Code of Conduct for Members and at the time of the meeting only two Members had expressed a view with neither raising any concerns. It was noted that some neighbouring District

Councils required membership of public bodies to be registered within their Code of Conduct and it was wondered whether Members considered that the County Council's Code should be extended to take account of this. Members suggested that they were satisfied with the current Code of Conduct for Members of the County Council and, subject to the inclusion of the membership of trade unions, as indicated earlier in the meeting, were satisfied with the current Code.

Details of the revised jurisdiction and assessment criteria were appended to the report and presented to the Committee for formal adoption. The document had been amended to reflect the new regime arrangements previously agreed by the County Council in terms of the Monitoring Officer and Independent Persons roles in the assessment of complaints.

The Monitoring Officer noted that the Committee had previously approved the protocol on vexatiousness, but this had not been referred to the County Council for their approval. She stated that she would provide a brief report to the next meeting of the full County Council, allowing them to consider and adopt the protocol on vexatiousness.

A Member queried the political constitution of the Standards Committee. It was noted that agreement had been received to the current membership from all the political groups and this related to the constitution of all Committees throughout the County Council. Members were satisfied that the political constitution of the Committee was satisfactory.

Resolved –

- (i) That the content of the report be noted;
- (ii) That approval to change the current Code of Conduct and form for registering Members interests at the County Council, allowing Members to treat trade union membership as a personal, non-pecuniary interest, as required under new guidance, and to authorise the Monitoring Officer to contact all Members of the Council asking them to register such interests, where these are held, be recommended to the County Council for approval;
- (iii) That the current Code of Conduct in place for Members of North Yorkshire County Council, continue as at present, subject to the addition of issues relating to Members membership of trade unions, as detailed above;
- (iv) That, in light of the recent DCLG guidance, the registers of interests relating to former Members of the County Council, who were no longer County Councillors, should be retained for a four year period (the full term of a County Council) following them no longer being a County Councillor;
- (v) That further consideration be given to re-enhancing the advice given to County Councillors, who were also Members of a District Council, about allowances they received from more than one Council, or other public body, with a view to assisting them in avoiding any duplication of allowance obtained and in ensuring that the allowances scheme was open and transparent;
- (vi) That the jurisdiction and assessment criteria document, as detailed in the report, be adopted;
- (vii) That the protocol on vexatiousness, previously approved at an earlier meeting of the Standards Committee, be submitted to the next meeting of the County Council for formal approval.

9. Complaints Update

Considered –

The report of the Monitoring Officer informing Members of ethical framework complaints received about Members of the Council since the previous report in February, 2013;

Seeking the views of the Committee on whether, in the light of experience, it would be appropriate to make changes to the timescales set out in the arrangements for dealing with allegations of breach of the Members' Code of Conduct; and

Seeking the views of the Committee on whether it would be appropriate to provide the complainant with any information provided by the Member who was the subject of the complaint.

The report outlined the five further complaints regarding the possible breach of the Authority's Members' Code of Conduct since those reported to the Committee's previous meeting. Updates were also provided on complaints NYCC/SC/28 and NYCC/SC/29.

The Monitoring Officer explained that the arrangements for dealing with allegations of breaches of the Members Code of Conduct gave timescales for the investigation of complaints and experience of handling these, together with all other workload issues, indicated that the timescales were often unachievable. The Committee were asked, therefore, to consider whether it would be appropriate to amend these.

It was also noted, during a recent complaint, that a complainant asked the Monitoring Officer to provide a copy of the information provided by the Member who was the subject of the complaint. The Committee were asked to consider whether there would be any benefit in the complainant being provided with information from the subject Member, or whether that was felt to be inappropriate. In relation to this, Members of the Committee and the Independent Persons considered that giving the complainant details provided by the Member may result in Members being less forthcoming in the details that they were willing to impart in response to the investigation. It was also considered that the provision of that information to the complainant could lead to it being used inappropriately as the County Council could not control how that was used subsequently.

Resolved –

- (i) That the current position on complaints received be noted;
- (ii) That the following alterations be made to the timescales in relation to the arrangements for dealing with allegations of the breach of the Members' Code of Conduct:-

5 – Assessment for investigation or other action – the assessment will take place where possible within 20 working days of receipt of the complaint or as soon as possible thereafter.

7 – Investigation – if the Monitoring Officer concludes that a matter merits investigation, the complainant will be invited to submit all information they wish to submit in support of their allegation within ten working days of request.

Once the information is received it will be sent to the Member who is subject to the complaint, who would also be invited to submit all information they wished to be considered in response within ten working days.

12 – What happens at the end of the hearing? – The Monitoring Officer will prepare a decision notice which will be given to the subject Member and the complainant within ten working days.

- (iii) That, in respect of a complaint against a Member it would not be appropriate to provide the complainant with any information provided by the Member who is the subject of the complaint, and that the process should continue as at present.

10. Committee on Standards in Public Life – Annual Report 2012/13

Considered –

The report of the Monitoring Officer outlining those parts of the Annual Report of the Committee on Standards in Public Life which had a particular bearing on standards in local government.

The main issues raised within the report included:-

- Behaviour within public life was important to the public.
- Levels of public trust were low.
- The levels of trust of the public had not been altered significantly by the implementation of the ethical framework.
- It was important that the leadership within local councils embraced high ethical standards.
- There were still some concerns in respect of the New Ethical Framework following the publication of the Localism Act 2011.
- There was a need to ensure that high ethical standards were maintained through the procurement process adopted by local authorities.

Resolved –

That the annual report of the Committee on Standards in Public Life relating to local government, including the particular emphasis placed on leadership responsibilities in respect of ethical standards, be noted.

11. Standards Bulletin

Considered –

The report of the Monitoring Officer presenting a draft of the latest edition of the Standards Bulletin for consideration and possible amendment, before this was circulated to Members of the Authority.

A Member noted that in previous editions reports were provided on issues involving other local authorities and it was considered that these had been particularly useful.

In response it was noted that these details were provided on the website of Standards for England and when that body had ceased, the details were no longer available, unless officers were to trawl through the websites of all local authorities. Members suggested that this would not be resource effective and, therefore, accepted that these would no longer be a part of the Bulletin.

It was noted that the Bulletin would be circulated on-line to Members as soon as agreement was provided.

Resolved –

That the Bulletin be updated as necessary to provide details of the outcome of today's meeting and then circulated to Members of the Authority.

The meeting concluded at 11.45 am.

SL/ALJ