

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on Friday 19 September 2014 at 10 am at County Hall, Northallerton.

Present:-

County Councillors Caroline Patmore (Chairman), Andrew Goss, Helen Grant and Peter Sowray.

Apologies were received from County Councillor David Jeffels and Independent Persons Hilary Gilbertson MBE and Louise Holroyd.

Copies of all documents considered are in the Minute Book

18. Minutes

Resolved –

That the minutes of the meeting held on 16 December 2013, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

19. Public Questions or Statements

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

20. Local Ethical Framework Developments

Considered -

The report of the Monitoring Officer updating Members on the development of the ethical framework under the Localism Act 2011.

The report provided details of work carried out by the Committee on Standards in Public Life including a report published in March 2014 entitled "Public Perceptions of Standards in Public Life in the UK and Europe" which was provided as an Appendix to the report. Also attached were the Committee's reports on "Ethical Standards for Providers of Public Services" and, "Ethics in Practice: Promoting Ethical Conduct in Public Life".

The Monitoring Officer provided highlights of those reports and the following issues and points were raised in the discussion that followed:-

- ◆ Ethical standards continued to be taken very seriously at North Yorkshire County Council and Members should not be deterred from pursuing those high levels of standards.
- ◆ There remained a low level of perception of high standards amongst the general public, both in the UK and Europe, in respect of ethical standards

amongst public servants, despite efforts that had been made to alter those perceptions and to make those standards much higher.

- ◆ The issue of the funding of political parties, the public perception around that and the possible state funding of parties, rather than personal donations or group donations, was discussed.
- ◆ The report indicated that there was quite a high level of satisfaction with the democratic process in the UK and Europe, despite the issues around the perception of ethical standards.
- ◆ In view of the report, there was obviously still a great deal of work to be undertaken by the Standards Committee in changing the perception amongst the public of the ethical standards of those in public office and a robust communications strategy was essential in reflecting that to the public.
- ◆ It was noted that North Yorkshire County Council had a relatively small number of complaints against Councillors since the ethical framework had been introduced, and that had reduced further over the previous year, which reflected the good work undertaken by the Standards Committee.
- ◆ Members considered that it was important that the Standards Committee kept a high profile to counter the perception in terms of ethical standards within the County Council.
- ◆ There was also a need to ensure that the high levels of ethical standards demanded of County Councillors were embedded into contractual relationships with both public and private partner organisations.
- ◆ Work was required around the value for money provided by Councillors in terms of work undertaken against allowances/expenses provided.

Resolved -

- (i) That the contents of the report be noted.
- (ii) That the Committee continue to keep a high profile, through the implementation of a robust communications strategy, in an effort to allay the perceptions portrayed within the reports published by the Committee on Standards in Public Life.

21. Annual Report of Standards Committee

Considered -

The report of the Monitoring Officer seeking Members' views on whether to re-introduce the publication of an annual report by the Standards Committee. The report provided details of how this had been undertaken previously.

The Monitoring Officer noted that during recent discussions with North Yorkshire Fire and Rescue Authority it had been decided that an annual report for the Standards Sub-Committee relating to that organisation would be re-introduced, however, this would be much smaller than previously and he sought the views of Members as to whether the County Council would wish to provide a publication in a similar manner.

Members agreed that a 'light touch' annual report should be produced by the Committee and that it should be as brief as possible. It was also suggested that this

should promote the role of Councillors, with a view to changing public perceptions, as discussed earlier in the meeting.

Resolved -

That the Committee consider it appropriate to present an annual report regarding the work of the Committee to full Council in future in line with the format outlined above.

22. Complaints Procedure

Considered -

The report of the Monitoring Officer presenting to the Committee, for consideration and recommendation to full Council for approval, proposed amendments to the Standards Arrangements arising out of the Council approval of the Standards Committee protocol for dealing with Unreasonably persistent/vexatious Complainants.

An Appendix was attached to the report setting out the agreed arrangements for dealing with allegations of the breach of Members' Code of Conduct and proposed amendments to reference the Protocol for dealing with Unreasonably persistent/vexatious Complainants and to update details of the Monitoring Officer.

In discussing the report details of how persistent/vexatious complaints were determined, were outlined. The Monitoring Officer provided details of the process involved in both recognising and dealing with such complaints. It was noted that the ICO also provided guidelines in relation to how persistent/vexatious complaints could be determined and dealt with.

Members referred to the drain on resources that could be caused.

Resolved -

That the proposed amendments to the arrangements for dealing with allegations of a breach of the Members' Code of Conduct as set out in Appendix 1 to the report be recommended to full Council for approval.

23. Gifts and Hospitality Protocol for Employees

Considered -

The report of the Monitoring Officer seeking Members' approval of suggested amendments to the Employees' Gifts and Hospitality Protocol.

Details of the current Protocol and a copy of the current registration form were appended to the report.

The Monitoring Officer explained that he was seeking Members' views on the introduction of a threshold level of £25 or more for the registration of officers' gifts and hospitality enabling officers to accept de minimis and lower value gifts and hospitality without having to register the offer and receipt. Should Members be mindful to introduce such a threshold then this would also require a change to the Standards of Conduct Procedure for Officers. This, in turn, would require wider consultation within the Council.

Also included within the Appendix to the report were suggested amendments to update the Monitoring Officer details within the Protocol.

The following issues were raised during discussion of the report:-

- ◆ Time and money would be saved in reducing declarations required for very small offers of gifts and hospitality.
- ◆ Safeguards would still be in place to avoid officers being compromised in terms of accepting gifts and hospitality, by the procedure set out in the Protocol.
- ◆ The consultation on this matter, should Members be minded to agree it, would take place fairly quickly and would be returned to the Committee for a final decision to be made. Members considered the £25 threshold to be appropriate.
- ◆ It was noted that the matter would be discussed with the Trade Unions as part of the consultation process.

Resolved -

- (i) That the draft amendments to the Gifts and Hospitality Protocol for Employees as set out in Appendix 1 to the report, be approved.
- (ii) That the introduction of a threshold value of £25 or more for officers' gifts and hospitality registration was considered to be helpful and should be sent out for consultation before returning to the Committee for a final decision.

24. Complaints Update

Considered -

The report of the Monitoring Officer providing Members with an update in respect of ethical framework complaint activity since the Committee's last meetings in October and December 2013.

The Monitoring Officer provided details of the new complaints received within that period, the context behind those complaints and how they had been addressed following consultation between the Monitoring Officer and one of the Independent Persons for Standards, who took turns to assist the Monitoring Officer with the consideration of the complaints. The Monitoring Officer noted that none of the complaints had been upheld, however, some minor action relating to letters of apology, etc had resulted from the complaints received, in some of the cases.

Members discussed the report and the following points were raised:-

- ◆ It was noted that the complaints outlined related to different County Councillors.
- ◆ Members suggested that further details were required in future reports relating to whether the complaint outlined related to the same Member on more than one occasion and whether a County Councillor had received more than one complaint about their conduct. The Chairman suggested that an additional part of the process should be added which involved contact between the Chairman and the Monitoring Officer when this was considered warranted in respect of large numbers of complaints against a particular Councillor, a specific complaint relating to one Councillor registered by more than one complainant and an unusually large number of complaints generally.

- ◆ It was clarified that non-compliance with issues relating to the registration and declaration of interests was now a criminal offence and may be reported to the Police.
- ◆ A further update was provided in relation to the handling of complaints that had been deemed to be unreasonably persistent and/or vexatious. It was noted that the Chairman and Independent Members of the Standards Committee had met with a number of the complainants to allow them to air their views on the issues they were raising. As a result, the level of persistent and/or vexatious complaints from those people had decreased. It was emphasised that this showed that there was a role for the Standards Committee to play in such matters.
- ◆ A discussion took place on how unreasonably persistent and/or vexatious complaints were dealt with under Freedom of Information legislation. The Monitoring Officer noted that a person could not, per se, be deemed to be a unreasonably persistent and/or vexatious complainant, however, complaints on the same matter, by the same complainant, could be categorised in this way. It was noted that complaints from the same individual on different matters would all be investigated accordingly.
- ◆ The need to avoid the perception that the Independent Persons were working in tandem with the Standards Committee on complaints was emphasised by Members, as that could give the wrong message to complainants. The Monitoring Officer emphasised that, where possible, the complaints were dealt with by alternating the Independent Members, so as not to build up this perception. It was also stated that if there was a perception that the Council's Independent Persons had dealt with matters previously, and may be perceived to be unable to form an independent viewpoint, then the development of reciprocal arrangements with the Independent Persons from neighbouring authorities could be something to be explored, with the County Council's Independent Persons reciprocating the arrangement when required. The Committee suggested that this would be appropriate in such cases and that the arrangements should be put in place for this to be developed.

Resolved -

- (i) That the current position on complaints received and the update on unreasonably persistent complainants be noted;
- (ii) That consideration be given to developing an additional part of the process in response to complaints whereby the Monitoring Officer would contact the Chairman of the Committee where a larger number of complaints than usual had been submitted in respect of a particular individual County Councillor, there was a specific complaint relating to one Councillor registered by more than one complainant or there had been generally a larger number of complaints than usual; and
- (iii) That consideration be given to the development of arrangements with neighbouring authorities in relation to the use of Independent Persons in complaint handling where it could be perceived that the Independent Persons had previously been involved in these cases with reciprocal arrangements being provided by the County Council's Independent Persons to other neighbouring authorities.

25. Standards Bulletin

Considered -

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

The Chairman noted that the Bulletin had not been circulated for a while and asked for Members' views on the format of this and how, and to who, it was circulated.

A copy of the draft of the Bulletin was appended to the report.

Members stated that they were satisfied with the format of the document and suggested that this should be emailed around County Councillors and senior officers, with links included, as now, to the various websites that the articles related to. It was noted that the Bulletin was circulated twice per year, following the meetings of the Standards Committee, and Members considered that to be appropriate.

Resolved -

That, taking account of the comments made by Members, the Bulletin be circulated accordingly.

The meeting concluded at 11.25 am.

SL/JR