

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on Monday 21 September 2015 at 10.00am at County Hall, Northallerton.

Present:-

County Councillors Caroline Patmore (Chairman), Andrew Goss, Helen Grant and Peter Sowray; together with Independent Persons Hilary Gilbertson MBE and Louise Holroyd.

Apologies were received from County Councillor David Jeffels.

Copies of all documents considered are in the Minute Book

County Councillor Andrew Goss declared a non-disclosable, non-pecuniary interest in relation to the item on dispensations in respect of him being a Member of Harrogate Area Committee at which the issue had previously been discussed.

32. Minutes

Resolved –

That the minutes of the meeting held on 20 March 2015, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

33. Public Questions or Statements

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

34. Local Ethical Framework Developments

Considered -

The report of the Monitoring Officer updating Members of the development of the Ethical Framework under the Localism Act 2011.

The report provided details of the Committee on Standards in Public Life (CSPL) Annual Report 2015-2015 and their Business Plan for 2015-2016. A full copy of the reports was appended to the covering report and key highlights were set out in section 3.4 of the covering report.

Members discussed the contents of the reports with the Monitoring Officer and the following issues and points were raised:-

- ◆ The research within the Annual Report showed a continuing downward trend in public attitudes towards the standards of public office holders and it was suggested that previous high profile cases were responsible for damaging the view of the public, towards public figures, with many seeing all public figures in the same light. Members considered that the negative media coverage played a big part in the perceptions of the public in respect of this issue. It

was also suggested that austere times also coloured the view of the public in relation to public services. It was noted that the details provided related to the national position and that no local details were available.

- ◆ It was suggested that there was a need for the promotion of how well North Yorkshire County Council behaved ethically, as was indicated by local perceptions, to balance the view of the perception of public figures nationally.
- ◆ An Independent Person noted that a Council was looking to strengthen arrangements whereby should the local councillors' conduct fall below expectations a petition calling for a by-election could be triggered and she queried the legality of that. In response the Monitoring Officer noted that this would merely trigger a petition calling for a by-election, but could not force that to take place, however, the public perception of someone being requested to undertake a by-election due to their conduct should cause enough embarrassment to that councillor to ensure they would consider their position. It was noted that there was no legality in imposing this, however, it could act as a suitable deterrent to those local elected members in terms of their standards of conduct. Members emphasised that care would have to be taken with such a procedure as petitions could sometimes be written anonymously and appropriate checks would have to be in place to ensure that the petition was not being created vindictively.
- ◆ Concern was raised in respect of Parish Councils now having to publish their accounts on-line, as it was considered that a great number of problems could be caused to these bodies by a few over-zealous individuals. It was noted that Freedom of Information requests could also be made to Parish Councils and Members emphasised that a great deal of additional work could be required of these bodies, for no specific gain to the public, which in turn would be detrimental to the local communities because of time having to be spent in finding those details. The Monitoring Officer noted that the County Council did not have a great deal of influence over Parish Councils, but did recognise the issues outlined by Members and acknowledged the difficulties caused by these arrangements.
- ◆ It was clarified that formal, publicly-open meetings of public bodies could now be filmed or recorded by members of the public, following recent legislation. It was noted that informal meetings were not covered by this legislation.
- ◆ The importance of good standards and open frameworks in the governance arrangements for any new devolved authorities were emphasised. The Monitoring Officer stated that this would be a further level of democracy which would see the creation of a new type of authority with its own code of conduct and standards' regime.

Proposed Meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons

It was noted that arrangements for a further meeting of neighbouring Authority Standards Committee Chairs, Vice-Chairs and Independent Persons were being developed and would be circulated to Members in due course.

Resolved -

That the report and issues raised be noted.

35. Dispensation Issues

Considered -

The report of the Monitoring Officer requesting the Committee to consider the potential of a dispensation issue with regard to Traffic Regulation Orders and Area Committees.

Elected Members agreed that they should declare a non-pecuniary, non-disclosable interest in relation to this matter as they all sat on Area Committees - County Councillors Andrew Goss, Helen Grant, Carole Patmore (Chairman) and Peter Sowray.

The Monitoring Officer explained that, from time to time, Area Committees would be consulted on issues relating to Traffic Regulation Orders within their area. If Members of an Area Committee lived or worked in an area affected by a proposed Traffic Regulation Order then they would be required to declare a disclosable pecuniary interest (DPI) as their residence or work place would have been outlined in their register of interests. The Council's Code of Conduct states that a Member with a DPI should withdraw from the meeting room when such an issue is being discussed. Details of certain circumstances when Members would not be personally affected were outlined in the report but it was emphasised that where a declaration has been made regarding home and work addresses that the Standards Committee should consider the issue in the interests of transparency.

The Monitoring Officer emphasised that the clear intention of the Council was to allow comments from local councillors and to make recommendations at formal meetings of the Council in relation to Traffic Regulation Orders in their areas. The Standards Committee was, therefore, asked to consider whether in such circumstances it wished to grant a dispensation to clarify that all councillors could take part in discussions about TROs at Area Committees. It was noted that dispensations could be granted to enable a Member with a DPI to participate in the discussion and vote only if, after having regard to all the relevant circumstances, the Authority was satisfied that one or more of the criteria set out in the Act was met. Applications for dispensations had to be in writing. Details of the dispensation criteria were provided in the report.

The other issue to be determined by the Standards Committee was the duration of a dispensation which could be for a maximum period of four years. It was suggested, should the dispensations be granted, that the most appropriate date would be until the next County Council Elections, which had been the practice previously. Dispensations granted would allow Members concerned to fully participate in the relevant business, including speaking and voting. The dispensation would be recorded in writing and kept with their interests in the Council's Register of Members' Interests.

Members discussed the report and the following issues and points were highlighted:-

- ◆ It was clarified that Members would need to submit a specific dispensation request in relation to specific issues, however, the Standards Committee could give a general view on this type of matter.
- ◆ It was noted that Members would not be allowed to speak on the matter if they had no dispensation as they would be required to leave the room in line with the Code of Conduct.

- ◆ It was suggested that should Members agree in principle to the granting of these dispensations then the matter could be delegated to the Monitoring Officer, together with an Independent Person of the Standards Committee, to decide whether individual applications for dispensations could be granted.
- ◆ Members considered that Members of Area Committees had no more interest in the issue than the public, however, it was emphasised that consideration had to be given to the matter as the matter was a DPI and it was a criminal offence not to declare that in a public meeting without a dispensation in place. Members considered that in principle dispensations should be granted in relation to this.

Resolved -

- (i) That, in principle, the Committee agrees that Members of Area Committees should be granted a dispensation to discuss Traffic Regulation Orders when their interests relates to their home or working address.
- (ii) That in view of (i) above, the decision on individual applications for dispensations from elected Members be delegated to the Monitoring Officer in conjunction with an Independent Person of the Standards Committee.
- (iii) That any dispensations granted be given for four years or to the end of the term of the Council, whichever comes first.

36. Complaint Update

Considered -

The report of the Monitoring Officer updating the Committee regarding the Ethical Framework complaint activity since the Committee's last meeting in March 2015.

The report provided details of new complaints, of which there had been one, an existing complaint and the statistics for the year 1 April 2015 to 11 September 2015. It was noted that the new complaint and the existing complaint had been resolved by the subject member providing a written apology to the respective complainants.

Resolved -

That the report be noted.

37. Standards Bulletin

Considered -

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

The Committee was invited to consider the bulletin with a view to its subsequent circulation.

It was suggested that the details relating to Independent Person Louise Holroyd required amending.

It was noted that the bulletin provided Members with details of the interests regime, Members' gifts and hospitality, complaint statistics and cases of note; together with details of the Committee on Standards in Public Life Annual Report 2014-2015 and

Business Plan 2015-16, to give them an up-to-date view of the standards regime for North Yorkshire County Council. It was suggested that the e-mail that was sent out to Members with the bulletin should draw their attention to, in particular, the need to declare incidences of where they had received gifts and hospitality and provide the contact details of the Monitoring Officer for any queries they had in relation to this matter.

Resolved -

That, subject to the comments detailed above, the bulletin be updated as necessary and then circulated to Members of the Council.

38. Other Business

The Chairman accepted the following items as urgent business because of the need to resolve these matters before the next meeting of the Committee.

Dates of Future Meetings

The Chairman noted that it was difficult for her to attend meetings of the Committee on Monday and requested that these should be set back to an alternative day, possibly Friday. It was noted that the next meeting of the Committee was due to take place on Monday 14 March 2016 and was suggested, therefore, that this be amended to take place on Friday 18 March 2016.

Resolved -

That ordinary meetings of the Committee be amended to take place on appropriate free Fridays, rather than Mondays, with the next meeting taking place on Friday 18 March 2016 at 10 am.

Register of Interests – Delivery via ICT

The Monitoring Officer provided details of the potential to update the Register of Interests so that these were provided electronically, enabling Members to amend their own details and put them on-line themselves. He asked for comments from the Committee in relation to this and how they expected Members to respond to this initiative.

A discussion in relation to this matter was undertaken and the following issues and points were raised:-

- ◆ It was suggested that Members may be more inclined to forget to update their personal register of interests if they were to do this themselves, on-line rather than coming into the registered office to physically amend those in writing. It was also noted that some Members would have a better understanding of an electronic system than others. The Monitoring Officer noted that most Members were technically aware and could undertake this task.
- ◆ Members considered that this would be an appropriate alternative, however, it was suggested that a 'checking system' may be appropriate to ensure that Members had undertaken this process effectively.
- ◆ It was asked whether Members would be provided with a choice of electronic and paper registers, as it was considered appropriate that both options be provided, giving Members the choice of how they register their interests, to accommodate everyone's particular needs. The Monitoring Officer

considered this an appropriate way forward, which could be built on in the future, to allow more Members to convert to an electronic system in their own time.

Resolved -

That a pilot scheme be put in place, providing the option to Members of registering their interests either electronically or using the existing, paper method, with their attention drawn to this matter via the Standards Bulletin and within the e-mail sent out with the Standards Bulletin attached.

Standards Committee - Current Complaint System - Independent Persons

The Monitoring Officer paid tribute to the work of the current Independent Persons to the Standards Committee for their role in the new standards regime, which now enabled a quick solution to be applied to complaints and had developed a much lighter touch than previously.

It was noted that issues relating to non-declaration of declarable pecuniary interests would automatically be referred to the Police for them to process. Other complaints issues were dealt with through the new Standards process.

It was asked whether the Standards Bulletin was circulated to Parish Councils. The Monitoring Officer responded that District Councils mainly dealt with Parish Councils and, therefore, the bulletin would not be sent directly to them, however, the bulletin could be shared with District Councils who could in turn share that with Parish Councils. It was noted, however, that some of the Standards regimes for other authorities and bodies did not reflect those of the County Council and, therefore, the bulletin may not be in line with their Standards regime. It was suggested, therefore, that before circulating the bulletin to District Councils the matter would be discussed with them. Members agreed that, if appropriate, it would be useful to share the information with other authorities.

Resolved -

That the issues raised above be noted.

The meeting concluded at 11.05 am.

SL/JR