

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on Friday 15 April 2016 at 10.00am at County Hall, Northallerton.

Present:-

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

Copies of all documents considered are in the Minute Book

39. Minutes

Resolved –

That the minutes of the meeting held on 21 September 2015, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

40. Declarations of Interest

There were no declarations of interest from Members at this stage of the meeting.

41. Public Questions or Statements

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

42. 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 updates on the following issues:-

- ◆ CSPL Online Guidance on Ethical Standards for Public Service Providers.
- ◆ Law Commission consultation on Misfeasance in Public Office.
- ◆ CSPL - Tone from the Top reports.
- ◆ National Audit Investigation - Officers' Gifts and Hospitality.

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

- ◆ It was noted that the report by the Committee on Standards in Public Life, “Ethical Standards for Providers of Public Services - Guidance” outlined what was considered to be transgressions of acceptable standards, however, it was not clear, to Authorities, of the sanctions that were available to take in such circumstances. In response the Monitoring Officer noted that, on such occasions, the matter tended to be referred to the Leader of the Group for that Member who would then take action accordingly. Should a matter be serious enough Court action could be taken against Members. Members considered that this particular area was not specific and that it would benefit from clearer guidance. The Monitoring Officer noted that there were clearer sanctions available in terms of officers’ conduct which were set out in their Code of Conduct and terms and conditions, with sanctions outlined should they transgress the acceptable behaviour.

- ◆ Members stated that it was important that there was a public perception that the Authority, and the Standards Committee in particular, understood the issue of misfeasance in public office and that the matter was taken seriously. The Monitoring Officer provided examples of where this had been considered to occur in the past and why and when the Police would intervene in a Local Authority issue. It was noted that there had been very few prosecutions in respect of this matter and that the consultation being undertaken was expected to result in an overhaul of the process to make it more relevant. Members considered that, on the majority of occasions, officers were more likely to be involved in contract situations rather than Members. The Monitoring Officer emphasised that Executive Members, in particular, could be involved in such circumstances and all agreed that there was a public perception that Councillors could be influenced for contracts and favours to be provided. The Monitoring Officer also noted that some Authorities had a larger scale councillor influence in terms of contracts, which was why the issue was being re-organised on a national basis, with the rules being reinforced. The Chairman asked that the minutes reflect that the Committee were provided with the details in relation to this matter and that the County Council understands the rules and guidance issued in relation to this.

- ◆ In terms of the investigation into gifts and hospitality it was considered that there was a need for a review of the Authority’s guidance to be undertaken and brought to the Committee for approval in the near future. Members suggested that it would be more appropriate to review this protocol to coincide with the County Council Elections in 2017, so as to reinforce the matter with the new Council at that time. The Monitoring Officer agreed with that course of action and clarified for Members the current level of gifts and hospitality, in monetary terms, at which that should be declared.

Resolved -

That the report be noted and the actions outlined be undertaken accordingly.

43. Members’ Attendance Monitoring

Considered -

The report of the Assistant Chief Executive (Legal and Democratic Services) providing details of the record of attendance of Members of the County Council at meetings of the County Council and its Committees for the period 1 April 2015 to 31 March 2016. It was noted that the Committee had previously received information in this respect and it had been agreed that the practice should continue. In the past

the Committee had subsequently forwarded the information to Leaders of each Group represented on the County Council.

A Member noted that some Authorities published their Members' attendance in the local press and asked whether there were any plans for the County Council to do this. In response it was recognised that this was a public document and had been published in the public domain, therefore was available to view. The Monitoring Officer stated that should Members desire, then the details could be published in local publications.

It was noted that some of the attendance detailed was below 50% and it was asked whether the Committee wished to take any further action in relation to that, rather than leaving with the Group Leaders.

In response to the issues raised Members considered that the report was already in the public domain and, therefore, did not require any further publication and that the matter of addressing attendance issues should be left in the hands of the relevant Group Leaders.

Resolved -

- (a) That the report be noted.
- (b) That copies of the statistics be circulated to Leaders of the Political Groups of the County Council.

44. Complaints Update

The Monitoring Officer provided an oral update on complaints that had been received by him in relation to conduct by County Council Members. He noted there had been very few complaints since the previous meeting of the Standards Committee, with the main issues of complaint being received in relation to the Whitby School reorganisation and the application to undertake fracking at Kirby Misperton, Ryedale.

He noted that the complaints were generated, in the main, in respect to members of the public perceiving their Councillor had breached the Code because they did not agree with their particular opinion. He did not consider that the complaints had resulted in identifying breaches of the Code of Conduct by the Members in question.

He noted that an ongoing investigation was taking place in relation to letters of objection to the fracking application, in terms of potential misrepresentation.

County Councillors noted that they had received a number of letters in relation to the fracking application and, therefore, declared non-pecuniary interests in respect of their receipt and responses to these letters.

The Monitoring Officer clarified that there was no legal compulsion for Members to answer such letters, but it would be a breach of the Code should a Member decide to ignore a letter in relation to issues within their division that warranted a response to letters generated by members of the public.

The Chairman stated that, in future, it would be of assistance to Members if written details could be provided of such reports, along with the agenda, when published, to enable them to determine whether interests should be declared, in advance of the meeting.

Resolved -

That the report be noted.

45. Standards Bulletin

Considered -

The report of the Monitoring Officer providing the Committee, for consideration, a draft of the most recent Standards Bulletin.

It was stated that the Standards Bulletin was produced periodically and circulated to Members to keep them informed of key developments in the standards regime. The latest edition of the bulletin was attached at Appendix 1 to the report and the Committee were asked to determine whether any amendments were required before this was circulated.

It was noted that the issues outlined in the earlier report in relation to Local Ethical Framework developments were highlighted in the bulletin.

At the request of Members previously complaint statistics for the financial year 1 April 2015 - 31 March 2016 were now included within the bulletin.

A Member asked for clarification of the acronym BIS and it was noted that this stood for the Department for Business, Innovation and Skills and noted that this full title was provided within the bulletin.

Resolved -

That the bulletin be circulated to Members of the Council.

The meeting concluded 10.45 am.

SL/JR