

## North Yorkshire County Council

### Standards Committee

Minutes of the meeting held on Friday 15 September 2017 at 10.00 am at County Hall, Northallerton.

**Present:-**

County Councillors John Blackie, Andy Paraskos, Caroline Patmore, David Jeffels (as substitute for Peter Sowray) and Cliff Trotter; together with Independent Persons for Standards Hilary Gilbertson MBE and Louise Holroyd.

**1. Appointment of Chairman**

**Resolved -**

That the County Councillor Caroline Patmore be appointed Chairman of the Standards Committee until the County Council elections in 2021.

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**County Councillor Caroline Patmore in the Chair**

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**Copies of all documents considered are in the Minute Book**

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**2. Minutes**

**Resolved –**

That the Minutes of the meeting held on 10 March 2017, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

**3. Appointment of Vice-Chairman**

**Resolved -**

That County Councillor Cliff Trotter be appointed Vice-Chairman of the Standards Committee until the County Council elections, in 2021.

**4. Declarations of Interest**

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

**5. Public Questions or Statements**

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

**6. Training**

Senior Lawyer (Governance) Moira Beighton, together with the Monitoring Officer, Barry Khan, provided the Committee with refresher training relating to Members' Code of Conduct and the Ethical Framework.

The training session highlighted the following:-

- ◆ The Governance Team.
- ◆ The Authority's Ethical Statement.
- ◆ Details of the Ethical Framework.
- ◆ The legal framework.
- ◆ North Yorkshire County Council's Ethical Framework - highlights.
- ◆ The Members' Code of Conduct.
- ◆ The Standards Committee.
- ◆ The register of Members' interests.
- ◆ Disclosable pecuniary interests.
- ◆ Other interests.
- ◆ General information on interests.
- ◆ Disclosure of interests.
- ◆ Sensitive interests.
- ◆ Complaint handling arrangements.
- ◆ Dispensations.
- ◆ Offences.
- ◆ Bias and pre-determination.

A discussion took place following the training session and a number of issues and points were highlighted as follows:-

- ◆ Clarification was sought around participating in the consideration of planning applications through other bodies, such as parish councils, and how that was viewed in terms of pre-determination. It was explained as to how Members could take part in initial consideration at these meetings and then at the final decision-making body, in respect of such issues. It was considered that the issues outlined in relation to this matter would be a useful topic for a Members' Seminar, to provide greater clarity to Members on this.
- ◆ Issues around the weighting given to public perception were discussed and it was noted that this was still paramount in terms of ethical standards. How standards were maintained and the role of the Standards Committee in that, were discussed. The role of the Independent Persons in maintaining ethical standards within the County Council was highlighted.
- ◆ Issues relating to the Localism Act, how that had altered the standards regime and developments that had taken place subsequently were discussed.
- ◆ The Whistleblowing Policy for the County Council, and how that was implemented was highlighted.
- ◆ Issues around ethical standards and how they were implemented for other local bodies, for example parish councils, were discussed.

## **Resolved -**

That a forthcoming Members' Seminar be utilised to focus on the Ethical Framework for North Yorkshire County Council, with particular reference to pre-determination and bias.

## **7. 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 following matters were highlighted within the report:-

- ◆ Equality and Human Rights Commission.
- ◆ Voluntary principle on Standards for Political Discourse.
- ◆ The Committee on Standards in Public Life (CSPL).
- ◆ Ethical Standards for Providers of Public Services follow-up.
- ◆ CSPL Review - Members' outside interests.
- ◆ CSPL Review of Intimidation of Parliamentary Candidates.
- ◆ CSPL Review of Local Government Standards.
- ◆ Regional meeting of Standards Committee Chairs, Vice Chairs and Independent Persons.

The following issues and points were raised in relation to the report:-

- ◆ The role of the CSPL was explained.
- ◆ It was noted that the Independent Persons, the Chairman and the Senior Lawyer (Governance) had attended the regional meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons at North Tyneside Council on Monday 3 April 2017. It was stated that these events were of great value in enabling inter-authority discussion on standards issues.
- ◆ A Member suggested that a useful topic for the seminar, highlighted earlier in the meeting, would be the use, by County Councillors, of social media, particularly how to separate the use of this in terms of their private life and public life. Members agreed that this would be a particularly useful topic to cover within the seminar.

## **Resolved -**

- (i) That the issue of Members use of social media be included within the issues to be considered at a forthcoming Members' Seminar; and
- (ii) That the contents of the report be noted.

## **8. Annual Report of the Standards Committee**

Considered -

The report of the Monitoring Officer presenting Members with a draft annual report of the work of the Standards Committee for the period 1 April 2016 to 31 March 2017.

A draft copy of the annual report for Members' consideration and approval was attached as an Appendix to the report.

**Resolved -**

That the annual report be approved and submitted for consideration to a forthcoming meeting of the County Council.

**9. Dispensation Issues**

Considered -

The report of the Monitoring Officer:-

- (i) informing the Committee about a dispensation granted to a County Councillor by the Monitoring Officer under delegated powers; and
- (ii) presenting to the Committee, for determination, a request from a County Councillor for a dispensation from the Standards Committee.

Dispensation granted by Monitoring Officer

The Monitoring Officer provided details of the granting of a dispensation, to County Councillor David Chance, under delegated powers, on 4 July 2017 enabling him to speak, vote and be included within the quorum of meetings of the Yorkshire Coast and Moors County Area Committee when it was considering business relating to the Whitby Park and Ride Scheme and parking zone arrangements for Whitby. It was noted that the dispensation did not allow the councillor to vote on the matter at the Executive as a decision-making body. The report provided details of why the dispensation was granted under delegated powers, at that time and when the dispensation was considered appropriate. It was noted that the dispensation would last until the date of the local government elections in 2021.

Dispensation request to the Committee - County Councillor Patrick Mulligan

Details of a request for a dispensation, submitted by County Councillor Patrick Mulligan were provided. The interest related to the role of his wife as the Police and Crime Commissioner for North Yorkshire, that being declared in the "for gain" in his registration of interests and, as such, as a disclosable pecuniary interest, in any matter to be considered or being considered at a meeting of the Council, Executive, Committee or Sub-Committee affecting the Police or the Office of the Police and Crime Commissioner.

His application explained that, since February 2013, he had been granted successive dispensations to allow him to fully participate in business relating to the Police and Police and Crime Commissioner where the business would not bring any personal advantage or disadvantage to him or his wife. He noted the current circumstances in relation to the proposal for the Police and Crime Commissioner to assume responsibility for the governance of the North Yorkshire Fire and Rescue Authority and consideration of that by the County Council's relevant Scrutiny Committee and Executive, and, in light of this, was seeking a dispensation in relation to Police issues only. He provided details of the dispensation he was seeking, how that would relate to his service on meetings and asked for that to be in place until the local government elections in 2021. He considered that without the dispensation he would be unable to represent the views of the constituents within his Division on issues relating to Police matters.

Members considered the dispensation request and the following issues and points were raised:-

- ◆ A Member suggested that the issue relating to the Police and Crime Commissioner's submission in respect of the governance of the North Yorkshire Fire and Rescue Authority was a complicating factor in respect of the application. He considered it difficult, in terms of public perception, for Police issues and Police and Crime Commissioner issues to be fully separated, in terms of the Member's involvement, particularly as the Police and Crime Commissioner was such a close relation to the Member. He noted that the request for the dispensation was to ensure that local constituents of the County Councillor were not disenfranchised by him being unable to take part in discussions on issues relating to policing, however, he noted that the position of the County Councillor was not unique and where Members had been unable to take part in the discussion of issues previously, due to conflicts of interest, they had appointed, or briefed, a representative to undertake those discussions on their behalf. He suggested that the Member concerned could make similar arrangements for his own particular circumstances.
- ◆ In view of the public perception, the Member suggested that until the issue relating to the Police and Crime Commissioner and the North Yorkshire Fire and Rescue Authority had been resolved the dispensation request should be deferred, and re-submitted, following a resolution to that issue.
- ◆ A Member agreed that it was difficult to distinguish between the two issues in terms of police and Police and Crime Commissioner's responsibilities, in the public perception, and also considered that the current situation regarding the North Yorkshire Fire and Rescue Authority gave an added complication to the matter.
- ◆ The Monitoring Officer provided clarification of the role of the Police and Crime Commissioner and how that was separated from the role of the Chief Constable. He also clarified the position regarding the dispensation request of the Member, in terms of his participation in meetings in respect of issues relating to the police and the Police and Crime Commissioner.
- ◆ A Member noted the non-granting of the dispensation would restrict the County Councillor from taking part in discussions on policing matters and issues relating to the Police and Crime Commissioner at all levels, including addressing matters for local parish councils and considered the need to balance the public perception against the ability to raise the views of the County Councillor's local constituents on those matters.
- ◆ The Independent Persons considered the issue to be complicated. They suggested that there was a need to ensure that those that voted for the County Councillor could have their views fully represented on all issues, but at the same time, a balance had to be struck in respect of how the public perceived the conflicts of interest of the Councillor in relation to his relationship with the Police and Crime Commissioner and his representations on policing matters.
- ◆ The Chairman stated that she also considered this a challenging, finely balanced issued. She also considered the matter was further complicated by the issue relating to the Fire Authority. She noted that the Member was able to represent his constituents on all other issues and would be able to appoint

a representative to take account on issues relating to policing matters, should the dispensation not be granted.

- ◆ A Member considered that the County Councillor had been elected to represent his constituents on all issues and noted that he had previously been given a dispensation in relation to this matter. Other Members, however, considered the circumstances were different on this occasion due to the issue relating to the Police and Crime Commissioner seeking to assume responsibility for the governance of the North Yorkshire Fire and Rescue Authority.
- ◆ It was noted that representations had been made by a member of the public regarding the public perception of the granting of the dispensation in these circumstances and was not in favour of this being provided.

**Resolved -**

- (i) That the dispensation granted by the Monitoring Officer, under delegated powers, to County Councillor David Chance, on 4 July 2017, be noted;
- (ii) That the application for a dispensation submitted by County Councillor Patrick Mulligan be deferred until a resolution has been established in relation to the Police and Crime Commissioner seeking to assume responsibility for the governance of the North Yorkshire Fire and Rescue Authority, with the Member requested to re-submit the dispensation application for re-consideration by the Standards Committee once that had been resolved; and
- (iii) That the updated proforma dispensation application form, set out in an Appendix to the report, and as used by County Councillor Mulligan in his application, be approved.

**10. Complaints Update**

Considered -

The report of the Monitoring Officer updating the Committee regarding Ethical Framework complaint activity since the Committee's last meeting on 10 March 2017.

The report highlighted the following:-

New Complaints

NYCC/SC/60 - details of a complaint against a County Councillor were provided by the Monitoring Officer. The complaint had been assessed by the Monitoring Officer in consultation with an Independent Person for Standards and the complaint had been found to be out of the jurisdiction of the Standards Committee, therefore, no action was required.

Existing Complaints

Updates were provided on existing complaints NYCC/SC/58 and NYCC/SC/59. It was considered that these matters had been resolved appropriately and could now be closed down.

## Statistics

For the year 1 April 2016 to 31 March 2017 the Council had received three complaints, as detailed above.

### **Resolved -**

That the current position on complaints be received.

## **11. Standards Bulletin**

Considered -

The report of the Monitoring Officer presenting to the Committee, for consideration, the latest draft of the Standards Bulletin.

The latest draft of the bulletin was attached as an Appendix to the report and Members were requested to consider the contents of the bulletin with a view to its subsequent circulation.

The following issues were raised:-

- ◆ It was suggested that it would be helpful to circulate the bulletin more widely, with, possibly, parish councils being included within that circulation. The Monitoring Officer stated that he would consider utilising the parish portal to circulate the bulletin more widely.
- ◆ The Independent Persons for Standards asked that, for the subsequent meeting of the Committee, the issue of sensitive issues within the register of interests be placed on the agenda. They noted issues that had been raised regarding the publication of personal addresses for County Councillors and suggested that there were alternative methods of contact now available without having to publish home addresses. The Monitoring Officer noted that the publication of a home address was a legal requirement within the register of interests, however, the published interests could be redacted, where the information provided was considered to be sensitive. The request for this issue to be discussed further at a subsequent meeting was considered to be appropriate and, therefore, would be the subject of a future agenda item.

### **Resolved -**

- (i) That the issues raised be noted and action undertaken where appropriate; and
- (ii) That the bulletin, as detailed in Appendix 1 to the report, be approved and circulated accordingly.

The meeting concluded at 11.55 am.

SL/JR