

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on Friday 23 September 2016 at 10.00am at County Hall, Northallerton.

Present:-

County Councillors Caroline Patmore (Chairman), Helen Grant, David Jeffels and Peter Sowray; together with Independent Person for Standards Louise Holroyd.

Apologies were received from County Councillor Andrew Goss and Independent Person for Standards Hilary Gilbertson MBE.

Copies of all documents considered are in the Minute Book

46. Minutes

Resolved –

That the minutes of the meeting held on 15 April 2016, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

Two Members queried, in relation to minute 43 re Members' Attendance Monitoring, whether the necessary action had been taken in circulating the statistics to Group Leaders and whether any feedback had been received. In the Committee Clerk's absence, the Monitoring Officer confirmed he would check with Democratic Services and would let Members know. The Chairman emphasised that it was important to remember and acknowledge that Members were there to represent the public.

47. Declarations of Interest

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

48. Public Questions or Statements

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

49. 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:-

- ◆ House of Commons Briefing Paper on Local Government Standards in England
- ◆ Disqualification of Councillors

- ◆ The Local Government Ombudsman report re Local Government Complaints 2015-16
- ◆ Two new appointments to the Committee on Standards in Public Life (CSPL)
- ◆ The CSPL Review of Ethics for Regulators
- ◆ The Law Commission consultation on the law of misfeasance in public office
- ◆ The CSPL Annual Report 2015-2016 and Forward Plan 2016-2017
- ◆ The meeting of the Heads of Legal/Monitoring Officers and Chairs/Vice-Chairs of Standards Committees in York on 21 July 2016

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

- ◆ In relation to paragraph 4.1 of the report, disqualification of councillors, a Member queried why the question had been raised in the context of disqualification of councillors convicted of child sex offences. In response the Senior Governance Lawyer suggested it may be that the review of the legislation regarding disqualification of councillors arose in this context but is to look at the whole area of disqualification, including whether the ethical framework and sanctions regime under the Localism Act 2011 has any implications for any new legislative provisions.
- ◆ There was a detailed discussion regarding procedures, investigations, LGO recommendations and timescales in relation to Local Government Ombudsman complaints and what would happen if the Ombudsman's recommendations were not complied with. Members queried what the compliance figures were for the County Council and were directed to the full LGO report, which contained data schedules for individual authorities. The Monitoring Officer confirmed he would let Members of the Committee have the relevant information for the Council. Members commented that these issues were taken seriously by the Council.
- ◆ Members welcomed the information regarding the Law Commission consultation on the law of misconduct in public office and agreed it was a good idea for the law to be clarified in this area. Clear definitions will help guide officers, Members, authorities and the public. Given the detail of the consultation, it was agreed that the Monitoring Officer should consider the consultation paper in detail and consult Members of the Committee on any response he ultimately considers necessary/appropriate.

The Chairman and Monitoring Officer discussed their attendance at a meeting of Monitoring Officers and Chairs/Vice-Chairs of Standards Committees at the City of York Council offices in York on 21 July 2016, commenting that it was a useful meeting, best held once per annum. It had been agreed that the Group should continue to meet and open up the membership to include independent Persons. There was also scope to include other Standards Committee Members in the future.

Resolved -

- ◆ That the Monitoring Officer consider the Law Commission consultation paper on Misfeasance in public office and consult Members of the Committee on any response he ultimately considers necessary/appropriate.
- ◆ That the report be noted and the actions outlined be undertaken accordingly.

50. Complaints Update

The report of the Monitoring Officer regarding ethical framework complaint activity since the Committee's last meeting on 15 April 2016. Given that the two cases referred to in the report were still live, no further detail was given at the meeting.

The Monitoring Officer also updated the Committee regarding the Annual Ombudsman letter received for the year ended 31 March 2016 and agreed to subsequently circulate the letter to Members for their information.

Members commented that it was important for the Committee to be aware of all corporate complaints-related issues across the authority and it was agreed that the Committee should consider the reintroduction of the report it previously received under the old standards regime setting out statistical information which pointed to the ethical health of the authority.

Resolved -

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

51. Annual Report of Standards Committee

Considered -

The report of the Monitoring Officer providing the Committee with a draft Annual Report of the work of the Standards Committee for the period 1 April 2015 to 31 March 2016.

Members, in discussing the scope of the Committee's work over the year, commented that the area of interests and dispensations is very important and can be particularly relevant for dual hatted Members. It is important for Members to consider the public perception of any given potential conflict situation and to err on the side of caution if there is any doubt. This is particularly important as there is the potential for criminal prosecution if interests provisions are breached.

Resolved -

That the Annual Report for presentation to a future meeting of the Authority be approved and the comments of Members be noted.

52. Standards Bulletin

Considered -

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

Resolved -

That the Bulletin be circulated to Members of the Council.

The meeting concluded at 10.55am.

MPB