

## North Yorkshire County Council

### Standards Committee

Minutes of the meeting held on Friday 10 March 2017 at 10.00 am at County Hall, Northallerton.

**Present:-**

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

Apologies for non-attendance were received from County Councillor David Jeffels and Independent Person for Standards, Hilary Gilbertson MBE.

Members asked for their best wishes to be sent to Hilary Gilbertson for a speedy recovery from her recent illness.

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

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**53. Minutes**

**Resolved –**

That the Minutes of the meeting held on 23 September 2016, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

**54. Declarations of Interest**

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

**55. Public Questions or Statements**

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

**56. Training**

Senior Lawyer (Governance) Moira Beighton, 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 during the training session and the following issues and points were highlighted:-

- ◆ It was asked that copies of the Member and Officer Codes of Conduct be sent to Members of the Committee along with the slides provided by way of this training presentation.
- ◆ The need for Members to register any new interests within 28 days of them being aware of those interests was emphasised and it was noted that Members welcomed the annual reminder in relation to the registration of interests.
- ◆ The Monitoring Officer explained the role of Independent Persons to the Standards Committee, how they were chosen, and the criteria in relation to being an Independent Persons.
- ◆ It was noted that it was Members' responsibility to declare interests.
- ◆ The role of Standards Committee in determining vexatious complaints was outlined.
- ◆ Issues around declarable interests and being a member of a trade union were highlighted.
- ◆ Issues around sanctions in relation to breaches of the Code of Conduct were discussed.
- ◆ Issues relating to pre-determination were outlined.
- ◆ It was noted that each local authority was responsible for determining its own Code of Conduct under the most recent standards legislation.

## **57. 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 the view of Ethics for Regulators by the Committee on Standards in Public Life (CSPL). A full copy of the report was provided and it was noted that the CSPL stated that it was reassured that, generally, regulators were committed to upholding the principles of public life, however, it noted there were instances where this was not the case and retrospective action was being taken to deal with issues as they emerged. The report provided key highlights and a number of best practice recommendations in relation to the following:-

- ◆ Governance.
- ◆ Code of Conduct.
- ◆ Revolving door.
- ◆ Independence.
- ◆ Transparency.
- ◆ External leadership.

Other issues detailed within the report included:-

- ◆ Councillor Commission report.
- ◆ Centre for Public Scrutiny.
- ◆ Regional meeting of Standard Committee Chairs, Vice-Chairs and Independent Persons on Monday 3 April 2017.

The Monitoring Officer highlighted an issue in relation to the involvement of Independent Persons from Standards Committees in the disciplinary process for the highest ranking officers in local authorities (Chief Executive, Section 151 Officer, Monitoring Officer, etc). He explained the process undertaken which could lead to the dismissal of one of those officers and the involvement of Independent Persons in the investigation stage within that disciplinary process. He stated that legislation was currently being developed as a loophole had been discovered in terms of retaining independent status when involved in a Disciplinary Committee of a Council. As a result, and to assist in a way forward for the process, consideration was being given to Standards Committee Independent Persons from other authorities undertaking this role on those specific Disciplinary Committees. This would also see the Independent Persons from this authority undertaking that duty for other Councils. It was suggested that further developments, in relation to these arrangements, be discussed both with neighbouring local authorities and at the forthcoming Regional Meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons, to determine appropriate arrangements for this process.

#### **Resolved -**

- (i) That the contents of the report be noted.
- (ii) That the Committee be represented, at the next North East Regional Meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons, taking place at North Tyneside Council on Monday 3 April 2017, by the Chairman of the Standards Committee, Louise Holroyd, Independent Person and appropriate officers.
- (iii) That further discussions be undertaken to determine appropriate arrangements in respect of the role of the Independent Persons on Standards Committees in the disciplinary processes for local authorities' most senior ranking officers.

#### **58. Standards Complaints Procedure**

Considered -

The report of the Monitoring Officer presenting, for consideration and recommendation to full Council for approval, proposed amendments to the Standards Complaints Procedure.

It was noted that the Committee had previously 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 Member, a specific complaint relating to one Member registered by more than one complainant and then unusually large number of complaints generally.

Details of the amendments were set out by way of tracked changes in the procedure appended to the report.

It was also stated that the Members' Code of Conduct no longer needed to be appended to the complaint procedure as it was not necessary and would future proof the procedure.

**Resolved -**

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

**59. Review of the Protocol re Members' Gifts and Hospitality**

Considered -

The report of the Monitoring Officer detailing a review of the Protocol re Members' Gifts and Hospitality.

The review resulted from agreement at the Standards Committee meeting held on 15 April 2016 with changes to be implemented after the elections in May 2017.

The proposed amendments to the Protocol would bring that up-to-date in terms of legislation and Ethical Framework requirements and were set out by way of tracked changes on an Appendix attached to the main report. Subject to comments by Members the draft amendments would then be circulated to the Chief Executive and Executive Members for their views with a further draft then brought back to the Committee.

Discussion of the report highlighted the following issues:-

- ◆ It was asked that officers ensure that the changes suggested made grammatical sense when they were implemented, as currently, some of these did not read correctly.
- ◆ A discussion was undertaken in relation to how gifts and hospitality were valued, what was considered to be of substantial value and how Members determine such a situation.

**Resolved -**

That the draft amendments to the Gifts and Hospitality Protocol for Councillors be checked to ensure that they read correctly and then be submitted for further consultation with the Chief Executive and Executive Members.

**60. Complaints Update**

Considered -

The report of the Monitoring Officer updating the Committee regarding Ethical Framework complaint activity since the Committee's last meeting on 23 September 2016.

The Committee highlighted that there had been no new formal complaints received since the last meeting of the Committee and provided updates on existing complaints.

**Resolved -**

That the current position on complaints received be noted.

**61. Standards Bulletin**

Highlights of the issues outlined in the bulletin included:-

- ◆ CSPL review of Ethics for Regulators.
- ◆ Councillor Commission report.
- ◆ Interests' regime.
- ◆ Members' gifts and hospitality.
- ◆ Complaint statistics.
- ◆ Cases - including North Norfolk District Council, Honiton Town Council and Rotherham Borough Council.

Discussion of the report highlighted the following issues:-

- ◆ The upholding of a request to disclose a draft Standards investigation report arising from a Councillor's alleged breach of the Code of Conduct by the ICO and subsequently the FTT, which was contrary to what had taken place previously.
- ◆ Details were outlined in relation to the number of Freedom of Information requests received generally and it was noted that very few of these were in relation to Standards issues.
- ◆ It was noted that a number of local authorities were seeking to replicate the Standards Bulletin produced by North Yorkshire County Council and it was acknowledged that the publication was seen as an example of best practice amongst other local authorities.

**Resolved -**

That the Standards Bulletin, as detailed, be circulated to Members of the Council.

The meeting concluded at 11.40 am.

SL/JR