



Summons and Agenda for the
Council Meeting

to be held on

24 APRIL 2012

at

6.00pm

SELBY

DISTRICT COUNCIL



To: All District Councillors

cc: Chief Officers
Directors

You are hereby summoned to a meeting of the Selby District Council to be held in the Civic Suite, Civic Centre, Doncaster Road, Selby on **TUESDAY 24 APRIL 2012** starting at **6.00pm**. The Agenda for the meeting is set out below.

Chief Executive
16 April 2012

Opening Prayers

AGENDA

1. Apologies for Absence

To receive apologies for absence.

2. Disclosures of Interest

To receive any declarations of personal or prejudicial interest in any items set out in the Agenda.

3. Minutes

To approve as a correct record the Minutes of the meeting of the Council held on 28 February 2012 (pages 6 to 14 attached).

4. Communications

The Chairman, Leader of the Council or the Chief Executive will deal with any communications which need to be reported to the Council.

5. Announcements

To receive any announcements from the Chairman, Leader or Members of the Executive.

6. Petitions

To receive any petitions.

7. Public Questions

To receive and answer questions notice of which has been given in accordance with rule 10.1 of the Constitution.

8. Councillors' Questions

To receive and answer questions submitted by councillors in accordance with rule 11.2 of the Constitution.

9. Reports from the Executive

The Leader of the Council, and other members of the Executive, will report on their work since the last meeting of the Council and will respond to questions from Councillors on that work (pages 15 to 21 attached).

10. Reports from Committees

To receive reports from the Council's committees which need to be brought to the attention of Council. To receive questions and provide answers on any of those reports (pages 22 to 24 attached).

11. The Localism Act 2011 – The Amended Standards Regime

The Deputy Chief Executive and Monitoring Officer will present a report on the proposed changes of the Standards Committee and future Standards Regime (pages 25 to 54 attached).

12. Police and Crime Panel Arrangements

The Council will receive a report outlining the proposed arrangements for the North Yorkshire Police and Crime Panel as a joint committee in accordance with the Police Reform and Social Responsibility Act 2011 (pages 55 to 67 attached).

13. Urgent Action

The Chief Executive will report on any instances where he has acted in urgent or emergency situations under the functions delegated to him in the Constitution.

13. Sealing of Documents

To authorise the sealing of any documents necessary to action decisions of this Council meeting, or the Executive or any of its Committees for which delegated authority is not already in existence.

**SELBY DISTRICT COUNCIL
MINUTES**

Minutes of the MEETING OF COUNCIL held on Tuesday 28 February 2012,
in The Council Chamber, Civic Centre, Doncaster Road, Selby, commencing
at 6:00 pm.

60	Apologies for Absence
61	Disclosures of Interest
62	Minutes
63	Communications
64	Announcements
65	Petitions
66	Public Questions
67	Councillors' Questions
68	Reports from the Executive
69	Reports from Committees
70	Budgets, Reserves and Balances 2012/13
71	Council Tax 2012/13
72	The Treasury Management Strategy
73	Pay Policy Statement
74	Village Design Statement
75	The Local Development Framework and the Core Strategy – Implications of the Localism Act
76	Schedule of Meetings 2012/13
77	Nominations for Chairman and Vice Chairman
78	Urgent Action
79	Sealing of Documents

Present: Councillor Mrs K McSherry in the Chair

Mrs E Casling, M Crane, J Crawford, Mrs D Davies, Mrs M Davis, J Deans, Mrs S Duckett, M Dyson, K Ellis, M Hobson, W Inness, Mrs G Ivey, M Jordan, C Lunn, D Mackay, Mrs C Mackman, J Mackman, B Marshall, J McCartney, Mrs M McCartney, Mrs C Metcalfe, E Metcalfe, R Musgrave, Mrs W Nichols, I Nutt, R Packham, C Pearson, D Peart, A Pound, R Price, I Reynolds, Mrs S Ryder, Mrs A Spetch, S Shaw-Wright, R Sweeting and J Thurlow

Apologies for Absence: Councillors J Cattanach and I Chilvers, Mrs P Mackay and R Sayner

Also Present: Chief Executive, Deputy Chief Executive, Director S151, Managing Director of Access Selby, Solicitor to the Council and Democratic Services Manager.

Press: 0
Public: 14

60. Apologies for Absence

Apologies were received from Councillors J Cattanach, I Chilvers, Mrs P Mackay and R Sayner.

61. Declarations of Interest

There were no declarations of interest.

62. Minutes

The minutes of the meeting of the Council held on 13 December 2011 were confirmed as a correct record.

Resolved:

To approve the minutes for signing by the Chairman.

63. Communication

Brian Percival Associates

The Council noted that a letter from Brian Percival Associates had been circulated with the agenda. However, the letter had been withdrawn prior to the meeting.

Petition regarding the Route of the Olympic Torch

A letter and a petition had been received from Petition Organiser Mrs Myrtle Hall with regard to the route of the Olympic Torch. The petition asked that the Council support Sherburn and South Milford residents in their campaign to ensure that the Olympic Torch pass through those villages rather than using the planned by-pass route.

The petition would be presented and considered at item 6 on the agenda.

Bilbrough Parish Council

The Chief Executive reported correspondence received from Bilbrough Parish Council. The Parish Council asked for authority to reduce its current requirement for seven Parish Councillors down to five.

The Chief Executive informed the Council that a Community Governance Review would need to be conducted prior to approving the change in electoral arrangements for Bilbrough Parish Council. The Council granted authority to begin such a review.

Resolved:

- i) **To note the letter;**
- ii) **To undertake a Community Governance Review on the basis of the letter from Bilbrough Council.**

The Local Government Boundary Commission for England (LGBCE)

The Chief Executive advised that correspondence had been received from the LGBCE. The letter concerned a previous request from the Council for a review to be undertaken of the local government electoral arrangements for Selby District, with a view to reducing the number of councillors.

The review would commence in October 2012 and would take up to a year. The findings from the review would be in place for the next District Election in 2015. The Chief Executive stated that he would keep councillors informed as the review progressed.

Resolved: To note the letter.

Polling Stations, Polling Districts and Polling Places

The Chief Executive informed Council that a review of the Polling Stations, Polling Districts and Polling Places was due to commence. The Council had a duty to undertake such a review at least once every four years. The public consultation would commence on 1 March 2012. The Chief Executive highlighted that the review would be undertaken at a time when both the parliamentary and local government boundaries were being revised. The Chief Executive stated that he would keep councillors informed as the review progressed.

Resolved: To note the update.

Selby District Association of Voluntary Service (AVS)

Councillors Shaw-Wright and Mrs M Davis both declared personal interests in this item as a result of their job roles.

The Chief Executive reported a letter received from Selby District AVS. The letter informed the Council that AVS would change its legal status from an unincorporated organisation to an incorporated organisation and become a limited company by Guarantee on 1st April 2012.

Resolved: To note the letter.

64. Announcements

The Leader of the Council

The Leader of the Council made a statement regarding the fire which had taken place at Abbey Leisure Centre on Tuesday 28 February

2012. The fire had caused considerable damage, but thankfully no one was injured. He provided an update on the latest position.

The Leader of the Council thanked the North Yorkshire Fire & Rescue Service and North Yorkshire Police on behalf of the Council. He also offered thanks to Selby Town Council and the Salvation Army for their assistance and praised the work of both Access Selby and Wigan Leisure and Culture Trust staff.

The Leader of the Council reaffirmed the Council's commitment to providing excellent leisure and recreational facilities for Selby District.

Resolved: To note the announcement.

The Chairman of the Council

The Chairman of the Council informed the meeting that the Queen would not be visiting North Yorkshire as part of the Diamond Jubilee.

Resolved: To note the announcement.

65. Petitions

Petition from Sherburn and South Milford Residents – Olympic Torch Route

Mr Graham, Chairman of Sherburn Community Association, addressed the Council. He asked for the Council's support in the campaign to reroute the Olympic Torch through Sherburn and South Milford.

Mr Graham put forward a number of arguments to support the rerouting of the Olympic Torch, these included the population size of Sherburn and South Milford along with the difficulties of viewing the Torch elsewhere.

Councillors Packham and Jordan also addressed the Council meeting in support of the petition. Councillor Packham detailed his correspondence with the London Organising Committee of the Olympic and Paralympic Games (LOCOG), the body responsible for the route of the Torch.

The Leader of the Council offered the Council's support for the campaign. He clarified that the Council had not been consulted on the Torch's route through the district.

Resolved:

- i) To accept the petition;**
- ii) To forward the petition to LOCOG with a letter of support from the Council.**

66. Public Questions

None received.

67. Councillors' Questions

None received.

68. Reports from the Executive

The Leader of the Council had submitted a report on items considered by the Executive since the last meeting of Council. He informed the Council that discussions were on going with partners regarding the future of Barlow Common Nature Reserve.

Councillor Mrs G Ivey, Deputy Leader of the Council and Lead Executive Member for External Relations and Partnerships, detailed her work representing the Council at meetings across North Yorkshire. This included attendance at meetings on future arrangements for the Police and Crime Panel.

Councillor Lunn, Lead Executive Member for Finance, answered questions from councillors on the implications of the Council Tax freeze and the Executive's decision to raise rent levels by an average of 7.9%. Councillor Lunn explained the importance of rent convergence and its implications for households within Selby District.

Councillor J Mackman, Lead Member for Place Shaping, presented his report and gave an update on the Core Strategy. He briefly explained how that the Localism Act would impact upon the Core Strategy. In response to questions, Councillor J Mackman outlined the reasons behind Selby Internal Drainage Board's decision to increase its precept by 2%. Councillor J Mackman also responded to questions on the North Yorkshire Building Control Partnership.

Councillor C Metcalfe, Lead Member for Communities had tabled his report. He updated the Council with details of his work around 'Tackling the Tough Stuff' as one of the key priorities identified in the Corporate Plan.

At this point Councillor R Musgrave left the meeting.

Resolved: To receive and note the reports from the Executive.

69. Reports from Committees

The Chair of Policy Review Committee, Councillor Jordan, reported on work undertaken since the last Council meeting. He highlighted the committee's work in scrutinising the Council's Community Engagement Forums. This would be the subject of a future report to the Executive.

Councillor Mrs W Nichols, the Chair of Scrutiny Committee, outlined the recent work of the committee. The report discussed the North Yorkshire County Council Scrutiny of Health Committee which had taken place at the Civic Centre. The Council debated a number of issues from this meeting.

The Chair of Audit Committee, Councillor Mrs E Casling, highlighted that the District Auditor has reported to the committee that Selby District Council had responded well to recent financial challenges and offered low cost efficient services. Councillor Mrs E Casling would speak to the Managing Director of Access Selby regarding an issue with Closed Burial Grounds.

At this point, Councillors J and Mrs M McCartney left the meeting.

Resolved: To receive and note the reports from the Scrutiny Committees.

70. Budgets, Reserves and Balances 2012/13

The Executive Director (s151) presented a report for consideration by the Council. The report set out the issues affecting the Council's finances as part of the budget setting process.

The Council heard that the Executive's proposed budget was robust and reserves were considered adequate, but the prevailing economic climate and cuts to public sector funding meant significant financial risks for the Council.

Resolved: To take into consideration the Executive Director's (S151) statements, in paragraphs 2.5 and 2.11, when setting the Council Tax.

71. Council Tax 2012/13

Councillor Lunn presented the Executive's Revenue and Capital budget and Council Tax proposals for 2012/13 following public consultation, scrutiny by the Policy Review Committee and presentation to all councillors.

Councillor Lunn highlighted the proposal to freeze Council Tax and that the Executive would continue to look for savings.

Resolved:

- i) To approve the revenue budgets and capital programmes for 2012/13 as set out at Appendices E and F;**
- ii) To hold Council Tax at the 2011/12 level of £158.88 per Band D property for 2012/13;**
- iii) To approve the Council Tax resolution as set out in Appendix B.**

72. The Treasury Management Strategy

Councillor Lunn introduced the report detailing the proposed Treasury Management Strategy together with the Minimum Revenue Provision Policy Statement, Annual Investment Strategy for 2012/13 and Prudential Indicators 2012/13.

The Executive Director (S151) expanded upon the treasury management implications of the forthcoming self-financing of the Housing Revenue Account.

Resolved:

- (i) To revise the Operational Borrowing Limit for 2011/12 to £71m;**
- (ii) To revise the Authorised Borrowing Limit for 2011/12 to £75m;**
- (iii) To set the Operational Borrowing Limit for 2012/13 at £71m;**
- (iv) To set the Authorised Borrowing Limit for 2012/13 at £75m;**
- (v) To delegate authority to the Executive Director (s151) to effect movement within the agreed authorised boundary limits for long term borrowing for 2012/13 onwards;**
- (vi) To delegate authority to the Executive Director (s151) to effect movement within the agreed operational boundary limits for long term borrowing for 2012/13 onwards;**
- (vii) To approve the Treasury Management Strategy Statement 2012/13;**
- (viii) To approve the minimum revenue provision policy statement for 2012/13;**
- (ix) To approve the Treasury Management Investment Strategy for 2012/13;**
- (x) To approve the Prudential Indicators for 2012/13, which reflect the capital expenditure plans, which are affordable, prudent and sustainable.**

73. Pay Policy Statement

Councillor Lunn sought approval to implement the Council's Pay Policy Statement 2012/13 in accordance with section 38 of the Localism Act 2011.

Councillor Lunn clarified that local authorities were now required to set out the Council's policy toward the pay of the workforce. He responded to questions regarding honorarium payments.

Resolved:

- i) To approve the Pay Policy Statement 2012/13;**
- ii) To approve the Terms and Conditions relating to pay be approved.**

74. Village Design Statements

Councillor J Mackman presented the report which detailed comments received following a six week consultation period. Officers had responded to the comments and, where appropriate, made changes to the Village Design Statements.

Councillor J Mackman informed Council that the Village Design Statements had been considered by both the Executive and Policy Review Committee. The Council then discussed the use of Village Design Statements in planning decision making.

Resolved: To formally adopt the Village Design Statements into the Local Development Framework for use as advice and guidance in planning decision making.

75. The Local Development Framework and the Core Strategy Implications of the Localism Act

The Deputy Chief Executive presented the report which informed councillors of the changes affecting the Local Development Framework and the Core Strategy as a result of the Localism Act 2011.

The Deputy Chief Executive advised that the changes required as a result of the Localism Act required an update of the delegations granted by Full Council on 13 September 2011.

The Council accepted a minor amendment to the report's recommendation which clarified that it was the Director of Community Services and not the Managing Director of Access Selby for whom the delegation was sought.

The Council debated both the extent of the delegations and the terminology used within the recommendations.

Councillor Packham put forward an amendment to the third recommendation within the report. He proposed to remove the word 'main'. This was seconded by Councillor Shaw-Wright.

A vote was taken and the amendment lost.

Resolved:

- i) To note the changes to the Local Development Framework following the implementation of the Localism Act 2011;**
- ii) To authorise the officers representing the Council at the reconvened EiP to make additional modifications to the Core Strategy policies before and during the reconvened EiP;**

- iii) **To authorise the Director of Community Services, after consultation with the Leader of the Council, to propose main modifications relating to the Core Strategy Policies to the Inspector before and during the reconvened EiP;**
- iv) **To authorise the Director of Community Services, to deal with any procedural issues not covered by existing delegations to enable effective conduct of the reconvened EiP.**

76. Schedule of Meetings 2012/13

The schedule of meetings 2012/13 was circulated for comment and consideration.

Councillor Mrs W Nichols suggested that the Scrutiny Committee Meeting on the 19 June be moved to 12 June and Audit Committee Meeting be moved to the 19 June from the 12 June. Councillor J Deans requested an additional Planning Committee on 2 May 2012. Council approved the amendments.

Resolved: That the schedule of meeting be approved subject to the above amendments.

77. Nominations for Chairman and Vice Chairman

Resolved:

- i) **To nominate Councillor Jack Crawford to the office of Chairman Elect for the 2012/2013 Municipal Year;**
- ii) **To nominate Councillor Michael Dyson to the office of Vice Chairman Elect for the 2012/2013 Municipal Year**

78. Urgent Action

None.

79. Sealing of the Documents

To authorise the sealing of any documents necessary to action decisions of this Council Meeting, or any of its Committees and Boards for which delegated authority is not already in existence.

Resolved: To grant authority for the signing of, or the Common Seal of the Council being affixed to, any documents necessary to give effect to any resolutions hereby approved.

The meeting closed at 7.55pm

REPORT TO COUNCIL 24 APRIL 2012 - Leader of the Council

Since the last meeting of Council I have had the opportunity, together with all Leaders in the Region to meet Eric Pickles, Minister for local government. I asked him questions around the planning inspectorate and the overturning of decisions by locally elected members. I have to say that my comments found general support from fellow leaders but not from Mr Pickles. At the same meeting the leader of North Yorkshire challenged Mr Pickles about the split of New Homes Bonus money and said he favoured an 80/20 split in NYCC favour, I made my known my opposition to this and Mr Pickles indicated that he would keep the current split.

I attended a meeting of Leeds City Region Leaders, where the issue arose of a submission to ministers by the chair of the board, Cllr Box,. The submission concerned a transport and economic strategy across the city region. There was not agreement among Leaders and I am happy to answer any questions on this in part 2.

I have also been involved in the replacement gym for Abbey leisure centre users, I think that the building we have agreed a price on will provide a first class facility whilst Abbey is repaired.

I have presented the corporate plan to the executive and have also presented the Service Level Agreement between the Council and Access Selby. Finally I have met local companies who are looking to expand and sought ways in which this Council can assist in their aspirations.

Mark Crane

Cllr Gillian Ivey.
Executive Member for Partnerships and External Relations

Report to Council on April 24th 2012.

During the past two months I have represented the Council at meetings and events across North Yorkshire.

The Shadow Police and Crime Panel. The main discussions at the last meeting were around the role and responsibility of the panel, and how the panel will be funded. All the details will be found in a later agenda item this evening. This council is asked to nominate and agree its representative to the actual Police and Crime Panel at the Annual Council meeting in May. There will be interviews for the two independent members during the summer and the Panel will start to meet in September / October.

As members will be aware, elections of the York & North Yorkshire Police Commissioner will take place on November 15th 2012 and the Panel will then have a series of meetings with the newly-elected Commissioner, to approve his/her budget.

York & North Yorkshire Housing Board: At the March meeting members approved the proposed 8 week on-line consultation (with key stakeholders – local authorities & registered providers) commencing April 2012 to develop a North Yorkshire Tenancy Strategy. This will provide a broad & flexible framework to support consistency in the sub region and fits well with the existing sub regional Housing Strategy. This approach allows the local authorities to share resources & expertise & builds capacity to fulfil Localism Act obligations.

The Housing Forum will be consulted 1st May 2012 & the Housing Board asked to approve the Strategy 18th June 2012. This will enable local authorities to develop & approve their local tenancy policies

At the council I am working with officers on.....

- The Tenancy Policy for Selby District, which will sit with the North Yorkshire Tenancy Strategy, currently out for an 8-week consultation
The draft policy will go before Policy Review Committee in the autumn.
- The Selby Mini Olympic Events due to take place on the weekend of June 23 – 24th
- The provision of temporary gym and fitness facilities following the fire at Abbey Leisure Centre, also the re-location of swimming lessons and fitness classes.
- 'Sport and Leisure' is a key part of the 5 Big Things, and work is ongoing looking at leisure provision throughout the district.

Gillian Ivey

Cliff Lunn Executive member for finance. Report to council

HRA Loan

Arrangements for the £50.233m debt were arranged on 26th march, the date on which we had to arrange the PWLB loans. Rates were set by the PWLB we are obtained at an average of 3.5% for the new debt.

As discussed with Sector, our preferred option, in order to balance certainty of cost and flexibility, is to take a mixture of loans for 30 years, 40 years and 50 years – within this mix we have broken them down into smaller loans to give us more options should rules on part repayments change in the future. We also have existing debt of £7.5m - £6.5m of which matures in 8 years.

The settlement date was Wednesday 28 March 2012 when the cash actually changed hands.

Leisure Maintenance

. Following the fire at Abbey Leisure Centre at the end of February and a review of the need for works at Selby Park, the maintenance programme now focuses on Tadcaster Leisure Centre only.

The works at Tadcaster relate to drainage repairs, car park repairs and relining.

The original estimate for this work was £5,850 based on a condition survey carried out in 2007.

Since then there has been further deterioration and the tender process for the work has resulted in an increase in cost to £12,350.

This increase can be covered by the leisure maintenance budget

New contracts for green waste

A list of companies were invited to tender for the treatment of green waste collected via our kerbside collection schemes.

The contract value over the initial three year period that is proposed is approximately £450,000 which means that an EU procurement exercise is required.

10 companies responded to the Pre-Qualification Questionnaire and all achieved the 60% score that was set as the minimum standard and therefore all 10 companies have been invited to submit formal tenders.

Cllr John Mackman
Executive Member for Place Shaping

Report to Council on 24 April 2012

This report covers the period from the last Council meeting on the 28 February 2012. During this short period I have attended scheduled Executive/Executive briefing meetings, Selby Internal Drainage Board, Ferrybridge Multi Fuel Plant Liaison Committee, local Parish Council meetings and attended to local Ward case work.

Work Programme Key Points

1) The LDF Core Strategy (CS)

Continued liaison with Officers in progressing the Core Strategy forward towards the reconvened Examination in Public (EIP) which is now due to recommence on the 18 April 2012 and potentially last for 2-3 days with a further period of consultation and examination likely to be scheduled around August 2012.

At the Council meeting in December the proposed changes to the Core Strategy in response to the Inspectors three points of concern were agreed by Council and the subsequent 6 week public consultation concluded on the 15 February 2012.

A total of 182 individual representations to the consultation were received and these have been acknowledged and forwarded to the Inspector for examination along with the Council's proposed changes.

It should however be noted that since this work was completed the Government published the new National Planning Policy Framework (NPPF) and other guidance on the 27 March 2012. These new planning policies are effective immediately and my report to the Executive on the 5 April 2012 noted that the NPPF could have a significant impact on the LDF process.

The immediate impact following discussion with the Inspector and advice from our Counsel is that the EIP will reconvene on 18 and 19 April 2012 to consider the three specific topics previously highlighted by the Inspector and our response in the context of the NPPF and any legal and procedural matters.

The Inspectorate has clarified that it will be essential that all representors are now given the opportunity to comment on the implications of the Framework for the Core Strategy and to this end a 4 week period of consultation will be held as soon as practical following the EIP in April.

The EIP will then reconvene again at a yet unspecified date in the Summer to deal with comments on the Framework and any further proposed changes arising from the April EIP and/or the Framework. In this regard any changes of this nature will invoke the need for a further 6 week period of consultation prior to reconvening the EIP in the summer.

2) The Site Allocation DPD Preferred Options (SADPD)

Continued liaison with Officers. As indicated above the Core Strategy is currently the priority for Officers and the SADPD will eventually have to take its lead from the Core Strategy and will need to reflect any changes made to the Core Strategy as a result of the EIP.

The impact of the new NPPF and the significance of the new Planning Policy for Traveller Sites which also became effective from the 27 March 2012 will need to be recognised in the final drafting of the “Further Preferred Options” version of the SADPD.

3) Some Aspects of the Government Planning Policy

Some of the key aspects of the Government Planning Policy are:-

- 3.1 For 12 months from the day of publications of the NPPF (ie up to 27 March 2013) decision makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.
- 3.2 From the day of publication NPPF (27 March 2012) decision makers may also give weight to relevant policies in emerging plan (ie LDF Plans) according to the stage of preparation. The more advanced the preparation the greater the weight that may be given.
- 3.3 LPA’s may continue to draw on evidence that informed the preparation of Regional Strategies to support local plan policies, supplemented as needed by up to date evidence.
- 3.4 The new Planning Policy for Traveller Sites is a single combined policy incorporating “Gypsies and Travellers” and “Travelling Show People” all defined as “Travellers”. The Local Planning Authority in providing their Local Plan are required to:-
 - a) Identify and up date annually, a supply of specific deliverable sites sufficient to provide 5 years worth of sites against their locally set targets.
 - b) Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and where possible for years 11-15.
 - c) Consider the production of joint development plans that set targets on a cross-authority basis (duty to co-operate) on planning issues that cross administrative boundaries.

4) Ferrybridge Multi-Fuel Plant Liaison Committee

Attended the recent liaison committee meeting at the Power Station. SSE plc and Wheelabrator Technologies Inc have entered into a 50:50 joint venture to develop a new £300m multifuel generation facility at SSE's Ferrybridge Power Station. The joint venture – Multifuel Energy Ltd ("MFE") expects to be in construction of the 68MW multifuel facility in late 2012 and complete the project by early 2015. Hundreds of jobs are expected to be created during the three year construction period and over 50 new full time jobs once the plant is fully operational.

Councillor John Mackman
10 April 2012

Chris Metcalfe, Executive Member for Communities.

Since last council I have been engaged in the following projects:-

Gypsy and Traveller working group (part of tackling the Tough Stuff programme) has agreed to arrange a meeting with all relevant stakeholders who come into contact with the travelling community to better understand the issues facing the traveller community, so that we are better placed to address some of the myths that surround the traveller community. This work will enable the authority to demonstrate its commitment to the equalities agenda. As part of this work I have attended a day conference on the issue of understanding the traveller community which gave an insight to some of the social problems that travellers experience e.g. short life expectancy, health problems such as heart disease and depression, hate crime and poor educational attainment. It was also enlightening to listen to Romany travellers talking about their culture and it did leave me with the view that there is a two way piece of work to be done with both the settled community and the traveller community understanding each other's cultural differences and their aspirations in life for themselves and their families.

The project team working on Tackling the Tough Stuff Tadcaster has worked up a project plan to move this work forward and it has been presented to the Leader for his endorsement. The Leader has given his support to the plan and the next step is to meet with the Partnership Board of the T@V CEF to gain their buy in to the two work streams that require their lead. I have invited Cllr. Ian Reynolds to join the project team and he has agreed. Ian will add a specialist dimension to the team and I'm grateful for his support.

Following my attendance at the Policy Board where Rose Norris presented the report on the next steps to develop the CEF project and considering the feedback from that meeting. I have with the assistance of the Chief Executive set up a task group of invited councillors to look how we might better understand the issues surrounding the negative views expressed by some on the work of the CEF's and how we might design an improved model. We have held our first meeting which was very positive and productive; I express my thanks to those councillors who accepted the invitation and for their very frank and honest contribution to the debate. The work continues.

Drew Fussy and I have presented the draft Countryside Management Strategy to the Policy Board for their consideration and input, before the document is put to the Executive. The approach of the Strategy is to work with existing agencies and landowners in the district to improve and protect the green environment for the benefit and enjoyment of our residents and visitors to the district. Following a period of consultation that will involve all of the CEF's the final strategy will be presented to council for adoption by members.

Chris Metcalfe.

Policy Review Committee – Report from Councillor M Jordan

Policy Review Committee - 12 April 2012

Councillor Packham raised an item from the minutes of the previous meeting. The opportunity was taken to bring forward an issue with the transport study (or lack of) centred on the traffic lights in Sherburn. The Committee heard that the traffic lights were already at capacity and 500 plus more houses would bring problems. A resolution to bring up with the SADPD consultation was made.

The next major topic was the Council's Strategy on Greenspace and the country side in general. A report was presented by Executive member Cllr Chris Metcalfe with follow up from Officer Drew Fussy. A long discussion ensued and numerous concerns were raised. It was accepted it will be a very light touch approach by the Council and that announcements on what happens with certain areas owned by the Council will be happening in the near future.

We also took the opportunity to get an update from Enterprise regarding a second waste transfer station. This would alleviate the issue of a full lorry in Sherburn going back to Selby then returning to carry on. This issue was raised some time ago and is still on going.

We then discussed what had been done during our first year and concerns were raised about how effective we are as a form of scrutiny. A request was made to add on a list of items that Executive had acted upon as a consequence of our resolutions to them. The work programme then followed with some amendments to the suggested programme and the addition of a request for an update on what happening with CEFs plus a further update request for an update on the Greenspace and Countryside Strategy when it is up and running.

Chair of Scrutiny – Councillor Wendy Nichols

The Scrutiny Committee has met once since the last full council.

20 March 2012

Call In – Access Selby Service Level Agreement

A call in was received however this item was not debated.

Scrutiny Committee Annual Report

Scrutiny Annual Report was presented by the Chair and approved for submission to Full Council.

Health Service Provision – Vale of York Clinical Commissioning Group (CCG)

Dr Hayes, Vale of York CCG, attended the meeting to explain the changes to the Health and Social Care Bill and how the CCG are working with the community, GP practices and NHS. He explained that by the end of 2013 the Strategic Health Authority would be decommissioned. The briefing was extremely informative and helpful.

Access Selby Review

Councillor Inness attended the meeting to give a presentation on Access Selby and a review on the work completed. The presentation gave a lot of information and updated the Scrutiny Committee on the work of Access Selby.

Corporate Plan Update

Councillor Crane attended and felt that the performance this year was a testament to the hard work and dedication of the Access Selby staff.

Communities Selby Project

Councillor Metcalfe attended the meeting to give an update on the Communities Selby Project. There are several mini projects being developed including the Olympic Torch which comes through the district on the 19 June.

A new volunteer centre in Selby Town Centre has been opened and a lot of work had been completed around governance with the Third Sector Organisation.

Crime and Disorder Update

North Yorkshire Police and Community Safety Partnership had submitted a report giving statistical information on Crime, Anti-Social Behaviour and Safer Neighbourhood Priorities. The report was very helpful to the committee.

Councillor Casling – Audit Committee

The meeting of Audit Committee will be held on the 18 April 2012.

I will provide a verbal update at the Council meeting.



Public Session

Report Reference Number (C/11/15)

Agenda Item No: 11

To:	Council
Date:	28 April 2012
Author:	Jonathan Lund, Monitoring Officer
Lead Officer:	Jonathan Lund, Monitoring Officer

Title: THE LOCALISM ACT 2011 – THE AMENDED STANDARDS REGIME

Summary:

The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for councillors and co-optees. The date for implementation of these changes was proposed to be 1st April 2012, but current indications are that the changes will be effective from 1 July 2012.

This report is based on a draft report prepared for Monitoring Officers by Peter Keith-Lucas, Local Government Partner at Bevan Brittan LLP and describes the changes and recommends some of the actions required for the Council to implement the new regime. The report presents Council with the option of whether or not to have a Standards Committee and subsequent recommendations in the report have been drafted in a way which accommodates either option. Matters contained in square brackets [] would not apply if the Council decided not to establish a Standards Committee

Recommendations:

- 1) **To consider whether or not to establish a Standards Committee comprising 4 Councillors of the District Council, appointed proportionally; [and whether to :**
 - b. **Ask the Leader of the Council to nominate to the Committee not more than one member who is a member of the Executive;**
 - c. **Invite Parish Councils to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members of the Committee;**
 - d. **Co-opt the two existing independent members as co-opted non voting members of the Committee**

- e. Seek to establish a Joint Standards Committee with the parish and town councils in Selby District]**

And to construe all subsequent recommendations in a way which is consistent with this recommendation/resolution

- 2) To instruct the Monitoring Officer to draft, for consideration and approval by Council, a Code of Conduct for Councillors and Co-opted Members which complies with the Localism Act 2011**
- 3) To authorise the Monitoring Officer, after consultation with the [Chair of Standards Committee and the] Chair of Council, to amend the draft Code where he considers it to be necessary or appropriate following publication of the Disclosable Pecuniary Interests Regulations.**
- 4) To appoint the Monitoring Officer as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;**
- 5) To give delegated power to the Monitoring Officer, after consultation with the Independent Person, to determine whether a complaint merits further action or investigation and, where appropriate, to arrange such a hearing or investigation. To instruct the Monitoring Officer to seek resolution of complaints without formal action wherever practicable and grant the Monitoring Officer discretion to refer decisions on further action to Council [the Standards Committee] where he feels that it is inappropriate for him to take the decision, and to report regularly on the discharge of this function;**
- 6) Where a hearing finds no evidence of failure to comply with the Code of Conduct, to require the Monitoring Officer to close the matter, providing details of the findings to the complainant and to the member concerned, and to the Independent Person, [and reporting the findings to the Standards Committee for information];**
- 7) Where a hearing finds evidence of a failure to comply with the Code of Conduct, to authorise the Monitoring Officer, after consultation with the Independent Person and in appropriate cases, to seek local resolution of the complaint to the satisfaction of the complainant, [with a summary report for information to Standards Committee.] Where such local resolution is not appropriate or not possible, he is to report the findings of the hearing, together with a recommendation on sanctions to the Council for determination [Where such local resolution is not appropriate or not possible, the Hearings Panel shall determine the appropriate sanction to impose or make a recommendation to the Parish/Town Council] ;**
- 8) To authorise the Monitoring Officer to make recommendations to the Council [To delegate to the Standards Committee (or a Hearings Panels established for the purpose) such of the Council's powers as can be delegated to take decisions] in respect of a member who is found on hearing to have failed to comply with the Code of Conduct as set out in part 3.5 of this report.**

- 9) To adopt the “Arrangements for dealing with standards allegations under the Localism Act 2011” set out at Appendix 1 [2] which reflect the principles set out above.
- 10) To authorise the Monitoring Officer, after consultation with the Chair [of Standards Committee and the Chair] of Council, to set the allowances and expenses for the Independent Person and any Reserve Independent Persons, [and this function subsequently be delegated to the Standards Committee]
- 11) To advertise a vacancy and begin the process of appointment of 1 Independent Person and 1 Reserve Independent Person
- 12) To delegate to the Monitoring Officer [Standards Committee] authority to short-list and interview candidates, and to make a recommendation to Council for appointment.
- 13) To authorise the Monitoring Officer to prepare and maintain a new register of councillors interests to comply with the requirements of the Act and the Council’s Code of Conduct, and ensure that it is available for inspection as required by the Act;
- 14) To require the Monitoring Officer to ensure that all councillors and co-optees are informed of their duty to register interests;
- 15) To authorise the Monitoring Officer to prepare and maintain new registers of councillors’ interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and
- 16) To ask the Monitoring Officer to make arrangements to inform and train Parish Clerks on the new registration arrangements.
- 17) To amend the Council procedure Rules to require that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Declarable Pecuniary Interest, except where he is permitted to remain as a result of the grant of a dispensation.
- 18) To delegate the power to grant dispensations to the Monitoring Officer or [–
 - a. on grounds set out in Paragraphs 9.3.1 and 9.3.4 of this report to the Monitoring Officer with an appeal to Standards Committee, and
 - b. on grounds 9.3.2, 9.3.3 and 9.3.5 to the Monitoring Officer [Standards Committee], after consultation with the Independent Person.]
- 19) To authorise the Monitoring Officer to make any necessary or consequential changes to the Constitution to ensure compliance with these recommendations

Reasons for recommendation

To enable the Council to respond to its statutory obligations to establish local arrangements to promote and maintain high standards of conduct for its Councillors and co-opted members.

1 Duty to promote and maintain high standards of conduct

The Council will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members.

2 Standards Committee

The Localism Act 2011 (the Act) repeals Section 55 of the Local Government Act 2000, which provides for a statutory Standards Committee. So, there will be no requirement for a Standards Committee. However, there will still be a need to deal with standards issues and case-work.

If the Council wishes to operate without a Standards Committee it will be necessary to delegate significant and potentially controversial matters to the Monitoring Officer, with the ultimate responsibility for imposing a very limited range of sanctions being reserved for Council upon the Monitoring Officer's recommendations.

Alternatively Council may wish to appoint a Standards Committee which would be a normal Committee of Council, without the unique features which were conferred by the previous Standards legislation. If this route was chosen –

- 2.1 The composition of the Committee will be governed by proportionality, unless Council votes otherwise with no member voting against. The present restriction to only one member of the Executive on the Standards Committee will cease to apply as a statutory requirement but could be retained as a local limitation;
- 2.2 The current co-opted independent members will cease to hold office but could be considered for fresh co-option to the new Committee;
- 2.3 The District Council will continue to have responsibility for dealing with standards complaints against elected and appointed members of Parish and Town Councils, but the current Parish Council representatives cease to hold office. The District Council can choose whether it wants to continue to involve Parish Council representatives and, if so, how many Parish Council representatives it wants. The choice is between establishing a Standards Committee as a Committee of the District Council, with co-opted but non-voting Parish Council representatives (such a Committee could then only make recommendations in respect of Parish Council members), or establishing a Standards Committee as a Joint Committee with the Parish Councils within the District (or as many of them as wish to participate) and having a set number of Parish Council representatives as voting members of the Committee (such a Joint Committee could then

take operative decisions in respect of members of Parish Councils, where the Parish Council had delegated such powers).

The existing Standards Committee have considered this matter and recommend the retention of a Standards Committee with Independent and Parish representation as a safeguard against the politicisation of the Monitoring Officer role and the retention of a representative role in maintaining standards. The Standards Committee also recommended that consideration be given to trying to establish the Standards Committee as a joint committee with Parish/Town Councils in the District to better involve local councils in the new standards framework.

Recommendations - The Standards Committee –

- 1) To consider whether or not to establish a Standards Committee comprising 4 Councillors of the District Council, appointed proportionally; and whether to :**
 - b. Ask the Leader of the Council to nominate to the Committee not more than one member who is a member of the Executive;**
 - c. Invite Parish Councils to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members of the Committee;**
 - d. Co-opt the two existing independent members as co-opted non voting members of the Committee**
 - e. Seek to establish a Joint Standards Committee with the parish and town councils in Selby District.**

3 The Code of Conduct

The current ten General Principles and Model Code of Conduct will be repealed, and members will no longer have to give an undertaking to comply with the Code of Conduct. However, the Council will be required to adopt a new Code of Conduct governing elected and co-opted members' conduct when acting in that capacity. The Council's new Code of Conduct must, viewed as a whole, be consistent with the following seven principles –

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Council has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven principles. However, regulations still to be made under the Act will require the registration and disclosure of “Disclosable Pecuniary Interests” (DPIs), broadly equating to the current prejudicial interests. The provisions of the Act also require a Council’s code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests. The result is that it is not possible yet to draft Code provisions which reflect the definition of DPIs which will appear in regulations, but it is possible to give an indicative view of what the Council might consider appropriate to include in the Code in respect of DPIs, other pecuniary interests and non-pecuniary interests. Accordingly, it is sensible at this stage to prepare a draft Code which requires the registration and disclosure of those interests which would today amount to personal and/or prejudicial interests, but only require withdrawal as required by the Act for DPIs.

The Act prohibits members with a DPI from participating in Council business, and the Council can adopt a Standing Order requiring members to withdraw from the meeting room for the avoidance of doubt.

So the Council’s new Code of Conduct will have to deal with the following matters –

- General conduct rules, to give effect to the seven principles; and
- Registration and disclosure of interests other than DPIs – effectively, replacing the current personal interests provisions. The Act requires that the Code contains “appropriate” provisions for this purpose, but, until the regulations are published, defining DPIs, it is difficult to suggest what additional disclosure would be appropriate.

The Association of Council Secretaries and Solicitors, in partnership with the National Association of Local Councils and the LGA is preparing a model draft local code which should be suitable for all tiers of authorities. Monitoring Officers across North Yorkshire have agreed to try to base their local code on this model once a copy is available.

Recommendation - Code of Conduct

- 2) To instruct the Monitoring Officer to draft, for consideration and approval by Council, a Code of Conduct for Councillors and Co-opted Members which complies with the Localism Act 2011**
- 3) To authorise the Monitoring Officer, after consultation with the [Chair of Standards Committee and the] Chair of Council, to amend the draft Code where he considers it to be necessary or appropriate following publication of the Disclosable Pecuniary Interests Regulations.**

Dealing with Misconduct Complaints

3.1 “Arrangements”

The Act requires that the Council adopt “arrangements” for dealing with complaints of breaches of the Code of Conduct both by District Council members and by Parish Council members, and such complaints can only be dealt with in accordance with such “arrangements”. So the “arrangements” must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a member who is found to have failed to comply with the relevant Code of Conduct. A proposed set of “arrangements” is attached at Appendix 1 (without a Standards Committee) and Appendix 2 (with a Standards Committee).

The advantage is that the Act repeals the requirements for separate Local Assessment, Review and Consideration and Hearings Sub-Committees, and enables the Council to establish its own process, which can include delegation of decisions on complaints. Indeed, as the statutory provisions no longer give the Standards Committee or Monitoring Officer special powers to deal with complaints, it is necessary for Council to delegate appropriate powers to any Standards Committee and/or to the Monitoring Officer.

3.2 Decision whether to pursue or investigate a complaint

In practice, the Standards for England guidance on initial assessment of complaints provided a reasonably robust if long-winded basis for filtering out trivial and tit-for-tat complaints. It is sensible to take advantage of the new flexibility to delegate to the Monitoring Officer the initial decision on whether a complaint requires further consideration, subject to consultation with the Independent Person [and the ability to refer particular complaints to the Standards Committee where he feels that it would be inappropriate for him to take a decision on it, for example where he has previously advised the member on the matter or the complaint is particularly sensitive.] These arrangements would also offer the opportunity for the Monitoring Officer to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal action. If this function is delegated to the Monitoring Officer, it is right that he should be accountable for its discharge. For this purpose, it would be appropriate that he make a regular report to Council [Standards Committee], which would enable him to report on the number and nature of complaints received and draw attention to areas where training or other action might avoid further complaints, and keep the Councillors advised of progress on investigations and costs.

3.3 Investigation or Hearing

Under the outgoing arrangements, where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the current

requirement is that this is reported to a Considerations and Hearings Sub-Committee and the Sub-Committee take the decision to take no further action.

The new legislation does not require an investigation stage and it would be possible to move straight to a hearing where a complaint progresses beyond the first stage. The hearing would provide an opportunity for the complainant to explain their complaint and for the subject member to respond before the hearing reaches a decision on whether there was a breach of the code of conduct or not. If the Council chose not to appoint a Standards Committee the hearing would be conducted by the Monitoring Officer. His findings and a recommendation on the appropriate sanction would be submitted to Council for consideration and a decision. If a Standards Committee was appointed the hearing would be conducted by a Panel of Members drawn from the Committee and the Committee would have delegated authority to impose a sanction on behalf of the Council or make a recommendation to a parish or Town Council.

Where a hearing finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution, avoiding the necessity of a sanction. The Hearing might cause a member to recognise that his/her conduct was at least capable of giving offence, or identify other appropriate remedial action, and the complainant may be satisfied by recognition of fault and an apology or other remedial action. However, it is suggested that at this stage it would only be appropriate for the Monitoring Officer to agree a local resolution after consultation with the Independent Person and where the complainant is satisfied with the outcome [and with a subsequent summary report for information to the Standards Committee.]

3.4 Action in response to a finding of failure to comply with Code

The Act does not give the Council [or its Standards Committee] any powers to impose sanctions such as suspension or requirements for training or an apology on members. So, where a failure to comply with the Code of Conduct is found, the range of actions which the Council can take in respect of the member is very limited and must be directed to securing the continuing ability of the Council to continue to discharge its functions effectively, rather than “punishing” the member concerned. In practice, this might include the following –

3.4.1 Reporting its findings to Council [*or to the Parish Council*] for information;

3.4.2 Recommending to the member’s Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

- 3.4.3 Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular lead responsibilities;
- 3.4.4 Instructing the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the member;
- 3.4.5 Removing *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the Council *[or by the Parish Council]*;
- 3.4.6 Withdrawing *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 3.4.7 Excluding *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

There is a particular difficulty in respect of Parish Councils, as the Localism Act gives no power to do any more in respect of a member of a Parish Council than make a recommendation to the Parish Council on action to be taken in respect of the member. Parish Councils will be under no obligation to accept any such recommendation. [The only way round this would be to constitute the Standards Committee and Hearings Panels as a Joint Committee with Joint Sub-Committees with the Parish Councils, and seek the delegation of powers from Parish Councils to the Hearings Panels, so that the Hearings Panels can effectively take decisions on action on behalf of the particular Parish Council. The current Standards Committee has recommended that the Council explore the possibility of establishing a Joint Committee system.]

3.5 Appeals

There is no requirement to put in place any appeals mechanism. The decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Council had no power to impose.

The current Standards Committee considered this matter and recommended that there should be a right of appeal to the Standards Committee against a decision of the Monitoring officer that a complaint should not progress to a hearing/investigation and a right of appeal to the Council against the findings of a hearing/investigation by the Standards Committee.

Recommendation - Complaints of Misconduct

- 4) To appoint the Monitoring Officer as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;**
- 5) To give delegated power to the Monitoring Officer, after consultation with the Independent Person, to determine whether a complaint merits further action including a hearing or formal investigation and, where appropriate, to arrange such a hearing or investigation. To instruct the Monitoring Officer to seek resolution of complaints without formal action wherever practicable, and grant the Monitoring Officer discretion to refer decisions on further action to the Council [Standards Committee] where he feels that it is inappropriate for him to take the decision, and to report regularly on the discharge of this function;**
- 6) Where a hearing finds no evidence of failure to comply with the Code of Conduct, to require the Monitoring Officer to close the matter, providing a copy of the findings to the complainant and to the member concerned, and to the Independent Person, [and reporting the findings to the Standards Committee for information;]**
- 7) Where the hearing finds evidence of a failure to comply with the Code of Conduct, to authorise the Monitoring Officer, after consultation with the Independent Person and in appropriate cases, to seek local resolution of the complaint to the satisfaction of the complainant, [with a summary report for information to Standards Committee.] Where such local resolution is not appropriate or not possible, he is to report the findings of the hearing together with a recommendation on sanctions to the Council for determination. [Where such local resolution is not appropriate or not possible the Hearings Panel shall determine the appropriate sanction to impose or make a recommendation to the Parish/Town Council];**
- 8) To authorise the Monitoring Officer to make recommendations to the Council [To delegate to the Standards Committee (or a Hearings Panels established for the purpose) such of the Council's powers as can be delegated to take decisions] in respect of a member who is found on hearing to have failed to comply with the Code of Conduct such actions to include:-**
 - Reporting its findings to Council [or to the Parish Council] for information;**
 - Recommending to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;**

- **Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;**
- **Instructing the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the member;**
- **Removing *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the Council *[or by the Parish Council]*;**
- **Withdrawing *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or**
- **Excluding *[or recommend that the Parish Council exclude]* the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.**

9) To adopt the “Arrangements for dealing with standards allegations under the Localism Act 2011” set out at Appendix 1 or 2 both of which reflect the principles set out above.

4 Independent Person(s)

The “arrangements” adopted by Council must include provision for the appointment by Council of at least one Independent Person.

4.1 “Independence”

The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council (not just of those present and voting).

A person is considered not to be “independent” if –

- 4.1.1 he is, or has been within the last 5 years, an elected or co-opted member or an officer of the District Council or of any of the Parish or Town Councils within its area;
- 4.1.2 he is, or has been within the last 5 years, an elected or co-opted member of any Committee or Sub-Committee of the District Council or of any of the Parish or Town Councils within its area (which would preclude any of the current co-opted independent members of Standards Committee from being appointed as an Independent Person); or

- 4.1.3 he is a relative or close friend of a current elected or co-opted member or officer of the District Council or any Parish or Town Council within its area, or of any elected or cop-opted member of any Committee or Sub-Committee of such Council.

For this purpose, “relative” comprises –

- (a) the candidate’s spouse or civil partner;
- (b) any person with whom the candidate is living as if they are spouses or civil partners;
- (c) the candidate’s grandparent;
- (d) any person who is a lineal descendent of the candidate’s grandparent;
- (e) a parent, brother, sister or child of anyone in Paragraphs (a) or (b);
- (f) the spouse or civil partner of anyone within Paragraphs (c), (d) or (e); or
- (g) any person living with a person within Paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

4.2 Functions of the Independent Person

The functions of the Independent Person(s) are –

- They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- They may be consulted by the Council in respect of a standards complaint at any other stage; and
- They may be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

This causes some problems, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint.

4.3 How many Independent Persons?

The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, there would appear to be little advantage in appointing more than one Independent Person, provided that a reserve candidate is

retained and can be activated at short notice, without the need for re-advertisement, in the event that the Independent Person is no longer able to discharge the function.

4.4 Remuneration

As the Independent Person is not a member of the Council or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel.

In comparison to the current Chair of Standards Committee, the role of Independent Person is likely to be less onerous. He/she is likely to be invited to attend all [meetings of the Standards Committee and] Hearings [Panels, but not to be a formal member of the Committee or Panel (he/she could be co-opted as a non-voting member but cannot chair as the Chair must exercise a second or casting vote).] He/she will need to be available to be consulted by members against whom a complaint has been made, although it is unclear what assistance he/she could offer. Where he/she has been so consulted, he/she would be unable to be involved in the determination of that complaint. This report suggests that the Independent Person also be involved in the local resolution of complaints and in the grant of dispensations. However, it would be appropriate to undertake a proper review of the function before setting the remuneration.

Recommendation – Independent Persons

10) To authorise the Monitoring Officer, after consultation with the Chair [of Standards Committee and the Chair] of Council, to set the allowances and expenses for the Independent Person and any Reserve Independent Persons, [and this function subsequently be delegated to the Standards Committee]

11) To advertise a vacancy and begin the process of appointment of 1 Independent Person and 1 Reserve Independent Person

12) To delegate to the Monitoring Officer [Standards Committee] authority to short-list and interview candidates, and to make a recommendation to Council for appointment.

5 The Register of Members' Interests

5.1 The register of members' interests

The Localism Act abolishes the concepts of personal and prejudicial interests. Instead, regulations will define "Disclosable Pecuniary Interests" (DPIs). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the

Council's website. The Monitoring Officer is also responsible for maintaining the register for Parish Councils, which also have to be open for inspection at the District Council offices and on the District Council's website.

At present we do not know what Disclosable Pecuniary Interests will comprise, but they are likely to be broadly equivalent to the current financial prejudicial interests.

The intention of the Localism Bill was to simplify the registration requirement, but in fact the Act extends the requirement for registration to cover not just the member's own interests, but also those of the member's spouse or civil partner, or someone living with the member in a similar capacity.

The provisions of the Act in respect of the Code of Conduct require a Council's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests.

The Monitoring Officer is required by the Act to set up and maintain registers of interest for each Parish Council, available for inspection at the District Council offices and on the District Council's website and, where the Parish Council has a website, provide the Parish Council with the information required to enable the Parish Council to put the current register on its own website.

5.2 Registration on election or co-option

Each elected or co-opted member must register all DPs within 28 days of becoming a member. Failure to register is one of a number of criminal offences created by the Act, but a breach of the law would not prevent the member from acting as a member.

Where the Council's locally adopted Code of Conduct requires registration of other interests, failure to do so would not be a criminal offence, but would be a failure to comply with the Code of Conduct.

There is no continuing requirement for a member to keep the register up to date, except on re-election or re-appointment, but it is likely that members will register new interests from time to time, as this avoids the need for disclosure in meetings. When additional notifications are given, the Monitoring Officer has to ensure that they are entered into the register.

The preparation and operation of the register, not just for Selby District Council but also for each Parish Council, is likely to be a considerable administrative task, especially where different Parish Councils adopt different Code requirements for registration and disclosure in respect of interests other than DPs. There is no provision for the District Council to recover any costs from Parish Councils.

Recommendation – Registration of Councillors’ Interests

- 13) To authorise the Monitoring Officer to prepare and maintain a new register of Councillors’ interests to comply with the requirements of the Act and the Council’s Code of Conduct, and ensure that it is available for inspection as required by the Act;**
- 14) To require the Monitoring Officer to ensure that all members are informed of their duty to register interests;**
- 15) To authorise the Monitoring Officer to prepare and maintain new registers of members’ interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and**
- 16) To ask the Monitoring Officer to make arrangements to inform and train Parish Clerks on the new registration arrangements.**

6 Disclosure of Interests and Withdrawal from Meetings

As set out above, DPIs are expected to be broadly equivalent to financial prejudicial interests, but with important differences. So –

- 6.1 The duty to disclose and withdraw arises whenever a member attends any meeting of Council, a committee or sub-committee, or of Cabinet or a Cabinet committee, and is aware that he/she has a DPI in any matter being considered at the meeting. So it applies even if the member would be absent from that part of the meeting where the matter in question is under consideration.
- 6.2 Where these conditions are met, the member must disclose the interest to the meeting (i.e. declare the existence and nature of the interest). However, in a change from the current requirements, the member does not have to make such a disclosure if he/she has already registered the DPI, or at least sent off a request to the Monitoring Officer to register it (a “pending notification”). So, members of the public attending the meeting will in future need to read the register of members’ interests, as registered interests will no longer be disclosed at the meeting.
- 6.3 Where the member does make a disclosure of a DPI, he/she must then notify it to the Monitoring Officer within the next 28 days, so that it can go on the register of interests.
- 6.4 If a member has a DPI in any matter, he/she must not –
 - 6.4.1 Participate in any discussion of the matter at the meeting. The Act does not define “discussion”, but this would appear to preclude making representations as currently permitted under paragraph 12(2) of the model Code of Conduct; or

6.4.2 Participate in any vote on the matter,
unless he/she has obtained a dispensation allowing him/her to speak and/or vote.

6.5 Failure to comply with the requirements (in paragraphs 6.2, 6.3 or 6.4 above) becomes a criminal offence, rather than leading to sanctions;

6.6 The Council's Code of Conduct must make "appropriate" provisions for disclosure and withdrawal for interests which are not DPIs, but failure to comply with these requirements would be a breach of the Code of Conduct, not a criminal offence.

Recommendation – Amendment to the Council Procedure Rules

17) To amend the Council Procedure Rules to require that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation.

7 Disclosure and Withdrawal in respect of matters to be determined by a Single Member

7.1 Matters can be decided by a single member acting alone where the member is an Executive Member acting under Portfolio powers.

7.2 The Act provides that, when a member becomes aware that he/she will have to deal with a matter and that he/she has a DPI in that matter –

7.2.1 Unless the DPI is already entered in the register of members' interests or is subject to a "pending notification", he/she has 28 days to notify the Monitoring Officer that he/she has such a DPI; and

7.2.2 He/she must take no action in respect of that matter other than to refer it another person or body to take the decision.

7.3 Standing Orders can then provide for the exclusion of the member from any meeting while any discussion or vote takes place on the matter.

7.4 Note that the Act here effectively removes the rights of a member with a DPI to make representations as a member of the public under Paragraph 12(2) of the current Code of Conduct

8 Sensitive Interests

The Act effectively re-enacts the existing Code of Conduct provisions on Sensitive Interests.

So, where a member is concerned that disclosure of the detail of an interest (either a DPI or any other interest which he/she would be required to disclose) at a meeting or on the register of members' interests would lead to the member or a person connected with him/her being subject to violence or intimidation, he/she may request the Monitoring Officer to agree that the interest is a "sensitive interest".

If the Monitoring Officer agrees, the member then merely has to disclose the existence of an interest, rather than the detail of it, at a meeting, and the Monitoring Officer can exclude the detail of the interest from the published version of the register of members' interests.

9 Dispensations

9.1 The provisions on dispensations are significantly changed by the Localism Act.

9.2 At present, a member who has a prejudicial interest may apply to Standards Committee for a dispensation on two grounds –

9.2.1 That at least half of the members of a decision-making body have prejudicial interests (this ground is of little use as it is normally only at the meeting that it is realised how many members have prejudicial interests in the matter, by which time it is too late to convene a meeting of Standards Committee); and

9.2.2 That so many members of one political party have prejudicial interests in the matter that it will upset the result of the vote on the matter (this ground would require that the members concerned were entirely predetermined, in which case the grant of a dispensation to allow them to vote would be inappropriate).

9.3 In future, a dispensation will be able to be granted in the following circumstances –

9.3.1 That so many members of the decision-making body have DPIs in a matter that it would "impede the transaction of the business". In practice this means that the decision-making body would be inquorate as a result;

9.3.2 That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;

9.3.3 That the Council considers that the dispensation is in the interests of persons living in the Council's area;

9.3.4 That, without a dispensation, no member of the Cabinet would be able to participate on this; or

- 9.3.5 That the Council considers that it is otherwise appropriate to grant a dispensation.
- 9.4 Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.
- 9.5 The next significant change is that, where the Local Government Act 2000 required that dispensations be granted by Standards Committee, the Localism Act gives discretion for this power to be delegated to Standards Committee or a Sub-Committee, or to the Monitoring Officer. Grounds 9.3.1 and 9.3.4 are pretty objective, so it would be uncontroversial to delegate dispensations on these grounds to the Monitoring Officer, [with an appeal to the Standards Committee], thus enabling dispensations to be granted “at the door of the meeting”. Grounds 9.3.2, 9.3.3 and 9.2.5 are rather more subjective and if the Council was minded to establish a Standards Committee it may be appropriate that the discretion to grant dispensations on these grounds remains with Standards Committee, after consultation with the Independent Person, otherwise it would be necessary to delegate to whole matter to the Monitoring Officer.

Recommendation – Dispensations

- 18) To delegate the power to grant dispensations –**
- a. on grounds set out in Paragraphs 9.3.1 and 9.3.4 of this report to the Monitoring Officer [with an appeal to Standards Committee] , and**
 - b. on grounds 9.3.2, 9.3.3 and 9.3.5 to the Monitoring Officer [Standards Committee], after consultation with the Independent Person.**

10 Transitional Arrangements

Regulations under the Localism Act will provide for –

- a. transfer of Standards for England cases to local authorities following the abolition of Standards for England;
- b. a transitional period for the determination of any outstanding complaints under the current Code of Conduct. The Government has stated that it will allow 2 months for such determination, but it is to be hoped that the final Regulations allow a little longer;
- c. removal of the power of suspension from the start of the transitional period; and
- d. removal of the right of appeal to the First Tier Tribunal from the start of the transitional period.

11. Legal/Financial Controls and other Policy matters

11.1 Legal Issues – As set out throughout the report.

11.2 Financial Issues – The Council has a statutory obligation to make available to the Monitoring Officer the resources necessary to enable that officer to undertake their statutory duties. As set out in this report the District Council's Monitoring Officer will retain certain obligations regarding Parish Councils, but there is greater scope for Parish Councils to adopt their own Code of Conduct or depart in some way from the District's model. This could significantly increase the complexity of managing the Register of Interests or dealing with complaints of breaches of the Code. In the worst case does present itself it may be necessary to bring forward a request for additional resources to ensure compliance with the Act.

12. Background Documents

Draft Report on the Amended Standards Regime – Bevan Brittan 2011

Model Arrangements for dealing with standards allegations under the Localism Act 2011 – Bevan Brittan 2011

Contact Officer: Jonathan Lund, Monitoring Officer

Appendices: Appendix 1 – Proposed "Arrangements" under the 2011 Act without a Standards Committee

Appendix 2 – Proposed "Arrangements" under the 2011 Act with a Standards Committee

Arrangements for dealing with standards allegations under the Localism Act 2011 – without a Standards Committee

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of Selby District Council [or of a parish or town council within its area] has failed to comply with that Council’s Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Council [or of a parish or town council within the Council’s area], or of a Committee or Sub-Committee of the Council, has failed to comply with that Council’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member [or a member or co-opted member of a parish or town council] against whom an allegation as been made.

2 The Code of Conduct

Selby District Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the Council’s website and on request at Access Selby in Selby Town Centre.

Each parish or town council is also required to adopt a Code of Conduct. If you wish to inspect a Parish or Town Council’s Code of Conduct, you should inspect any website operated by the parish or town council and request the clerk to allow you to inspect the council’s Code of Conduct.

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Selby District Council
Civic Centre
Doncaster Road
Selby YO8 9FT

Or –
 [Insert e-mailbox address here]

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the standard complaint form, which can be downloaded from the Council's website, next to the Code of Conduct, and is available on request from Access Selby. If you choose not to use the standard form please ensure that you provide us with all of the equivalent information, otherwise we may not be able to deal with your complaint.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits further formal action. This decision will normally be taken within 21 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. [Where your complaint relates to a Parish or Town Councillor, the Monitoring Officer may also inform the Parish or Town Council or your complaint and seek the views of the Parish or Town Council before deciding whether the complaint merits formal investigation.]

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for further formal action. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the member or the Council make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further formal action.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is further formal action taken?

The Council has adopted the following procedure to deal with misconduct complaints.

If the Monitoring Officer decides that a complaint merits further formal action s/he will arrange a Hearing. The Monitoring Officer will make reasonable efforts to ensure that the date for the hearing is suitable to all parties but will not tolerate unreasonable delay.

The Hearing will be conducted by the Monitoring Officer.

The Complainant will be invited to set out their complaint and show why they think the action(s) complained of represent a breach of the Code of Conduct. The Complainant may call witnesses to support their arguments. The Subject Member will have an opportunity to respond to the Complaint and call witnesses to support their arguments. Both sides may question the evidence and the witnesses.

The Monitoring Officer will seek to establish the facts and may take reasonable steps to ensure that the evidence presented is relevant and pertinent to the matters under consideration.

The Monitoring Officer will then decide whether a breach has occurred and announce his findings. If the Monitoring Officer finds no breach of the Code of Conduct he will close the hearing and close the complaint.

If the Monitoring Officer finds a breach of the Code of Conduct he may, after consulting the Independent Person, seek a local resolution. S/he will consult with the Independent Person and with the complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Council [and the Parish or Town Council] for information, but will take no further action. However, if the Complainant tells the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter to the Council with a recommendation on the appropriate sanction.

6 What action can the Monitoring Offer recommend the Council to take where a member has failed to comply with the Code of Conduct?

6.1 Publish the findings in respect of the member's conduct;

- 6.2 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 6.3 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 6.4 Arrange training for the member;
- 6.5 Remove [or recommend to the Parish or Town Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the Council [or by the Parish or Town Council];
- 6.6 Withdraw [or recommend to the Parish or Town Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 6.7 Exclude [or recommend that the Parish or Town Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Council has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

7 What happens at the Council Meeting?

At the Council Meeting the Monitoring Officer will state his decision as to whether the member failed to comply with the Code of Conduct and his recommendation to Council as to any actions which it ought to take. The Council will make the final decision on the matter.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice, and send a copy to you, to the member [and to the Parish or Town Council], and make that decision notice available for public inspection.

8 Who is the Monitoring Officer?

The Monitoring Officer is a senior officer of the Council who is appointed to act as Monitoring Officer in addition to his/her other duties. The Monitoring Officer has an independent statutory duty to report on any action or proposal by Selby District Council which would be unlawful, in breach of a statutory code or give rise to maladministration or injustice.

The Monitoring Officer at Selby District Council is also the Council's Deputy Chief Executive

In addition, the Monitoring Officer has responsibilities in connection with the Councillor Code of Conduct and enacting the arrangements (these arrangements) for dealing with allegations under the Localism Act 2011.

9 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she –

- 9.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the Council;
- 9.2 [Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the Council’s area], or
- 9.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means –
 - 9.3.1 Spouse or civil partner;
 - 9.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 9.3.3 Grandparent of the other person;
 - 9.3.4 A lineal descendent of a grandparent of the other person;
 - 9.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 9.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 9.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

10 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer the discretion to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

11 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Arrangements for dealing with standards allegations under the Localism Act 2011 with a Standards Committee

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of Selby District Council [or of a parish or town council within its area] has failed to comply with that Council’s Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Council [or of a parish or town council within the Council’s area], or of a Committee or Sub-Committee of the Council, has failed to comply with that Council’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member [or a member or co-opted member of a parish or town council] against whom an allegation as been made.

2 The Code of Conduct

Selby District Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the Council’s website and on request at Access Selby in Selby Town Centre.

Each parish or town council is also required to adopt a Code of Conduct. If you wish to inspect a Parish or Town Council’s Code of Conduct, you should inspect any website operated by the parish or town council and request the clerk to allow you to inspect the council’s Code of Conduct.

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Selby District Council
Civic Centre
Doncaster Road
Selby YO8 9FT

Or –
 [Insert e-mailbox address here]

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the standard complaint form, which can be downloaded from the Council's website, next to the Code of Conduct, and is available on request from Access Selby. If you choose not to use the standard form please ensure that you provide us with all of the equivalent information, otherwise we may not be able to deal with your complaint.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits further formal action. This decision will normally be taken within 21 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. [Where your complaint relates to a Parish or Town Councillor, the Monitoring Officer may also inform the Parish or Town Council or your complaint and seek the views of the Parish or Town Council before deciding whether the complaint merits formal investigation.]

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for further formal action. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the member or the Council make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further formal action.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is further formal action taken?

The Council has adopted the following procedure for the investigation of misconduct complaints.

If the Monitoring Officer decides that a complaint merits further formal action, s/he will arrange a hearing. The Monitoring Officer will make reasonable efforts to ensure that the date for the hearing is suitable to all parties but will not tolerate unreasonable delay.

The Hearing will be conducted by a Panel of Members drawn from the Council's Standards Committee.

The Complainant will be invited to set out their complaint and show why they think the action(s) complained of represent a breach of the Code of Conduct) The Complainant may call witnesses to support their arguments. The Subject Member will have an opportunity to respond to the Complaint and call witnesses to support their arguments. Both sides may question the evidence and the witnesses.

The Panel Chair will seek to establish the facts and may take reasonable steps to ensure that the evidence presented is relevant and pertinent to the matters under consideration.

The Panel will then decide whether a breach has occurred and announce their findings. If the Panel finds no breach of the Code of Conduct the Chair will close the hearing and the Monitoring Officer will close the complaint.

If the Panel finds a breach of the Code of Conduct the Monitoring Officer may, after consulting the Independent Person, seek a local resolution. S/he will consult with the Independent Person and with the complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee [and the Parish or Town Council] for information, but will take no further action. However, if the Complainant tells the Monitoring Officer that any suggested resolution would not be adequate, the Panel will decide what sanction to impose against the Subject Member.

6 What action can the Panel take where a member has failed to comply with the Code of Conduct?

Selby District Council has delegated to the Standards Committee (or to a Hearings Panel established for the purpose) such of its powers to take action in respect of

individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 6.1 Publish its findings in respect of the member's conduct;
- 6.2 Report its findings to Council [or to the Parish or Town Council] for information;
- 6.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 6.4 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 6.5 Instruct the Monitoring Officer to [or recommend that the Parish or Town Council] arrange training for the member;
- 6.6 Remove the Member [or recommend to the Parish or Town Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the Council [or by the Parish or Town Council];
- 6.7 Withdraw [or recommend to the Parish or Town Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 6.8 Exclude [or recommend that the Parish or Town Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Standards Committee (or Hearings Panel) has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

7 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Standards Committee (or Hearings Panel) as to whether the member failed to comply with the Code of Conduct and any actions which it has resolved to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair, and send a copy to you, to the member [and to the Parish or Town Council], make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

8 Who are the Standards Committee?

The Standards Committee comprises four members of the Council, including not more than one member of the Council's Executive, three co-opted members (non-voting) nominated by Parish and Town Councils and two independent co-opted members. The four Selby District Councillors are appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Standards Committee and his or her views are sought and taken into consideration before the Standards Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

9 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 9.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the Council;
- 9.2 [Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the Council's area], or
- 9.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
 - 9.3.1 Spouse or civil partner;
 - 9.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 9.3.3 Grandparent of the other person;
 - 9.3.4 A lineal descendent of a grandparent of the other person;
 - 9.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 9.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 9.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

10 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Committee the discretion to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

11 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Standards Committee.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix One The Council's Code of Conduct



Public Session

Report Reference Number (C/11/16)

Agenda Item No: 12

To: Council
Date: 12 April 2012
Author: Kelly Hamblin
Lead Officer: Michelle Sacks

Title: Police and Crime Panel Arrangements

Summary: A report to consider the proposed arrangements for the North Yorkshire Police and Crime Panel as a joint committee in accordance with the Police Reform and Social Responsibility Act 2011.

Recommendations:

- i. **The Council agrees the proposed arrangements for the North Yorkshire Police and Crime Panel as a joint committee of Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, Selby District Council and City of York Council; and**
- ii. **The Council appoints one member to the panel at Annual Council.**

Reasons for recommendation

1. Introduction and background

- 1.1 The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (commissioners).
- 1.2 The public accountability for the delivery and performance of the police service within each force area will be placed into the hands of the commissioner on behalf of their electorate. The commissioner will draw on their mandate to set and shape the strategic objectives of their

force area in consultation with the chief constable. The commissioner will be accountable to their electorate; the chief constable will be accountable to the commissioner.

- 1.3 The Act also requires the local authorities in each police force area to establish a police and crime panel (panel), as a joint committee, to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business.
- 1.4 According to the Home Office, “Panels are not a replacement for the police authority. They will fulfil an important role in scrutinising the commissioner but we need to be clear that this reform is about reconnecting the police and the people. This will be achieved through a directly elected police and crime commissioner not through the police and crime panel. The panel will have an important scrutiny role in relation to the commissioner, however it is the commissioner who is taking on the role of the police authority and who the public will hold to account for the performance of their force.”
- 1.5 The panel will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
 - the power of veto, by two-thirds majority, over the commissioner’s proposed budget and precept;
 - the power of veto, by two-thirds majority, over the commissioner’s proposed candidate for chief constable;
 - the power to ask Her Majesty’s Inspectorate of Constabulary (HMIC) for a professional view when the commissioner intends to dismiss a chief constable;
 - the power to review the commissioner’s draft police and crime plan and make recommendations to the commissioner who must take account of them;
 - the power to review the commissioner’s annual report and make reports and recommendations at a public meeting, which the commissioner must attend;
 - the power to require any papers in the commissioner’s possession (except those which are operationally sensitive);
 - the power to require the commissioner to attend the panel to answer questions;
 - the power to appoint an acting commissioner (from within the commissioner’s staff) when the elected commissioner is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new commissioner is elected); and
 - responsibility for all complaints about the commissioner, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).
- 1.6 The Home Secretary has reserve powers to establish a panel and to appoint members to the panel, if any local authority fails to do so.

2. The Report

Developing the panel arrangements

- 2.1 Elected member representatives (leaders or community safety portfolio holders) from the nine local authorities in York and North Yorkshire have been overseeing the development of the arrangements for the North Yorkshire Police and Crime Panel, through a task group established by Local Government North Yorkshire and York.
- 2.2 It is proposed that the nine local authorities each agree the formal panel arrangements, establishing it as a joint committee, and appoint their member(s) of the panel at or before their annual meetings in May 2012. This will allow time for the panel, before the commissioner is elected, to appoint co-opted independent members; agree the panel's rules of procedure; be briefed on relevant issues; and agree the panel's work programme for its first year. Until the commissioner takes office on 22 November 2012, following the election on 15 November 2012, the panel's powers will be limited to those necessary to prepare itself.
- 2.3 The draft panel arrangements (appendix 1) have been prepared in consultation with officers of the nine local authorities and considered by the elected member task group established by Local Government North Yorkshire and York.

Panel membership

- 2.4 In North Yorkshire and York, the panel will consist of ten councillors from the nine local authorities (at least one from each authority) and two independent members (not councillors) co-opted by the panel. If a local authority has an elected mayor, she/he will automatically be a member instead of a councillor. All twelve members will have equal voting rights. When co-opting the independent members, the panel must ensure that, as far as is reasonably practicable, the appointed and co-opted members together have the skills, knowledge and experience necessary for the panel to discharge its functions effectively.
- 2.5 It is proposed that Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council and Selby District Council will each appoint one councillor as a member of the panel; and that City of York Council will appoint two councillors.
- 2.6 It is proposed that the lead local authority will facilitate discussions between the local authorities in order to enable the authorities to fulfil their duty to secure (as far as is reasonably practicable) that the

appointed members represent the political make-up of the local authorities within the police area (when taken together). It is also proposed that the nine authorities should aim to fulfil this duty as far as possible without resorting to additional co-options to the panel as increasing the size of the panel beyond the core 12 members would increase costs and reduce its effectiveness. Any additional co-options would require the approval of the Home Secretary.

Support for the Panel

- 2.7 It is proposed that North Yorkshire County Council will be the lead local authority for the panel and, within the overall budget agreed annually by the nine local authorities, will support the panel and its members. This support will be led by a named lead officer supplemented as required by additional specialist officers (eg finance officers when advising the panel on the commissioner's proposed budget and precept, legal officers when advising the panel on dealing with any complaints against the commissioner).
- 2.8 It is proposed that the costs of the panel, including support for the panel, will be contained within the grant to be provided by the Home Secretary to the lead local authority. The annual grant will be £53,330 plus £920 towards expenses per panel member, subject to review by the Home Secretary in future. The LGA and Local Government North Yorkshire and York have both lobbied the Home Office to make a transparent level of funding available on a permanent basis to ensure that there is no burden on local authorities. However, the Act requires that panel arrangements make provision about how the local authorities are to share the costs of the panel.
- 2.9 To avoid councillors from different authorities being paid different rates of allowances, if any, for panel membership, it is proposed that the nine local authorities should ask the independent remuneration committee of the lead local authority to make a recommendation on behalf of all the local authorities.
- 2.10 The Act requires that the panel arrangements set out how support and guidance will be given to elected members and officers of the nine local authorities in relation to the functions of the panel. It is proposed that this will comprise initial briefing sessions for all elected members and relevant officers of the nine local authorities before the commissioner is elected and annual briefing sessions thereafter; together with written briefings issued at least three times a year.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The report responds to the duties and requirements of the Local Authority under the Police Reform and Social Responsibility Act 2011.

3.2 Financial Issues

Section 4 of the provisional Panel Arrangements sets out the financial arrangements which are to be agreed by the Panel.

4. Conclusion

4.1 To note the recommendation to Council that:

- i. The Council agrees the proposed arrangements for the North Yorkshire Police and Crime Panel as a joint committee of Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, Selby District Council and City of York Council; and
- ii. The Council appoints one member to the panel.

5. Background Documents

Contact Details
Kelly Hamblin
Senior Solicitor

Appendices:

Appendix 1- proposed arrangements for the North Yorkshire Police and Crime Panel

North Yorkshire Police and Crime Panel

Panel Arrangements

This Agreement is dated the day of 2012.

The Agreement is made between the following:

The Council of the City of York of
The County Council of North Yorkshire of
The District Council of Craven of
The District Council of Hambleton of
The Borough Council of Harrogate of
The District Council of Richmondshire of
The District Council of Ryedale of
The Borough Council of Scarborough of
The District Council of Selby of

In the Agreement the above Authorities are referred to together as 'the Authorities'.

1.0 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the Act') introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner ('PCC') for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel ('the Panel') for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel ('Panel Arrangements').
- 1.4 North Yorkshire and York is a multi authority police force area ('the police force area'). The Authorities, as the relevant local authorities within the area must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

1. 7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.
1. 8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
1. 9 The Panel is a joint committee of the Authorities.
1. 10 The Authorities agree the Panel Arrangements.
- 2. 0 Functions of the Police and Crime Panel**
2. 1 The Panel may not exercise any functions other than those conferred by the Act.
2. 2 The functions of the Panel set out at paragraphs 2.3 - 2.8 below may not be discharged by a Committee or Sub-Committee of the Panel.
2. 3 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and must:
 - a) review the draft Police and Crime Plan (and a variation to it); and,
 - b) report or make recommendations on the draft Plan which the PCC must take into account.
2. 4 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
 - a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act;
 - b) ask the PCC at that meeting such questions about the Annual Report as the Members of the Panel think appropriate;
 - c) review the Annual Report; and,
 - d) make a report or recommendations on the Annual Report to the PCC.
2. 5 The Panel must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precept in accordance with the Act and Regulations made thereunder.
2. 6 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC in accordance with the requirements set out in Schedule 8 of the Act and will

have a right of veto in respect of the appointment in accordance with the Act and Regulations made thereunder.

2. 7 The right of veto in paragraphs 2.5 and 2.6 will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.
2. 8 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner in accordance with the requirements set out in Schedule 1 of the Act.
2. 9 The following functions must also be undertaken by the Panel but may be delegated to a Sub-Committee of the Panel:
2. 10 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign, and in the case of the latter must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act.
2. 11 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.
2. 12 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel will determine and must also send copies to the Authorities.
2. 13 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions necessary for the Panel to undertake its functions, provided that such questions shall not:
 - a) relate to advice provided to the PCC by his/her staff;
 - b) in the view of the PCC:
 - i) be against the interests of national safety;
 - ii) jeopardise the safety of any person; or,
 - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or,
 - c) be prohibited by any other enactment.
2. 14 If the Panel requires the PCC to attend the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.

2. 15 The Panel may require the PCC to respond in writing to a report or recommendation from the Panel to the PCC.
2. 16 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
2. 17 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

3. 0 Membership

3. 1 General

3. 2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable. The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:

- a) represent all parts of the police force area;
- b) represent the political make-up of the Authorities; and,
- c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 3 In appointing co-opted Members who are not elected members of any of the Authorities the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 4 The Panel shall consist of ten Members appointed by the Authorities in accordance with the requirements of fair representation as follows:

3. 5 One Member appointed by each of:

- a) the North Yorkshire County Council.
- b) the District Council of Craven.
- c) the District Council of Hambleton.
- d) the Borough Council of Harrogate.
- e) the District Council of Richmondshire.
- f) the District Council of Ryedale.
- g) the Borough Council of Scarborough.
- h) the District Council of Selby.

3. 6 Two Members shall be appointed by the City of York Council.

3. 7 The Panel shall also include two independent Members co-opted by the Panel.
3. 8 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the Membership of the Panel shall not exceed 10.
3. 9 Panel Members will not be able to appoint substitute Members in the event that they are unable to attend a meeting.

3. 9 Appointed Members

3. 10 The Authorities shall each nominate an elected member to be a Member of the Panel, and in the case of the City of York, two Members shall be nominated. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.
3. 11 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the panel from the defaulting authority in accordance with the provisions in the Act.
3. 12 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.
3. 13 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to (INSERT DETAILS).
3. 14 An appointed Member may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at (INSERT CONTACT DETAIL) and to their Authority at (INSERT CONTACT DETAIL).
3. 15 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.
3. 16 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3. 17 Co-opted Members

3. 18 The following may not be co-opted Members of the Panel:
 - a) the PCC for the Police Area.
 - b) a member of staff of the PCC for the area.
 - c) a member of the civilian staff of the Police Force for the area.

- d) a Member of Parliament.
 - e) a Member of the National Assembly for Wales.
 - f) a Member of the Scottish Parliament.
 - g) a Member of the European Parliament.
3. 19 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.
3. 20 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.
3. 21 A co-opted Member shall be a Member of the Panel for four years.
3. 22 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
 - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and,
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
3. 23 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at (INSERT DETAILS).
3. 24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.
3. 25 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:
- a) if the co-opted Member has been absent from the Panel for more than three months without the consent of the Panel;
 - b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;

- c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel; or,
- d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.

3. 26 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.

3. 27 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

4. 0 Budget and Costs of the Panel

4. 1 The annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the Authorities on the basis of population, and further also on the basis of the County Council and the respective District Council for a North Yorkshire District Area sharing equally the cost in respect of the population of that Area.

4. 2 The population shall be determined by reference to the population data (mid-year estimates) issued by the Office of National Statistics for the year in which this agreement is made, and reviewed in accordance with that data every four years.

4. 3 A draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities (for example via Local Government North Yorkshire and York). All costs will be contained within the budget.

5. 0 Lead Authority

5. 1 The County Council of North Yorkshire shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.

6. 0 Rules of Procedure

The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment and removal of the Chairman;
- b) the formation of sub-committees;
- c) the making of decisions;
- d) the arrangements for convening meetings; and,
- e) the circulation of information.

7.0 Allowances

- 7.1 The payment of a responsibility allowance to Panel Members shall be considered and a recommendation sought from the Independent Remuneration Panel for North Yorkshire County Council as to whether the payment of such an allowance is appropriate.

8.0 Promotion of the Panel

- 8.1 The Panel arrangements shall be promoted by:
- a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
 - b) the issuing of regular press releases about the Panel and its work; and,
 - c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.
- 8.2 Support and guidance shall be provided to executive and non-executive elected members and officers of the Authorities in relation to the functions of the Panel as follows:
- a) by the provision of initial briefing sessions for elected members and relevant officers of the Authorities before the election of the PCC, and the provision of annual briefing sessions thereafter; and,
 - b) by the provision of written briefing notes for elected members and relevant officers of the Authorities at least three times per year.

9.0 Validity of Proceedings

- 9.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.
- 9.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

INSERT SIGNATURE/EXECUTION CLAUSE