GENERAL PURPOSES COMMITTEE
HELD ON THURSDAY, 21 MARCH 2019
(FROM 5.30 PM – 6.08 PM)

PRESENT: Councillor Steven Jackson in the Chair. Councillor Samantha Mearns, Councillor Margaret Atkinson, Councillor Nick Brown, Councillor Pauline McHardy, Councillor Alex Raubitschek, Councillor Matt Scott and Councillor Norman Waller.

In Attendance:

Late Arrivals: XXX
Early Departures: XXX

1 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:
An apology for absence had been received from Councillor Christine Willoughby. (5.31 pm)

2 – DECLARATIONS OF INTEREST:
Councillor Margaret Atkinson declared an interest in relation to Minute 40/18 due to her Membership of Bishop Thornton and Warsill Parish Council. Councillor Atkinson left the room for the duration of the item and did not vote. (5.32 pm)

3 – MINUTES:
The Minutes of the meeting of the Committee held on 15 November 2018 were approved as a correct record and signed by the Chair. (Seven Members voted for the motion and there was one abstention) (5.33 pm)

4 – EXEMPT INFORMATION:
There was no exempt information. (5.33 pm)

5 – PUBLIC ARRANGEMENTS - QUESTIONS:
There were no questions to consider under Standing Order 27. (5.34 pm)

MATTERS TO BE REFERRED TO COUNCIL FOR CONSIDERATION

6 – MAYORAL HANDBOOK:
The Democratic Services Manager submitted a written report which sought comment on and endorsement for the draft Mayoral Handbook that was attached to the report at Appendix 1. The Committee were also asked to consider including the handbook in the Constitution, splitting the mayoral allowance between the Mayor and Deputy
Mayor and the adoption of an annually appointed Mayor’s Cadet.

The handbook contained key information and guidance on the role which had previously been a matter of custom and protocol. Guidance had been sought from the National Association of Civic Officers as well as from other Councils. Guidance on the conduct of Council meetings had been attached as an Appendix to the handbook in order to assist the Mayor in their new role as chairman of the Council.

Councillor Brown proposed that a working group be arranged consisting of past mayors still serving on the Council and the Mayor Elect. The working group would consider the handbook and pass on any comments and amendments to the Democratic Services Manager. The proposal was seconded by Councillor McHardy. During the debate on the item it was explained to the Committee that if the motion was approved, the Mayoral Handbook would not be in place for the start of the new municipal year as it would need to be reported back to the General Purposes Committee in June and then a decision taken by Council in July.

Further clarification was sought on the Council’s twinning arrangements and it was agreed that paragraph 3.1 of the handbook would be amended to include arrangements relating to same-sex partners of Mayors.

RESOLVED:

That a working group of past Mayors and the Mayor Elect be arranged to consider the content of the draft Mayoral handbook prior to it being brought back to the General Purposes Committee for approval in June 2019.

(Seven members voted for the motion and one against. The Chair did not vote on the item)

(5.35 pm – 5.51 pm)

7 – MEMBER LEARNING AND DEVELOPMENT STRATEGY - YEAR 2:
The Democratic Services Officer submitted a written report which sought to provide feedback on year one of the Member Learning and Development Strategy and sought approval of the programme for year two of the Strategy. The Strategy had been agreed by Council in May 2018 and was planned in accordance with a four year cycle. Year one of the cycle focussed on essential training and the programme for year one was attached at Appendix 1 to the report. Feedback on the training was detailed in section 5.2 of the report and at Appendix 2. As per the Strategy non-attendance at mandatory training sessions was also reported to the Committee.

Year two of the Strategy would focus on progression and development. The programme for year two was attached as Appendix 3 to the report and included requests for training sessions from Members and Officers. Appendix 4 to the report contained the feedback on the tablet handover that had taken place in May 2018.

RECOMMENDED (UNANIMOUSLY):

That (1) the attendance figures and feedback for year one of the Member Learning and Development Strategy are noted; and
(2) the Member Learning and Development Programme for 2019/20, year two of the Member Learning and Development Strategy, be approved.

(5.51 pm – 5.52 pm)

8 – CHANGE OF NAME OF BISHOP THORNTON AND WARSILL PARISH COUNCIL:
A report in the name of the Head of Legal and Governance was submitted which sought approval to change the name of Bishop Thornton and Warsill Parish Council to Bishop Thornton, Shaw Mills and Warsill Parish Council. Harrogate Borough Council had received a request from the Parish Council requesting a name change on the basis that including ‘Shaw Mills’ in the name could encourage residents of the village to become more involved in the Parish Council and potentially encourage them to become Parish Councillors. Bishop Thornton and Warsill PC had experienced difficulties in recruiting Parish Councillors in recent months. Attached to the report at Appendix 1 was the request from the clerk of the Parish Council to change the name. The Parish Council had resolved to change their name at its meeting on 5th February 2019 as detailed in Appendix 2 to the report. The elected representatives for the area from North Yorkshire County Council and Harrogate Borough Council had no objections to the proposal.

RECOMMENDED (UNANIMOUSLY):

That (1) the request to rename the Parish Council of Bishop Thornton and Warsill to Bishop Thornton, Shaw Mills and Warsill Parish Council be approved;

   (2) the necessary notice be published; and

   (3) The Secretary of State, the Ordnance Survey, the Office for National Statistics, the Parliamentary Boundary Commission for England, the Local Government Boundary Commission for England and the Registrar General be notified accordingly.

(5.52 pm – 5.53 pm)

9 – REGULATION OF INVESTIGATORY POWERS:
The Chief Solicitor submitted a written report that sought approval of the updated RIPA policy and the appointment of the Chief Solicitor as the Senior Responsible Officer for RIPA. The Head of Legal and Governance would make any consequential amendments to the Constitution if approval was granted. RIPA came into force in September 2000 and the Council had a policy on how to deal with it. Following revisions by the Home Office to its codes of practice for Covert Surveillance and Property Interference, the Council was required to amend its RIPA policy. The amendments were detailed at section 5.2 of the report.

RECOMMENDED (UNANIMOUSLY):

That (1) the draft RIPA policy attached at Appendix 1 is approved;
(2) the Chief Solicitor is appointed as Senior Responsible Officer for RIPA; and

(3) the Head of Legal and Governance be authorised to make any consequential amendments to the Constitution.

(5.53 pm – 5.54 pm)

10 – STATUTORY PARLIAMENTARY POLLING DISTRICT REVIEW:
Elections Manager submitted a written report regarding the processes and timing of the statutory parliamentary polling district and places review. Every Council in England and Wales was required by law to undertake and complete a review of all polling districts and polling places in its area within a 16 month period commencing from 1 October 2018 to 31 January 2020. HBC were proposing to carry out their review from 15 April 2019 with an aim to re-publish the electoral register if necessary on 1 August 2019. The requirements for the review were set out in paragraph 5.2 of the report with the timetable at paragraph 5.3. In the event of an unscheduled election being called the consultation period could be extended or the review paused. By starting the review in April 2019 it left a sufficient contingency ahead of the January 2020 deadline.

RESOLVED (UNANIMOUSLY):

That (1) Members note the arrangements being proposed for the conduct of the statutory polling districts and polling places review; and

(2) Members note that the review will take place from 15 April 2019 with an aim to re-publish the register (if necessary) on the 1 August 2019 prior to the canvas period.

(5.54 pm – 5.55 pm)

11 – REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE & UPDATE TO HARROGATE BOROUGH COUNCIL’S CODE OF CONDUCT AND COMPLAINTS PROCEDURE:
The Head of Legal and Governance (HLG) submitted a written report following the publication of a report by the Committee on Standards in Public Life. The Committee had been established in 1994 with the responsibility for promoting the Seven Principles of Public Life. The purpose of the report was to review the effectiveness of the current arrangements for standards in local government, particularly in light of the changes made by the Localism Act 2011.

The Head of Legal and Governance introduced the report and informed the Committee that the Council’s Independent Person was present to answer any questions. Many of the recommendations from the report were legislative and therefore could not be actioned by the Council. The recommendations that could be actioned were outlined at pages 3-4 of the report along with the Council’s existing position. The HLG explained that the Council was currently broadly in-line with all best practice recommendations however some updates to the Members’ Code of Conduct had been suggested. The General Purposes Committee were asked to make a recommendation to Council on whether to appoint a second Independent
The Chair invited the Independent Person, Mr A Mitcheson to give his views on the need for a second Independent Person. Mr Mitcheson stated that whilst the workload was insufficient to justify a second Independent Person, it could be necessary to deal with issues of independence. This would occur where the Independent Person had been contacted by a District or Parish Councillor for their advice. The Independent Person could then be compromised when it came to assisting the Monitoring Officer with any investigation including that individual. The HLG explained that there was provision to ask for assistance from Independent Persons from neighbouring authorities. She also confirmed that the financial implications of appointing a second Independent Person were not a material consideration. Mr Mitcheson confirmed that in his four years in post he had not felt the need to remove himself from any investigations and appoint a stand-in Independent Person.

RECOMMENDED (UNANIMOUSLY):

That (1) the contents of the report from the Committee on Standards in Public Life be noted;

(2) the amendments to the Council’s Code of Conduct for Members and arrangements for dealing with standards allegations as detailed in Appendix 1 to the report are approved; and

(3) the Council continues with the current arrangements of appointing one Independent Person.

(5.54 pm – 6.04 pm)

12 – STANDARDS COMPLAINTS AND INVESTIGATIONS 2018/19:

The Head of Legal and Governance (HLG) submitted a written report which summarised the complaints made to the Monitoring Officer during 2018/19 concerning alleged breaches of the Members’ Code of Conduct and the outcomes of any standards investigations. Appendix 1 to the report listed the complaints received and their outcomes up to the date of writing the report. Of the complaints received four related to Harrogate Borough Councillors with the other four being complaints against Parish Councillors.

In response to questions from the Committee the HLG confirmed that the Borough Council had no legal authority to enforce sanctions on Parish Councillors; they could simply report the findings to the relevant Parish Council.

RESOLVED (UNANIMOUSLY):

That Members note the complaints made and their outcome.

(6.04 pm – 6.07 pm)
13 – OMBUDSMAN COMPLAINTS AND INVESTIGATIONS 2018/19:
The Head of Legal and Governance submitted a written report which summarised the complaints to the Local Government and Social Care Ombudsman (LG&SCO) and the Housing Ombudsman for the financial year 2018/19 and the outcome of any investigation. The LG&SCO was previously known as the Local Government Ombudsman.

Since writing the report the Ombudsman had chosen not to investigate the case referenced as 18016473 in Appendix 1 to the report.

RESOLVED (UNANIMOUSLY):

That Members note the complaints made and their outcome.

(6.07 pm – 6.08 pm)

(D)

14 – APPOINTMENTS TO COMMITTEES AND SUB-COMMITTEES:
The Democratic Services Officer advised that Councillor John Ennis had been removed as a substitute of the Planning Committee as he was unable to attend the mandatory planning update training.

(6.08 pm)

(D)