

# Please note date and time of meeting

## Agenda

**Meeting: Standards Committee**

**Venue: The Grand Meeting Room, County Hall, Northallerton**

**Date: Tuesday, 15 October 2013 at 10.00 am**

### Business

Item 7. Vexatious Complainants, will involve the likely disclosure of exempt information as defined by paragraphs 1 and 2 as specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006 and Members will be required to determine whether to exclude the public and press for that item.

1. Appointment of Chairman.
2. Minutes of the Meetings held on 11 February 2013. (Pages 1 to 7)
3. Appointment of Vice-Chairman.
4. Public Questions or Statements.

Members of the public may ask questions or make statements at this meeting if they have delivered it in writing or by electronic mail to Steve Loach of Democratic Services (*contact details below*) no later than midday 6 February 2013, three working days before the day of the meeting. Each speaker should limit himself/herself to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

5. **Corporate Complaints and Compliments - Annual Report 2012/2013**– Report of the Monitoring Officer.  
(Pages 8 to 23)
6. **Local Ethical Framework Issues** – Report of the Monitoring Officer.  
(Pages 24 to 47)
7. **Vexatious Complainants** – Report of the Monitoring Officer.  
(LATE REPORT)
8. **Complaints Update** – Report of the Monitoring Officer  
(Pages 48 to 54)
9. **Committee on Standards in Public Life – Annual Report 2012/13** – Report of the Monitoring Officer.  
(Pages 55 to 60)
10. **Standards Bulletin** – Report of the Monitoring Officer.  
(Pages 61 to 64)
11. **Such other business as, in the opinion of the Chairman, should, by reason of special circumstances, be considered as a matter of urgency.**

Carole Dunn  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
Northallerton

October 2013  
SL/ALJ

**NOTES:**

- (a) Members are reminded of the need to consider whether they have any interests to declare on any of the items on this agenda and, if so, of the need to explain the reason(s) why they have any interest when making a declaration.

The relevant Committee Administrator or Monitoring Officer will be pleased to advise on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

- (b) **Emergency Procedures for Meetings**  
**Fire**

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Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

An intermittent alarm indicates an emergency in nearby building. It is not necessary to evacuate the building but you should be ready for instructions from the Fire Warden.

**Accident or Illness**

First Aid treatment can be obtained by telephoning Extension 7575.

# STANDARDS COMMITTEE

## 1. Membership

County Councillors (5)							
	<i>Councillors Names</i>				<i>Political Party</i>		
1	GOSS, Andrew				Liberal Democrat		
2	GRANT, Helen				NY Independent		
3	JEFFELS, David				Conservative		
4	PATMORE, Caroline				Conservative		
5	SOWRAY, Peter				Conservative		
<b>Total Membership – (5)</b>				<b>Quorum – (3)</b>			
<b>Con</b>	<b>Lib Dem</b>	<b>NY Ind</b>	<b>Labour</b>	<b>Liberal</b>	<b>UKIP</b>	<b>Ind</b>	<b>Total</b>
3	1	1	0	0	0	0	5

## 2. Substitute Members

<b>Conservative</b>		<b>Liberal Democrat</b>	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	BARKER, Arthur	1	SHIELDS, Elizabeth
2	FORT, John BEM	2	
3	SWEIRS, Helen	3	
4	SANDERSON, Janet	4	
5		5	
<b>NY Independent</b>		<b>Labour</b>	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	BARRETT, Philip	1	
2		2	
3		3	
4		4	
5		5	

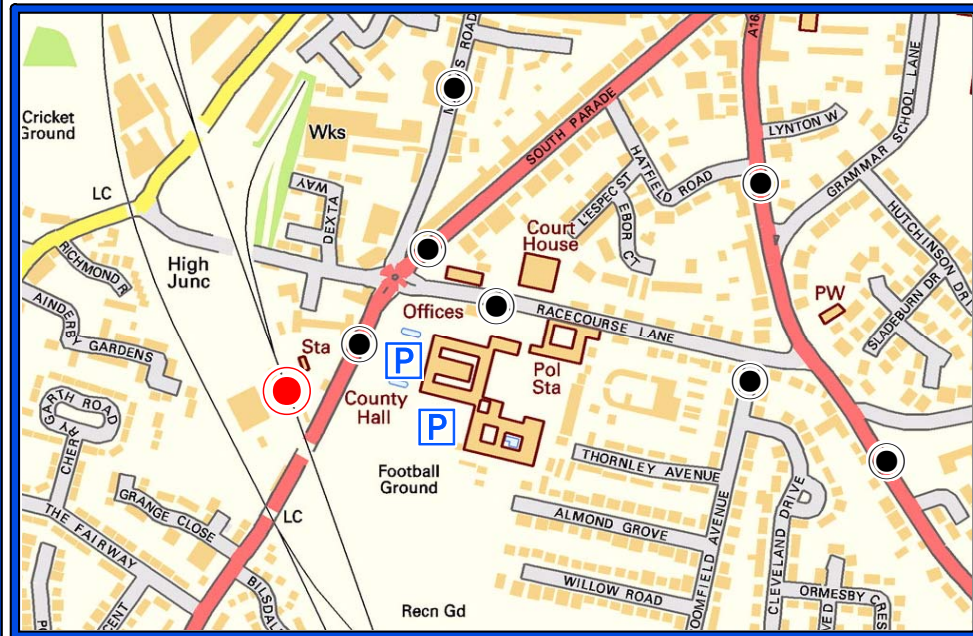
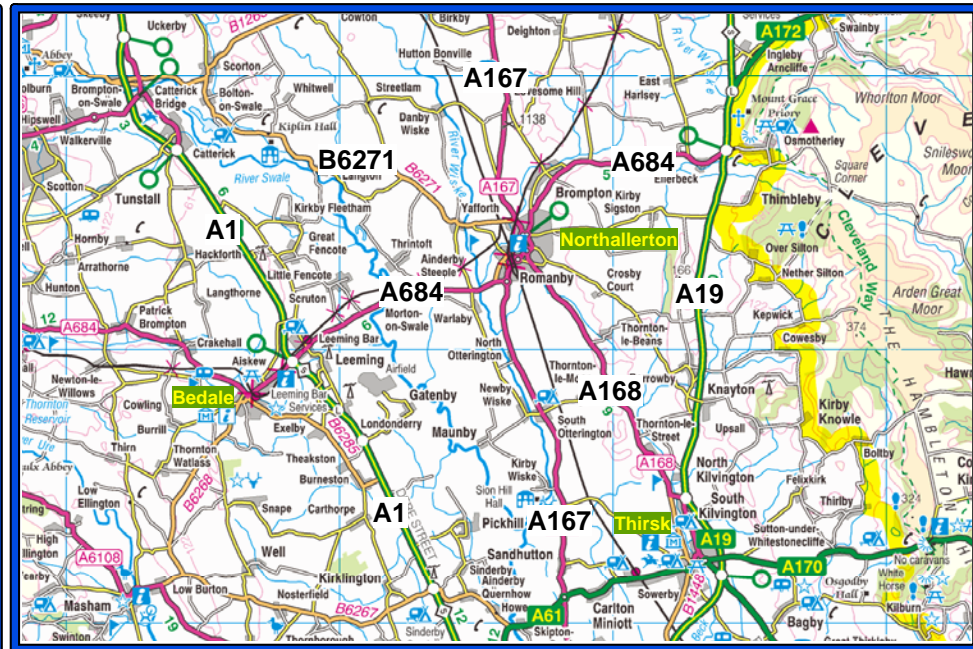
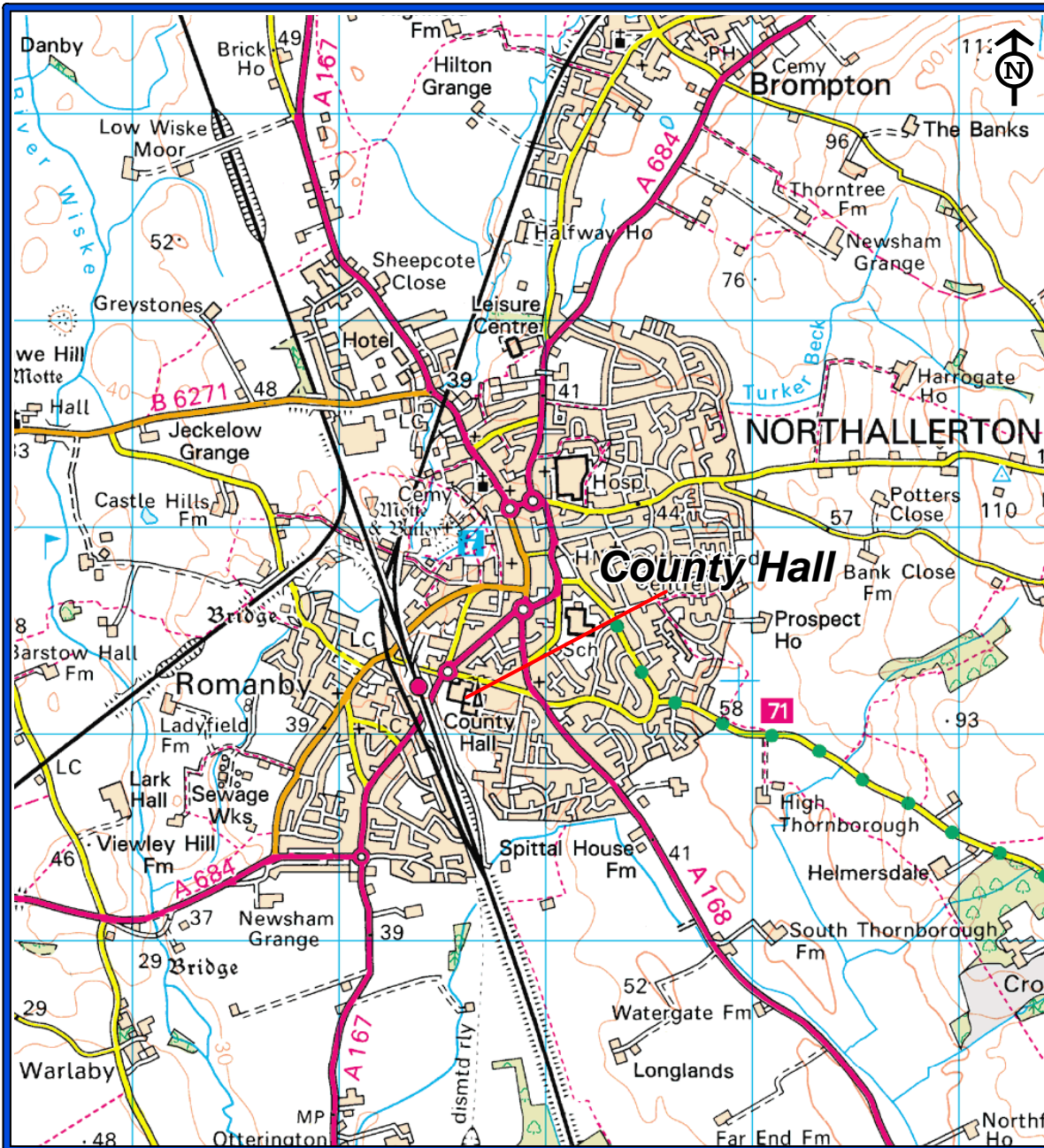
Note:

- (i) The Standards Committee is now subject to the rules on political balance.
- (ii) The Independent Persons for Standards are Hilary Gilberston MBE and Louise Holroyd.

## TERMS OF REFERENCE

As set out in Article 9.03 of the Constitution





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## County Hall

Northallerton  
North Yorkshire  
DL7 8AD

Tel : 0845 8 72 73 74



North  
Yorkshire County Council

## North Yorkshire County Council

### Standards Committee

Minutes of the meeting held on 11 February 2013 at 10.30 am at County Hall, Northallerton on 11 February 2013.

**Present:-**

County Councillors Caroline Patmore (Chairman), David Jeffels, Peter Sowray and Geoff Webber.

Independent Persons: Mrs Hilary Gilbertson MBE and Louise Holroyd.

**Apology for Absence:**

An apology for absence was received from County Councillor Brian Marshall.

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

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**9. Minutes**

**Resolved –**

That the minutes of the meeting held on 29 October 2012, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

**10. Public Questions or Statements**

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

**11. Local Ethical Framework Developments**

**Considered –**

The report of the Monitoring Officer updating Members on the development of the new ethical framework under the Localism Act 2011.

It was asked whether Members would like an update on the local ethical framework provided to each Standards Committee meeting and they agreed that it was appropriate for this to be provided.

**Dispensation Issue**

The Monitoring Officer drew Members' attention to an issue that had arisen nationally in relation to the requirements of the new ethical framework in terms of setting Council budget and Council Tax and the possible need for dispensation for Members in relation to those issues. She noted that there was a view that Members may have a disclosable pecuniary interest in the budget/Council Tax setting and should a Member have such an interest and was present at the appropriate meeting then they must declare the interest and leave the room and not participate in the debate or vote on that item.

Under the previous Code of Conduct there was a statutory exemption for Members against them having to declare a prejudicial interest in relation to the setting of Council Tax or precept, however, there were no such provisions included in the new Standards framework. An informal view had been submitted by CLG suggesting that the situation would not give rise to a disclosable pecuniary interest as Council Tax affects all residents irrespective of whether they are a councillor. It was noted, however, that despite what was intended the situation was a consequence of how the legislation had been drafted.

As a response to the issue, she noted that North Yorkshire County Council had taken a pragmatic view that this was not a matter in respect of which a dispensation was required for Members, given that it was not their specific home address that was being considered at the Council meeting. However, as the issue was being discussed nationally, with a divided opinion, the matter had been discussed at the York and North Yorkshire Monitoring Officers Group on 4 February 2013. The overall opinion of that Group was that there was no reason to invite Members to obtain a dispensation, for the reasons set out by North Yorkshire County Council. Members were asked for their views on this matter.

Further advice has also been provided by the Department for Communities and Local Government who had stated, in their opinion, that the requirement for dispensations on this matter was unnecessary.

Members were fully supportive of the Monitoring Officer's view and the pragmatic stance of North Yorkshire County Council, stating that the whole aim of the Localism Act was to cut bureaucratic measures in relation to standards. The Committee agreed that had such dispensation requests been made, it would have been minded to grant them. Details of the stance being taken by the other local authorities in North Yorkshire were noted.

#### **14th Report of the Committee on Standards in Public Life**

The Monitoring Officer's report referred to the most recent meeting of the Committee on Standards in Public Life and provided key extracts from that meeting.

It was noted that the Committee had revised the seven principles of public life which previously informed the statutory general principles and details of those were set out as an Appendix to the report. It was noted that the original statutory general principles were currently appended to the existing Code of Conduct for Members and it was asked whether these should be amended to reflect the new principles.

Members stated that it was appropriate to replace the existing general principles with the new versions, particularly as they gave a better description of what was required.

Noting the issues set out in the report relating to the sanctions available to Standards Committees under the new arrangements a Member suggested that further consideration should be given to that, as currently, he did not consider that the sanctions available would always be appropriate.

The Monitoring Officer also brought to the attention of Members the issue of a County Councillor not having yet registered their interests in line with the new Code of Conduct. She stated that there had been correspondence sent out to the Member involved and it was considered that this matter was just an oversight on that Member's part.

**Resolved –**



- (i) That developments on the local ethical framework continue to be brought to future meetings;
- (ii) That the County Council's pragmatic stance in relation to the potential dispensation issue for Members in relation to the setting of the Council Tax or precept be supported;
- (iii) That the Code of Conduct be amended to reflect the revised principles of public life; and
- (iv) That a letter be sent from the Chairman to the Group Leader of the Member who has yet to register their interests, in respect of that matter.

## **12. Protocol re Persistent/Vexatious Complaints**

Considered –

The report of the Monitoring Officer presenting for consideration, a revised Protocol re Persistent/Vexatious Complaints.

Details of that Protocol were attached as an Appendix to the report.

The Protocol was a revised version to that submitted to a previous meeting and included more detailed proposals, including the requirement for a local Member to be kept informed of developments on such an issue. The Monitoring Officer stated that the County Council had a well-developed policy in place with clear guidance as to how to deal with persistent/vexatious complaints. She stated that adoption of the Protocol would allow the Standards Committee to support that process and to add value, giving much needed Member body support to determining those types of complaints. Guidance on the role of the Committee was provided within the Protocol.

Members asked about the Independent Persons' role in relation to persistent/vexatious complaints. In response the Monitoring Officer stated that the Independent Persons would be involved through attending meetings of the Standards Committee in relation to those matters brought to the Committee.

Members noted that persistent complainants could cause difficulties for local authorities in terms of time and cost and suggested that the policy was helpful in addressing those difficulties. They suggested it was helpful to have elected Members and Independent Persons give consideration to these within the process.

One of the Independent representatives suggested that reference to the Protocol in respect of persistent/vexatious complaints should be referred to in the Complaints Protocol to make people aware of this factor when they were raising complaints. The Monitoring Officer agreed that details of this Protocol should be included within the Complaints Protocol.

**Resolved –**

That the revised Protocol be approved and reference to it be included within the Complaints Protocol.

## **13. Dispensation Issue**

Considered –

The report of the Monitoring Officer requesting the Committee to consider a request from a County Councillor for a dispensation from the Standards Committee.



The Monitoring Officer outlined how County Councillor Patrick Mulligan had submitted a request for a dispensation from the Standards Committee to enable him to fully participate in County Council, Executive, Committee and Sub-Committee business which may relate to the Police or the Police and Crime Commissioner in circumstances where the impact of any decision by those bodies on an item of business would not bring any personal advantage or disadvantage to him or his wife. It was noted that the request for the dispensation had come about as County Councillor Mulligan's wife, Julia, had recently been elected to the office of Police and Crime Commissioner. Councillor Mulligan had sought advice from the Monitoring Officer as to any potential effect upon his ability to participate in County Council business that may relate to the Police or the office of Police Commissioner. The Monitoring Officer noted that Councillor Mulligan's wife's office as Police and Crime Commissioner appears in his Register of Interests as a disclosable pecuniary interest and, therefore, he would have to declare such an interest on any matter being discussed at the County Council's meetings affecting the office of the Police and Crime Commissioner.

The Monitoring Officer explained the dispensation process and how it could be applied in this case.

A Member considered that the request should not be granted as he could not see how the two roles could be separated in terms of the public perception. He suggested that if Councillor Mulligan's wife were the Chief Constable then he would not be able to comment on policing issues, and he could not see much difference between the two roles. He stated that he considered the interest to be pecuniary and disclosable and should not be the subject of a dispensation.

Other Members noted that as the interest had been registered, Councillor Mulligan had to leave to meetings where policing issues were being discussed, whether it affected him financially or not. They considered that this was too strict a burden on Councillor Mulligan and that he should be able to join in with discussions, particularly where these affected his own electoral division, in terms of policing, if this would not affect him or his wife in terms of financial gain. Members emphasised, however, that should Councillor Mulligan, or his wife, be likely to gain financially through the issues being discussed, then he should leave the meeting, through declaring a pecuniary interest, even if the dispensation had been granted. It was noted that should a Member of the County Council be related to a member of staff then a similar issue would occur.

The Independent Persons agreed that in terms of public perception it was difficult to differentiate as to what was a conflict of interest in terms of Councillor Mulligan's participation in issues relating to the Police or the Police and Crime Commissioner. They considered that the Member would recognise those situations where there was a declarable conflict of interest and would remove himself from the meeting appropriately. They suggested, therefore, that the dispensation could be provided for a trial period, to determine whether any difficulties arose regarding him having the dispensation during that time.

The Monitoring Officer emphasised that Councillor Mulligan had sought her guidance on this matter and had willingly followed the advice provided to date.

A Member stated that whilst he did not doubt the integrity of County Councillor Mulligan he had concerns that granting a dispensation in such circumstances would open the door for similar dispensations to be granted in terms of any elected Member whose spouse worked in the public sector. He did not consider that the granting of a dispensation was appropriate in such circumstances.

## **Resolved –**

That the application for a dispensation submitted by County Councillor Patrick Mulligan, enabling him to speak, vote and be included within the quorum at County Council, Executive, Committee and Sub-Committee meetings when the Council/Executive/Committee/Sub-Committee is considering business which may relate to the Police and/or the Police Commissioner, where the impact of any decision by the Council/Executive/Committee/Sub-Committee on the item of business would not, in any event, bring any personal advantage or disadvantage to Councillor Mulligan or his wife, be granted for a temporary period, until the County Council Elections being held on 2 May 2013.

## **14. Members' Attendance Monitoring**

Considered –

The report of the Monitoring Officer seeking the Committee's views on appropriate arrangements for the monitoring of Members' attendance at meetings

The Monitoring Officer stated that the previous Standards Committee received a report each year setting out the attendance record of County Councillors at meetings of the County Council and its Committees for the previous municipal period. The Committee would resolve that letters be written to Group Leaders and individual Independent Members where Councillors' attendance at meetings had been 60% or less. The Committee would then receive an update at its next meeting as to any responses received.

She noted that the Council's Audit Committee had previously requested that the Standards Committee report to them once per year concerning the action taken in reviewing Members' attendance records. The Audit Committee had been informed that its request would be considered at a future meeting of the Standards Committee and would be advised of the outcome in due course.

Members were requested, therefore, to consider whether the Committee should annually monitor the attendance record of County Councillors and, if it was minded to undertake such monitoring, consideration should be given to the Audit Committee's request as to whether it would be appropriate to report once per year, to that Committee, concerning the action taken in reviewing Members' attendance records. The views of the Committee would be reported back to the Audit Committee.

The Chairman clarified with the Monitoring Officer the procedure in place for reporting to Group Leaders Members' attendance that had been less than 60% and the responses received in relation to that. It was noted that the Independent Remuneration Panel also received details in relation to Members' attendance at meetings.

A Member suggested that the attendance monitoring of Members was unnecessary and bureaucratic. He noted that the report gave percentage details of where Members had attended meetings, but did not provide information as to how many meetings they could have attended or why they had not attended when they had not done so. He noted that the fewer Committees a Member served on the larger percentage drop they would incur should they miss a meeting. He could not see the purpose of the Audit Committee or the Independent Remuneration Panel receiving copies of this report and considered the most appropriate use of the attendance information was for this to be published alongside the appropriate County Councillors information, allowing the electorate to determine whether they thought the Member had attended sufficient meetings. He did not feel it was an issue for the County

Council or the Group Leader to address. Another Member agreed with the views expressed.

Alternatively, a Member considered that some monitoring was required otherwise Members may not feel obliged to attend meetings regularly. The Chairman also noted that some Members came to meetings but left early and there was no recognition of that within the monitoring procedure.

An Independent Person considered it appropriate for Group Leaders to monitor their own Groups Members and for them to take action against Members that were not attending meetings regularly, rather than bringing this to the Committee, before referring to Group Leaders. The other Independent Person agreed, considering the current method to be too bureaucratic. She considered that a sanction for Group Leaders to apply, should Members not be attending meetings, should be made available. She recognised there could be genuine reasons why Councillors had not attended particular meetings, for example they could be working in their own electoral divisions. She emphasised, however, it was not in the public interest for them not to turn up to meetings and that there should be some kind of sanction when this was occurring on a regular basis.

A Member stated that the North Yorkshire Independents did not have a Group Leader, therefore, there was no one in place to monitor or sanction those Members, should that be requested. Other Group Leaders were informed when Members' attendance was below 60%, however, there was no sanction open to Group Leaders other than to change the membership of a particular Committee. He emphasised that many Members undertook work in their own areas, which was often as important, if not more so, than their attendance at meetings. He also noted that the main aim of the 2000 Local Government Act was for Councillors to spend more time in their local areas, working with their local communities, rather than attending meetings. In response to an issue raised by an Independent Person he noted that very few decisions were now made in the County Council's Committees, other than the Executive.

The Chairman noted that Group Secretaries did keep a check on Members' attendance and movements and would collate that information for the benefit of Group Leaders. She suggested there may also be a role for Group Secretaries in determining why Members had left meetings early or had not attended. She considered, however, that the public needed to know who had and who had not attended meetings and suggested that there was a need for monitoring to be taken in view of this. A Member noted that the figures were monitored, with or without the report to the Committee and that information could be made available to the public. The Monitoring Officer confirmed that details were maintained in relation to Members' attendance and that the forthcoming implementation of new Committee software would assist that process. She noted, however, that should the Standards Committee not wish to monitor Members' attendance then there was a possibility that the Audit Committee would take up that role. Members considered that it was more of a role for the Standards Committee rather than the Audit Committee to monitor these details.

#### **Resolved –**

That the Committee would continue to annually monitor the attendance record of County Councillors at meetings of the County Council and its Committees, but does not consider it necessary for a report to be submitted to the Audit Committee concerning the action taken in reviewing Members' attendance records.

## **15. Complaints Update**

Considered –

The report of the Monitoring Officer briefing Members on any new ethical framework complaints received about Members of the Authority and provided an update on previous complaints.

County Councillors Caroline Patmore and David Jeffels recorded non-pecuniary, non-prejudicial interests in relation to them being a dual hatted Member and a Member to whom one of the complaints related to, respectively. The Monitoring Officer noted that although these were non-declarable interests, as the report was for information only, they would be recorded in the minutes.

Relating to the complaint received in respect of allowances received from two Authorities by dual hatted Members in the context of broadband/IT fees it was asked whether, as no breach of the Code had been found, the principle could be applied to all similar complaints against dual hatted Members. In response the Monitoring Officer stated that she could not pre-determine complaints and that they had to go through the due process, because they could be slightly different. She emphasised, however, the process for vexatious complaints was in place and could be applied if that was appropriate.

**Resolved –**

That the contents of this report be noted and that further reports, providing a similar level of information as that provided to this Committee continue to be provided in respect of the new ethical framework complaint activity.

## **16. Standards Bulletin**

Considered –

The report of the Monitoring Officer presenting a copy of the draft Standards Bulletin for consideration.

A copy of the latest draft edition of the Bulletin was appended to the report and Members were invited to comment.

**Resolved –**

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

The meeting concluded at 11.45 am

SL/JR

## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

15 October 2013

#### **Corporate Complaints and Compliments - Annual Report 2012/2013**

##### **1.0 PURPOSE OF REPORT**

- 1.1 To present to Members, for their information, the Council's Annual Report 2012/2013 regarding Corporate Complaints and Compliments, covering the adult social care, children's social care and corporate procedures.

##### **2.0 BACKGROUND**

- 2.1 The Committee periodically considers statistical information relating to complaints and compliments received by the Council.

##### **3.0 STATISTICAL INFORMATION**

- 3.1 Attached at Appendix 1 is the Council's Annual Report 2012/2013 regarding Corporate Complaints and Compliments, covering the adult social care, children's social care and corporate procedures) for Members' information.

##### **4.0 RECOMMENDATIONS**

- 4.1 That Members note the contents of this report.

CAROLE DUNN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

#### Background Documents:

None

County Hall  
NORTHALLERTON

4 October 2013



## **Annual Report 2012/2013**

### **Complaints and Compliments**

**Covering the adult social care, children's social care  
and corporate procedures**

**North Yorkshire County Council  
May 2013**



## Contents

Executive Summary .....	3
Introduction .....	4
Audit .....	4
Management and operation of the complaints process .....	4
Publicity and Information .....	5
Analysis .....	6
Complaints received .....	6
Method received .....	7
Client Group .....	8
Nature of complaint .....	8
Timescale compliance .....	9
Outcomes .....	9
Financial remedies .....	10
Live information available .....	10
Lessons learned .....	11
Referrals to the Local Government Ombudsman .....	11
Compliments.....	12
Activity/achievements over the last year and planned developments for 2013/14 .....	13
Conclusion .....	14
Appendix G – root causes for complaints .....	15

## Executive Summary

This report describes the arrangements for complaints management for the Council. It provides analysis of the complaints recorded under the County Council's procedures and lessons learned. Also included are complaints referred to the Local Government Ombudsman and compliments.

It includes information for the period April 2012 to March 2013 (and analysis against previous years where available) and will be presented to Management Board, the Executive and the Standards Committee.

	2012/13	% change from 11/12	
<b>Complaints received at stage 1, 2, or 3</b>	674	+ 11%	
<b>Complaints received at stage 1</b>	636	+ 13%	
<b>Complaints received at stage 2</b>	30	+ 15%	
<b>Complaints received at stage 3</b>	8	- 53%	
<b>Cases dealt with within timescale (stage 1-3 complaints)</b>	78	- 8%	
<b>Upheld or partly upheld (stage 1-3 complaints)</b>	289	+ 20%	
<b>Top reasons for complaint</b>	Service and care	30.5%	-5.5%
	Communication	24.0%	+12%
	Disagrees with decision/action	17.0%	-14%
	Staffing	16.0%	+2%
<b>Top reasons for upheld or partly upheld complaints</b>	Communication	28%	
	Service and care	28%	
	Disagrees with decision/action	16%	
	Staffing	16%	
<b>Local Government Ombudsman complaints received</b>	42	- 29%	
<b>Compliments received</b>	1324	- 14.5%	
<b>Top reasons for compliments</b>	Staffing	56%	
	Service and Care	33%	
	Communication	7%	

26 Local Government Ombudsman cases were not investigated, 17 investigations were discontinued and investigations were completed (satisfied with authority's actions) for two cases. Corrective actions or remedies resulted from nine cases.

Complaints continue to be used as a means of learning lessons and as a driver for improving performance. Compliments can be used to identify exemplary performance and to share best practice.

The corporate case handling system iCasework was introduced in April 2012 providing consistent recording and handling of cases and offering greater opportunity to provide more detailed information which can then be used to make service improvements.

## Introduction

When mistakes have been made it is important that we learn and make changes to limit the likelihood of these being repeated. We encourage all staff to respond quickly and clearly to any concerns that are raised by individuals or groups, however it may not always be possible to sort out problems in this way and sometimes a more detailed investigation may be required. The formal procedures ensure that the County Council responds to the concerns of service users and is open to challenge when there is dissatisfaction with any of its services.

Our definition of a complaint is 'any expression of dissatisfaction made by a person or organisation about a council service, or an action of a person providing a council service (provided by the Council or by a contractor or partner), whether justified or not.'

Complaints are managed through the statutory social care procedures (adults and children) and the corporate procedure.

Compliments show us where examples of good performance have been recognised. These positive messages are fed back to the staff involved and their managers and can also be used to improve services by sharing examples of good practice.

The Council has been collecting data for a number of years and introduced the corporate case handling system iCasework in April 2012. There have been some technical issues in implementing the system, though these have been solved quickly in most cases.

## Audit

The corporate complaints procedure came under scrutiny during an audit carried out by Veritau during the winter of 2011. The overall opinion was one of 'substantial assurance'. Four issues were identified:

- Inconsistencies in the way cases are recorded (what is recorded as a complaint)
- Different approaches to how stage 2 investigators are selected (independency)
- Inconsistencies in acknowledgement letters
- Failure to formally monitor actions and lessons learned and communicate those lessons learned across the authority

The introduction of iCasework has provided the opportunity to standardise procedures across the Council and the Corporate Team continue to work to progress this.

## Management and operation of the complaints process

The two social care procedures are governed by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the Children's Act (1989) Regulations 2006. These are statutory frameworks which must be followed. The corporate procedure is decided by the Council and is arranged to be the most efficient procedure while retaining the formality and independence expected by our customers. Complaints are therefore managed by three separate teams providing specialist knowledge and experience.

The statutory adult social care complaints procedure is managed within the Performance and Change Management team in the Health and Adult Services Directorate. The

Council has only one opportunity to respond to the complainant (though correspondence may continue after this). In this report adult social care complaints have been recorded as stage one complaints.

The statutory children's social care complaints procedure is managed within the Performance and Outcomes team in the Children and Young People's Service Directorate. This procedure has three stages: local resolution (by the service manager); formal investigation undertaken by an external investigator and monitored by an external 'independent person'; and a stage three review panel, independent to the Council.

The corporate complaints procedure is managed within the Chief Executive's Office, where complaints activity as a whole is also overseen. The corporate procedure has three stages: local resolution (by the service involved); a formal investigation (carried out by a senior officer usually in the same directorate, but from a different service); and a review of the stage two investigation by the Chief Executive.

Once complainants have exhausted the Authority's procedure, they are notified of their right to refer their complaint to the Local Government Ombudsman.

It is important to note that where a complaint has been fully investigated at an early stage and it would be of no benefit to either party to escalate a case any further through our procedures the complainant will be informed and advised to contact the Local Government Ombudsman if they remain unhappy.

Any person receiving a service from us, or anyone acting on their behalf (with consent) is eligible to make a complaint. Complaints may be received via any employee or office at any level and in any format, though for more complex cases complainants are asked to put their case in writing.

The teams recognise the importance of developing a culture in which complaints are viewed as potential learning opportunities and where complainants are carefully listened to and receive a swift, positive and outcome focussed response. It is important to encourage customers to feel confident about raising concerns and for staff to respond proactively with the shared aim of striving towards an improvement in the quality of service provided.

As well as satisfying legal requirements, the procedures exist in order to provide managers with valuable feedback. This enables them to monitor and learn from complaints in order to shape, develop and improve future services. The introduction of the corporate system iCasework, with an unlimited licence and accessible to all, allows managers instant access to this valuable resource.

## **Publicity and Information**

Information on the complaints procedures is available on our website. This section is currently being reviewed in order to provide a comprehensive and clear guide on how customers can provide feedback to the Council. Leaflets are also made available on the three procedures in relevant locations (reception areas, library and information centres, provided to service users etc.). Information can be made available in other formats on request e.g. different languages, audio, Braille.

The compliments, comments and complaints section on the intranet is also currently being reviewed in order to give staff the guidance and information necessary in order to handle complaints and use iCasework effectively.

Training on iCasework and complaints handling generally is available via the Corporate Complaints Team. Training will be provided according to requirements e.g. briefings at team meetings, system training, or formal courses. A mandatory elearning course outlining what to do with compliments and complaints is available on the Learning Zone.

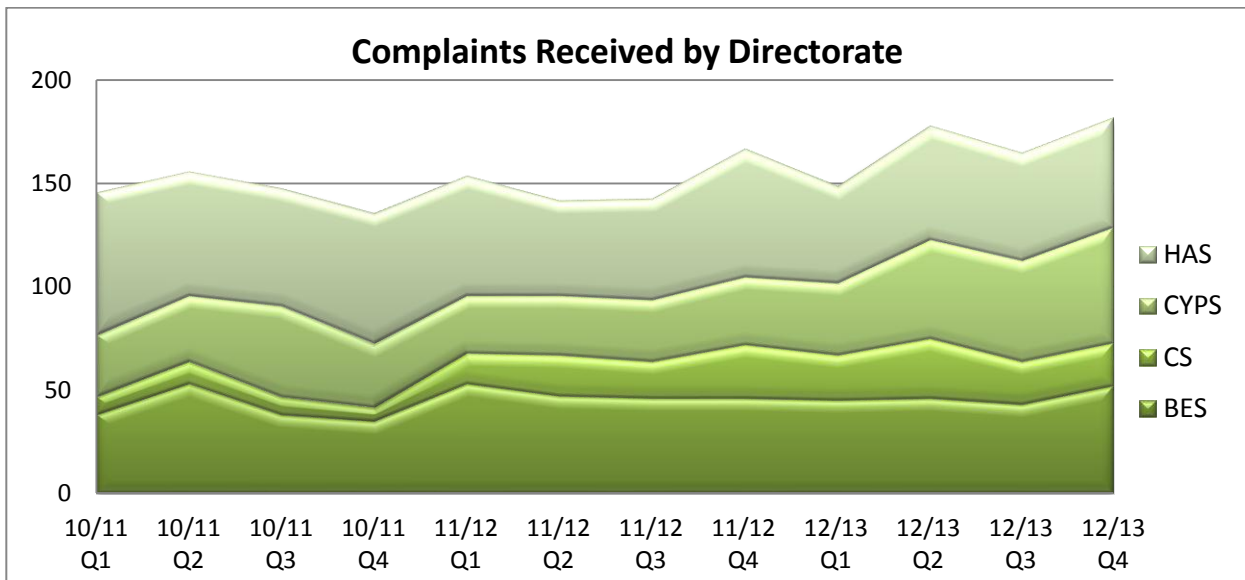
Advice and guidance is available from the Corporate Team and the Directorate Complaints Coordinators.

## Analysis

It must be acknowledged that the Council receives a low number of complaints and there should be a degree of caution in drawing definite conclusions. However, it is still a useful tool to highlight specific concerns and act as a guide to where action may be required.

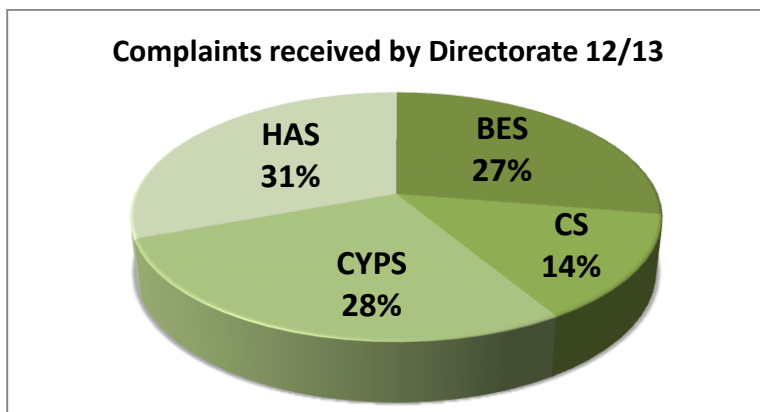
### Complaints received

674 complaints were recorded at stage one, two or three of the internal complaints procedures. This was an 11% increase from 2011/12.



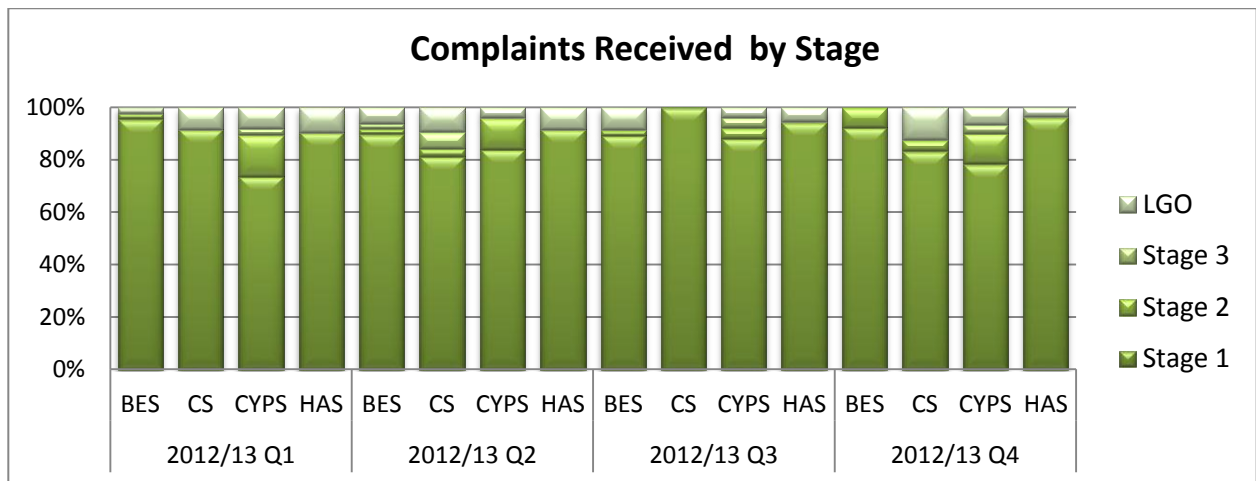
HAS: Health and Adult Services, CYPS: Children and Young People's Service, CS: Central Services, BES: Business and Environmental Services

The steady upwards trend has been anticipated given the current economic climate and resultant changes to service provision and efficiency measures taken by the Council, a situation described as a perfect storm – increased demand set against declining resources.



As expected the front facing main service directorates record the majority of complaints.

HAS	207
CYPS	188
BES	186
CS	93

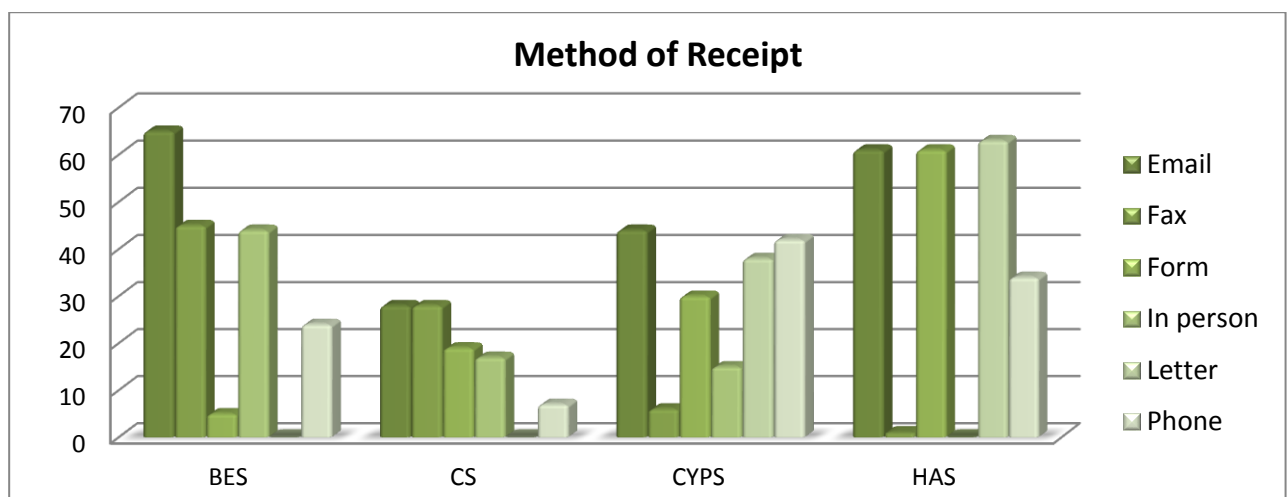


The vast majority of cases are dealt with at stage one of the Council's procedures (including all adult social care complaints, which do not have any further stages), so avoiding time consuming and costly formal procedures.

It is important to recognise that, although the number of complaints received can be viewed as an indicator of service performance, other factors should be considered, such as the economic climate, significant weather events and policy decisions affecting service provision. It should also be noted that numbers of complaints do not necessarily reflect workload as some cases are much more resource intensive than others (particularly those involving social care)

#### Method received

29% of complaints were received via email, the most popular method of communication, though the profile of channels used differs by directorate.



Overall: Email 29%, Form 17%, Phone 16%, Letter 15%, Fax 12% and In person 11%.



## Client Group

Customers are categorised in different ways in the three procedures.

Adults	No. (%)	Children	No. (%)	Corporate	No. (%)
Service user	197 (90)	Parent/guardian	82 (59)	Resident	254 (80)
Relative	12 (5)	Child/young person	16 (11)	Not known	16 (5)
Carer	6 (3)	Relative	15 (11)	Business	15 (5)
Other customer	3 (1)	Adopters	7 (5)	Visitor	13 (4)
Other agency	2 (1)	Resident	7 (5)	Other customer	10 (3)
		Foster carer	6 (4)	Town/Parish Council	6 (2)
		Other	4 (3)	Councillor	1 (0)
		Parent's partner/spouse	2 (1)	Parent/guardian	1 (0)
				Service user	1 (0)

As expected the majority of contacts are categorised as service users in adult social care, parent or guardian in children's social care and residents in the corporate procedure.

## Nature of complaint

In the past each complaint was categorised to identify its nature. iCasework offers us greater analysis opportunities by recording a classification and root cause for each aspect of the complaint, logging specific service area, category and root cause.

Categories have changed slightly since the introduction of iCasework and the Corporate Team will continue to monitor this area to ensure the best fit. As we can now record each aspect of a case rather than the main one, we get a better picture of the reason complaints are made to the Council.

Root cause category 2012/13	%	Root cause category 2011/12	%
Service and care	30.5%	Service	36%
Communications	24%	Disagree with decision or action	31%
Disagree with decision or action	17%	Staffing	14%
Staffing	16%	Communications	12%
Pricing and charges	7%	Premises	1%
Environment	3.5%	Other	6%
Safety	1.5%		
Discrimination	0.5%		

The main causes identified for the 'Service and care' category were quality of service, delay in provision and availability of the service. In the 'Communications' category the main causes were quality of communication and lack of communication.

A full list of root causes can be found at Appendix G. Further analysis for service areas is available upon request.

## Timescale compliance

Overall 78% of complaints responses were answered within timescales, which was a decrease of 8% from 2011/12.

	Stage 1	Stage 2	Stage 3
<b>BES</b>	84% (127/152)	60% (3/5)	100% (1/1)
<b>CS</b>	99% (83/84)	100% (2/2)	100% (2/2)
<b>CYPS</b>	68% (95/139)	54% (7/13)	67% (2/3)
<b>HAS</b>	73% (122/168)		

It should be noted that small numbers of cases at higher stages mean that percentages can be easily skewed.

CYPS completed 111 stage one and eight stage two social care cases. All the HAS complaints were regarding social care. These are recognised as generally being more complex in nature, often requiring more detailed and/or joint investigations.

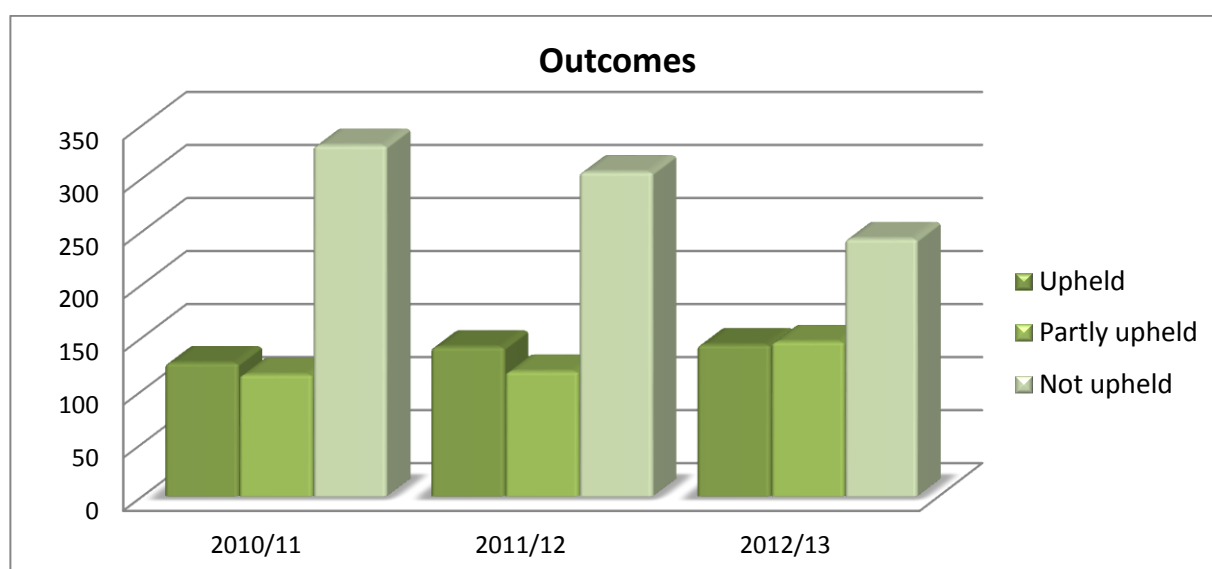
A local target for the Children and Young People's Service Complaints Team is to work with colleagues to increase the number of cases dealt with within timescales.

## Outcomes

569 stage one to three complaints were decided during the year. They were:

	BES	CS	CYPS	HAS	Total	%
Upheld	45	44	26	28	143	25
Partly upheld	22	4	49	71	146	26
Not upheld	87	37	57	62	243	43
Undecided	2	1	7	0	10	2
Policy issue	0	0	0	1	1	0
Not pursued/investigated	3	2	16	5	26	5
<b>Total Stages 1-3</b>	<b>159</b>	<b>88</b>	<b>155</b>	<b>167</b>	<b>569</b>	

Only the outcomes upheld, partly upheld and not upheld were recorded in previous years. The number of upheld and partly upheld complaints is rising, while the number not upheld is decreasing. Where a complaint is upheld or partly upheld it is expected that there be some corrective action (see Lessons learned below).



Outcomes are difficult to analyse: a high ratio of not upheld to upheld cases could mean that performance is good, so few complaints are upheld; however, it could mean that customers are dissatisfied even when the Council has not done anything wrong. This is an area the Corporate Complaints Team will be looking into as part of their quality assurance work this year.

The top four root causes for upheld or partly upheld complaints were:

Communication	28%
Service and care	28%
Disagrees with decision/action	16%
Staffing	16%

### **Financial remedies**

Seven financial remedies were made during the year, totalling £17,644.73 – all within the adult social care procedure. They were:

- £10,043.09 reimbursement of fees  
New request for financial assessment should have been instigated by the Council
- £4000 fees waived  
No evidence of housing application being sent
- £701.64 fees waived  
Delay in invoicing and contradictory information regarding charges due
- £200 fees waived  
Goodwill gesture – claimed not informed of charging procedure
- £1200 distress and impact of lack of services, £500 time and trouble and ensure correct policy applied to next review (Ombudsman)  
Policy change to funding with a delayed reassessment
- £500 for delay in responding to complaint (Ombudsman)  
Complaint regarding delay arranging Deferred Payment agreement
- £500 in recognition of confusion caused (Ombudsman)  
Confusion caused by letters advising of a maximum charge for care and a transitional period which did not apply to the service user. Also wrote directly to service user despite previous instruction not to do so.

### **Live information available**

iCasework allows in depth performance information to be available to anyone connected to the NYCC network. Live data can be easily accessed via team and corporate 'dashboards' which provide an instant overview of current activity e.g. open cases/tasks, who they are assigned to and overdue work. There is also a considerable library of standard reports available, giving information such as cases received, outcomes, root causes and timescales. There is also an ad hoc option and reports can be built on request by contacting the Corporate Complaints Team. All reports can be subscribed to and will be automatically sent by email dependant on the periodicity of the report.

Any member of staff can be set up as a user with appropriate permissions by contacting the Corporate Complaints Team. An enterprise licence means there is no cost associated with this.

## Lessons learned

Whenever a complaint is upheld or partly upheld we would expect some corrective action to be identified. However, even when a case is not upheld we can still learn from it and implement changes to improve and prevent others from making a similar complaint.

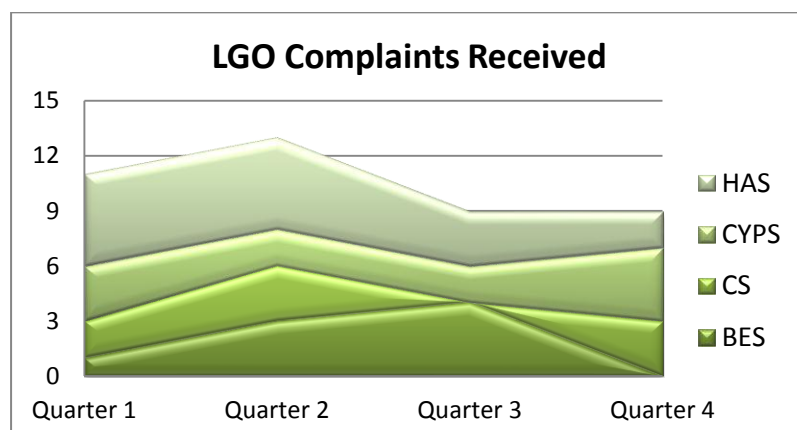
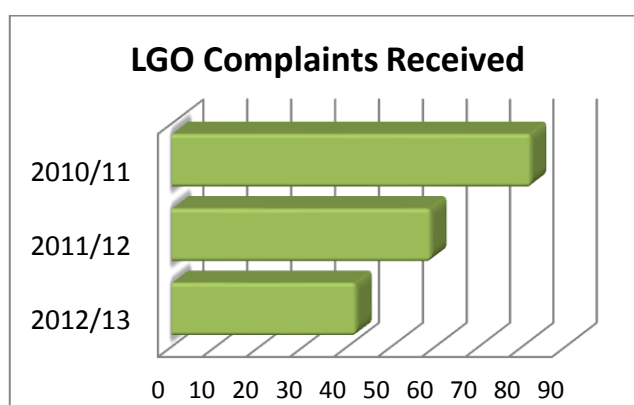
Actions taken as a result of complaints are: staff training or guidance; change or review operational procedure, policy, equipment or service; team discussions; performance management of staff; providing an additional service; ensuring a service is completed; arranging an inspection; providing additional information; and reassessment.

More detailed information will be provided on the internet to demonstrate the value of complaints to our customers.

## Referrals to the Local Government Ombudsman

The Council received 42 complaints from the Local Government Ombudsman during 2012/13. This is a 29% decrease on 2011/12.

2010/11	82 cases received
2011/12	59 cases received
2012/13	42 cases received



HAS (36%) and CYPS (26%) received the most complaints from the LGO. This is expected given the type of services they provide.

CS and BES both received 19% of LGO cases.

The decisions made this year were:

	BES	CS	CYPS	HAS	Total	%
To discontinue investigation	1	3	4	6	14	31
To discontinue investigation - injustice remedied	0	0	0	3	3	7
Investigation complete - satisfied with authority's actions and not appropriate to issue report	0	0	0	2	2	4
Not in jurisdiction & no discretion	1	2	1	1	5	11
Not to initiate an investigation	5	3	7	5	20	44
Withdrawn	0	0	0	1	1	2
<b>Total Cases Completed</b>	<b>7</b>	<b>8</b>	<b>12</b>	<b>18</b>	<b>45</b>	

The cases resulting in any action or remedy are:

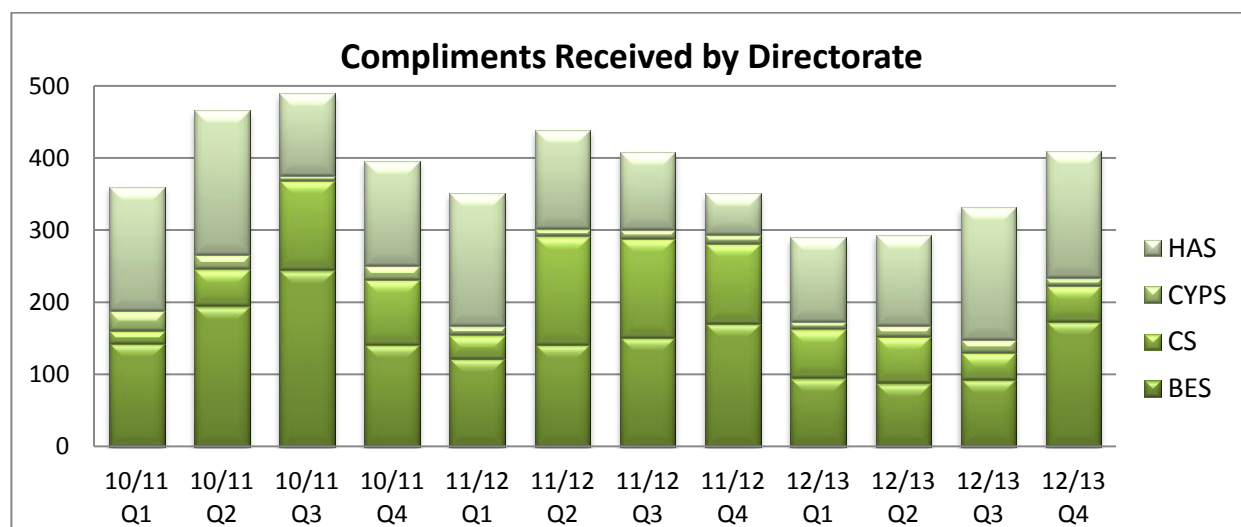
<b>Central Services</b>	
Admissions appeal not fairly held	Fresh appeal offered
<b>Children and Young People's Service</b>	
Child protection procedures	Apology
Services provided by children's social care have been inadequate	Complaint to be taken to stage 2 of Council's procedure
Failure to pay fostering allowance	Payment in lieu of fostering allowance
Home to school transport – information not clear – understood would get free transport	Free pass until transfers to local college
<b>Health and Adult Services</b>	
Removed care without a review of needs	£1700 for time and trouble Ensure correct policy applied to next review
Took too long to arrange Deferred Payment and too long to respond to complaint	£500 for delay in responding to complaint
Confusion re information about home care and communication issues causing distress	£500 for distress caused
Charges for home care services – missed calls and lateness of financial assessment	Apology

For those cases not in jurisdiction, investigation not initiated, or withdrawn, it should be noted that although a full investigation was not carried out, this does not mean there was no effort made by the Council as for some cases enquiries were still made.

Neither the annual review letter nor the provisional statistics have yet been published by the LGO. Last year's letter said there were no concerns about response times or about the complaints themselves and there is no reason to suspect a different outcome this year. When the annual letter is received it will be published on the NYCC and LGO internet sites.

## Compliments

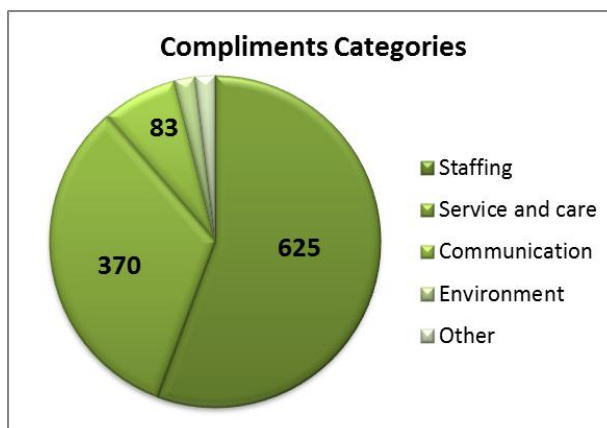
We must be careful not to record a mere thank you for a service delivered as it should be, but where exceptional effort has been recognised.



1324 compliments were received during the year, a 14.5% drop on the figure for last year.

Categories recorded were:

Staffing	625
Service and care	370
Communication	83
Environment	23
Other	22



The service areas receiving the most compliments were:

Service Area	Number received	% of total received
Social Care Operations West	192	18
Resources (HAS)	182	17
Social Care Operations East	131	12
Social Care Operations Central	88	8
Highways 4 Kirby Misperton	80	7
Highways 6 Boroughbridge	67	6
Waste and Countryside	63	6

## Activity/achievements over the last year and planned developments for 2013/14

The main activity for 2012/13 was the rollout of iCasework across the Authority, training staff and ensuring a consistent and good quality approach. There have been some technical issues, exacerbated by the Microsoft migration, but the Corporate Complaints Team has worked closely with the developers to achieve quick solutions in most cases.

There are two main service areas still to roll out to, although cases have been recorded onto iCasework by other means for the year to ensure consistent reporting. It is anticipated that the system will be fully implemented across all services by summer 2013.

The Corporate Complaints Coordinator is working with the customer insight project, providing data to help inform this work.

Planned developments during the next year include:

Working with and improving links with the performance agenda, providing up to date and accurate information, using data to inform service improvement.

Changing negative culture around complaints, improve recording to show the true picture, enabling the Council to demonstrate good case handling and that lessons are implemented and shared where appropriate.

Launch of customer portal on website – allowing customers to register details, record feedback and track progress of their cases. Ability to share information across the portal.

Customer feedback forms reviewed and reintroduced – to capture information about the complaints procedure – accessibility, interaction, performance etc. – to inform improvements

Reintroduction of brief, quarterly reports to Management Board and Standards Committee



Complaints sections on intranet and internet reviewed and restructured to provide public and staff with valuable resource. Will include 'you said, we did' feedback.

All policies and procedures to be reviewed to ensure appropriate, accurate and up to date.

Training provided on any aspect of complaints handling and using iCasework. Content and format to be matched to individual requirements.

Extensive quality assurance of complaints procedures, including compliance with procedures, quality of handling and proper use of iCasework.

Gathering and analysis of equalities data to ascertain if any group is disadvantaged or if there are any accessibility issues.

## Conclusion

The County Council receives a relatively low number of complaints when set against the number of transactions it undertakes. However this is not a reason for complacency and, linked to the increased customer focus of the Authority, opportunities are being taken using the new iCasework system to:

- a) introduce a consistent approach to recording and investigating complaints, which will likely bring an initial increase in the number of cases previously recorded as the system becomes more extensively used across the Authority; and
- b) maximise the learning opportunities from the data now provided to bring about any necessary change in practice and service improvement.

Over the coming year, progress will be made to:

- a) complete the iCasework roll out across the Authority; and
- b) increasingly link to the work currently underway across the Authority in relation to the customer focus and performance improvement agendas.

Amanda Fry  
Staff Officer to the Chief Executive  
County Hall  
NORTHALLERTON

24 May 2013

Author: Dani Reeves  
Corporate Complaints Coordinator

## Appendix G – root causes for complaints

Category	Root Cause	No.
<b>Communication (228)</b>	delay	18
	lack of	81
	poor quality	83
	other	46
<b>Disagrees with decision/action (159)</b>	disagrees with decision/action	121
	assessment/care plan	38
<b>Discrimination (2)</b>	disability	1
	other	1
<b>Environment (35)</b>	accessibility	6
	cleanliness	4
	disrepair	1
	noise	7
	other	17
<b>Pricing and charges (67)</b>	delay in funding	7
	delay in invoicing	7
	overcharging	3
	price increase	6
	value for money	3
	other	41
<b>Safety (14)</b>	actual illness	1
	potential illness	2
	actual injury	4
	potential injury	4
	other	3
<b>Service and care (291)</b>	availability	38
	condition	2
	delay	48
	inappropriate	20
	insufficient quantity	14
	over supply	2
	presentation	2
	quality	57
	removal of choice	4
	withdrawal	9
	other	95
<b>Staffing (155)</b>	attitude - dignity and respect	23
	competency	14
	customer care	54
	missed appointment	3
	rudeness	17
	turnover	4
	other	40

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

15 October 2013

**Local Ethical Framework Issues****1.0 PURPOSE OF REPORT**

- 1.1 To brief Members on any new ethical framework issues.
- 1.2 To seek authority from the Standards Committee to recommend to full Council the amendment of the Code of Conduct regarding registration requirements and to recommend the making of a consequent change to the current form for registering Members' interests at the County Council, so that Members can treat trade union membership as a personal non-pecuniary interest, as required under new DCLG guidance, and for the Monitoring Officer to contact all Members of the Council asking them to register such interests if they have them.
- 1.3 To seek the views of the Standards Committee on whether and how the "illustrative text for a code" which accompanied the letter from the DCLG might be used at this Council.
- 1.4 To seek the views of the Committee on whether and, if so, when Registers of Interests relating to former Members of the County Council, who are no longer County Councillors, should be disposed of.
- 1.5 To seek the views of the Committee on whether it would be appropriate and beneficial to provide specific advice to County Councillors who are also Members of a District Council about claims for and receipt of allowances from more than one Council, or other public body.
- 1.6 To seek the views of the Committee on whether any changes to the current County Council Code of Conduct would be appropriate and beneficial.
- 1.7 To seek the Committee's agreement to administrative revisions to the Jurisdiction and Assessment Criteria.

**2.0 RECENT GUIDANCE ON INTERESTS FROM DCLG**

- 2.1 On 20 September, 2013 the Deputy Director – Democracy at the Department for Communities and Local Government wrote to Chief Executives of local authorities with new guidance making it clear that councillors should treat trade union membership as a personal non-pecuniary interest which should be registered and declared. The letter, the accompanying illustrative text for the code of conduct, a guide for councillors on openness and transparency on personal interests, the Council's current Code of Conduct and proforma interests form are attached as appendices to this report, for Members' information.
- 2.2 The treatment of trade union membership as a personal non-pecuniary interest which should be registered and declared will require a change to the Code of Conduct (which currently only requires registration of the statutory disclosable pecuniary interests (mandatory) and makes no provision re interests other than

disclosable pecuniary interests (optional), in line with previous Council decisions on the ethical framework) and the current form for registering Members' interests at the County Council. Any changes to the Code of Conduct require the approval of full Council. The Committee is therefore requested to recommend to full Council the necessary amendments to the Code of Conduct and the format of the proforma interests form and to the Monitoring Officer contacting all Members of the Council asking them to register such interests if they have them.

2.2 The views of the Standards Committee are also sought on whether and how the "illustrative text for a code" which accompanied the letter from the DCLG might be used at this Council. The earlier version of this document was considered by the Standards Committee, in consultation with others, in formulating a new Code of Conduct and standards arrangements for the Council under the Localism Act.

2.3 An issue on which the views of the Standards Committee were to be sought, in any case, was the question of whether and, if so, when Registers of Interests relating to former Members of the County Council, who are no longer County Councillors, should be disposed of. The attached DCLG guidance, which reflects the statutory provisions of the Localism Act, states "If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register." This issue has been raised at the local Monitoring Officer Group. The Group acknowledged that there is a data protection consideration over how long such information should be kept. The general consensus appeared to be that four years was an appropriate period, as any issue was likely to be raised within this timescale (although criminal offence allegations could be raised within 12 months from when the matter came to light). The Group acknowledged that it would be helpful to have a consistent approach to this where possible and the Group should keep this under review. The Standards Committee is asked to consider the issues and give its view on the appropriate way forward.

2.4 Some other Councils have questioned whether it is necessary for Members to have a dispensation to take part in the business of setting the council tax. The recent guidance from DCLG specifically states that no dispensation is needed as "Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules". This accords with the pragmatic view so far taken by this Council, as reported to the Committee in February this year.

### 3.0 **"DUAL HATTED" MEMBERS**

3.1 Members of the Committee will be aware of the issues which have been raised with the Monitoring Officer, in recent months, about some Members who receive, or are entitled to receive, allowances from more than one local authority, because they are Members of more than one. The views of the Committee are sought on whether they consider it might be appropriate and beneficial to provide specific advice to County Councillors who are also Members of a district/borough council about claims for and receipt of allowances from more than one Council, or other public body.

### 4.0 **THE COUNTY COUNCIL'S CODE OF CONDUCT**

4.1 The views of all County Councillors on the Council's current Code of Conduct were recently sought by e-mail. At the time of writing this report (1 October, 2013) only two Members of the Council had expressed a view and neither raised any concerns about it.

4.2 Members may wish to consider widening the registration of interest requirements to cover the membership of public bodies in line with a number of neighbouring District Councils, or retain the narrower scope of the County Council's Code.

## 5.0 **JURISDICTION AND ASSESSMENT CRITERIA**

5.1 Revised Jurisdiction and Assessment Criteria (copy attached in the appendices to this report) are presented to the Committee for formal adoption. The document has been amended to reflect the new regime arrangements previously agreed by Council in terms of the Monitoring Officer and Independent Person role in the assessment of complaints – there are no changes to the criteria themselves.

## 6.0 **RECOMMENDATIONS**

6.1 That the Committee notes the contents of this report.

6.2 That the Standards Committee recommends to full Council for approval a change to the current Code of Conduct and form for registering Members' interests at the County Council, so that Members can treat trade union membership as a personal non-pecuniary interest, as required under new guidance, and to authorise the Monitoring Officer to contact all Members of the Council asking them to register such interests, if they have them.

6.3 That the Standards Committee determine whether and, if so, how the "illustrative text for code" which accompanied the letter from the DCLG might be used at North Yorkshire County Council.

6.4 That, in the light of the recent DCLG guidance, the Standards Committee determines whether and, if so, when Registers of Interests relating to former Members of the County Council, who are no longer County Councillors, should be disposed of.

6.5 That the Standards Committee determine whether it would be appropriate and beneficial to provide specific advice to County Councillors who are also Members of a District Council about claims for and receipt of allowances from more than one Council, or other public body and, if so, the form and content of such advice.

6.6 That the Standards Committee determine whether any other changes to the current County Council Code of Conduct would be appropriate and beneficial.

6.7 That the Standards Committee approve the Jurisdiction and Assessment Criteria document.

CAROLE DUNN  
Monitoring Officer

Background Documents: None

County Hall  
NORTHALLERTON

7 October, 2013

## **CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL**

This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of North Yorkshire County Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the County Council and references in this Code should be construed accordingly.

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member (“Members”).

The Code has been adopted by the County Council and also requires compliance with the general principles of public life set out at the end of the document. The Council has established a Standards Committee, consisting of members of the Council, to deal with any allegations of breaches of the Code.

1. You must not treat others with disrespect.
2. You must not do anything which may cause the County Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
  - You have the permission of a person authorised to give it; or
  - You are required by law to disclose the information; or
  - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.

6. You must not prevent another person gaining access to information which that person is entitled to by law.



7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Member into disrepute.
8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.
10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Member. If you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
11. You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.
12. You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.
13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have. This includes complying with any procedure rule adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

## **INTERESTS**

### ***Disclosable Pecuniary Interests***

14. (1) A pecuniary interest is a "disclosable pecuniary interest" in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:
  - (a) it is your interest; or
  - (b) it is an interest of:
    - (i) your spouse or civil partner;

- (ii) a person with whom you are living as husband and wife; or
- (iii) a person with whom you are living as if you are civil partners;

and you are aware that that other person has the interest.

***Disclosure of pecuniary interests on taking office***

15. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

***Pecuniary interests in matters considered at meetings***

16. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Council or Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the Council or Executive;
  - (b) have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
  - (c) are aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the Council's Register, you must disclose the interest to the meeting, but this is subject to this Code's provisions on sensitive interests.

- (3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not:
  - (a) participate, or participate further, in any discussion of the matter at the meeting; or
  - (b) participate in any vote, or further vote, taken on the matter at the meeting;

but this is subject to this Code's provisions on dispensations.

***Pecuniary interests in matters considered by a single member***

- (5) Sub-paragraphs (6) and (7) apply if:
  - (a) a function of a relevant authority may be discharged by a member of the authority acting alone;
  - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
  - (c) the member is aware that the condition in paragraph (b) is met.
- (6) If the interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.
- (7) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- (8) Where you give a notification for the purposes of sub-paragraph (3) or (6), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (9) The Council's Constitution provides for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.
- (10) An interest is "subject to a pending notification" if:

- (a) the interest has been notified to the Monitoring Officer, but
- (b) has not been entered in the Register in consequence of that notification.

### ***Sensitive interests***

- 17.(1) Sub-paragraphs (2) and (3) apply where:
- (a) you have an interest (whether or not a disclosable pecuniary interest); and
  - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- (3) If paragraph 16(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

### **DISPENSATIONS FROM NON-PARTICIPATION**

18. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from either or both of the restrictions in paragraph 16(4) in cases described in the dispensation.
- (2) Paragraph 16(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

### **OFFENCES**

19. (1) You commit a criminal offence if, without reasonable excuse, you:-
- (a) fail to comply with an obligation imposed on you by paragraph 15(1) or 16(2), (3) or (6);

- (b) participate in any discussion or vote in contravention of paragraph 16(4); or
  - (c) take any steps in contravention of paragraph 16(7).
- (2) You commit an offence if under paragraph 15(1) or 16(2), (3) or (6) you provide information that is false or misleading and you:
- (a) know that the information is false or misleading; or
  - (b) are reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

20. **If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**

**DISCLOSABLE PECUNIARY INTERESTS**

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

## SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of

the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—  
(a) the landlord is the relevant authority; and  
(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—  
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and  
(b) either—  
  
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  
  
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For these purposes:-

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (corresponding provision in this Code is paragraph 14(1)(b)), namely:

- M’s spouse or civil partner;
- a person with whom M is living as husband and wife; or
- a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



## GENERAL PRINCIPLES OF PUBLIC LIFE

<b>Principle</b>	<b>Revised description</b>
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.

*Leadership*

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

NORTH YORKSHIRE COUNTY COUNCIL

**REGISTER OF MEMBERS' INTERESTS**

Section 29 Localism Act 2011 and associated legislation

**PLEASE NOTE THE CATEGORISATION IN THIS FORM IS FOR ADMINISTRATIVE PURPOSES ONLY  
AND HAS NO OTHER SIGNIFICANCE**

I, ..... (Name)

give notice that I have the following disclosable pecuniary interests as described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 of which I am aware and which are **my interests** and those of **my spouse/civil partner/partner with whom I am living as spouse or civil partner** ("relevant persons").

**1. Employment, office, trade, profession or vocation**

You should register details of any employment, office, trade, profession or vocation carried on for profit or gain.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)

## 2. Sponsorship

- (i) You should declare any payment or provision of any other financial benefit (other than from North Yorkshire County Council) made or provided within the last 12 months in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.
- (ii) This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Name of person or body making payment/other financial benefit

## 3. Contracts

- (i) You should describe all contracts of which you are aware which are made between you/the relevant person (or a body in which you/the relevant person has a beneficial interest) and North Yorkshire County Council:
  - (a) under which goods or services are to be provided or works are to be executed; and
  - (b) which has not been fully discharged.
- (ii) “body in which the relevant person has a beneficial interest” means a firm in which you/the relevant person is a partner or a body corporate of which you/the relevant person is a director, or in the securities of which you/the relevant person has a beneficial interest.
- (iii) “director” includes a member of the committee of management of an industrial and provident society.
- (iv) “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Councillor’s Interest(s)	Councillor’s spouse/partner’s interest(s)

**4. Land**

- (i) You should register any beneficial interest in land which is within the area of North Yorkshire County Council.
- (ii) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you/the relevant person (alone or jointly with another) to occupy the land or to receive income.

<b>Councillor's Interest(s)</b>	<b>Councillor's spouse/partner's interest(s)</b>

**5. Licences**

- (i) You should register any licence (alone or jointly with others) to occupy land in the area of North Yorkshire County Council for a month or longer.
- (ii) “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

Councillor’s Interest(s)	Councillor’s spouse/partner’s interest(s)

**6. Corporate Tenancies**

- (i) You should register any tenancy where (to your knowledge) —
  - (a) the landlord is North Yorkshire County Council; and
  - (b) the tenant is a body in which you/the relevant person has a beneficial interest.
- (ii) “body in which the relevant person has a beneficial interest” means a firm in which you/the relevant person is a partner or a body corporate of which you/the relevant person is a director, or in the securities of which you/the relevant person has a beneficial interest.
- (iii) “director” includes a member of the committee of management of an industrial and provident society.
- (iv) “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Councillor’s Interest(s)	Councillor’s spouse/partner’s interest(s)

**7. Securities**

- (i) You should register any beneficial interest in securities of a body where—
  - (a) that body (to your knowledge) has a place of business or land in the area of North Yorkshire County Council; and
  - (b) either—
    - I. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - II. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you/the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- (ii) “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Councillor’s Interest(s)	Councillor’s spouse/partner’s interest(s)

**DECLARATION**

**I declare that the above information is complete and accurate to the best of my knowledge.**

**I recognise that it is a breach of the Authority’s Code of Conduct and may be a criminal offence to:**

- a) omit, without reasonable excuse, information that ought to be given in this notice;
- b) provide information that I know to be false or misleading;
- c) provide information where I am reckless as to whether the information is true and not misleading;
- d) fail to give further notice, within 28 days of becoming aware of any new disclosable pecuniary interest or change to the interests specified, in order to bring up to date the information given in this notice.

Signed..... Date.....

Subsequent amendments to notice:

Signed..... Date.....

Signed..... Date.....

Signed..... Date.....

Signed..... Date.....

Signed..... Date.....

Signed..... Date.....

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## NORTH YORKSHIRE COUNTY COUNCIL

### ETHICAL FRAMEWORK

#### Complaints of breach of Members' Code of Conduct

##### Jurisdiction and Local Assessment Criteria

###### Jurisdiction

Before assessment of a complaint begins, the Monitoring Officer, in consultation with the Independent Person, should be satisfied that the complaint meets the following tests:

1. it is a complaint against one or more named Members/voting co-opted Members ("Members") of the authority;
2. the named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
3. the complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.

###### Assessment Criteria

All complaints falling within the jurisdiction of the standards regime will be assessed by the Monitoring Officer, in consultation with the Independent Person, in accordance with the criteria below.

More than one criteria may be applicable to a complaint.

1. Capacity

###### **Was the Member acting in his/her official capacity at the time of the alleged conduct?**

If the answer is **no**, then unless there is some direct link between the activity and the Member's office, the Code did not apply to the Member at the time of the alleged conduct and therefore there can be no breach of the Code. The response should therefore be: "The Member concerned was not acting in his/her official capacity at the time of the alleged conduct and therefore the Code of Conduct for Members did not apply to the Member at that time. Consequently no potential breach of the Code has been disclosed and no action may be taken in respect of the complaint."

The Code does not currently apply to Members' conduct outside of the performance of their functions as Members. Only if they have engaged in private conduct/activity which has a link with the functions of the office of member, might the conduct in question be covered by the Code.

2. Triviality

**Is the complaint too trivial to warrant further action?**

If the answer is **yes**: “The matter is not considered to be sufficiently serious to warrant further action.”

3. Sufficient Information

**Has the complainant submitted enough information to satisfy the Monitoring Officer assessing the complaint that the complaint should be referred for investigation or other action?**

If the answer is **no**, the response should be: “The information provided was insufficient to make a decision as to whether the complaint should be referred for investigation or other action. So unless, or until, further information is received, the Monitoring Officer is taking no further action on this complaint.”

4. Current Membership

**Is the complaint about someone who is no longer a Member of the authority, but is a member of another authority? If so, does the Monitoring Officer wish to refer the complaint to the monitoring officer of that other authority?**

If the answer is **yes**: “Where the member is no longer a member of our authority but is a member of another authority, the complaint will be referred to the Monitoring Officer of that authority for consideration.”

5. Prior Investigation/Action

**Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?**

If the answer is **yes**: “The matter of complaint has already been subject to a previous investigation or other action and there is nothing more to be gained by further action being taken.”

6. Passage of Time

**Is the complaint about something that happened so long ago that there would be little benefit in taking action now?**

If the answer is **yes**: “The period of time that has passed since the alleged conduct occurred was taken into account when deciding whether this matter should be referred for investigation or further action. It was decided under the circumstances that further action was not warranted.”

7. Underlying Motivation

**Does the complaint appear to be simply malicious, vexatious, politically motivated or tit-for-tat?**

If the answer is **yes**: “The matter appears to be simply malicious, vexatious, politically motivated or tit-for-tat, and not sufficiently serious, and it was decided that further action was not warranted”.

## 8. Anonymous Complaints

### **Is the complaint under consideration anonymous?**

If the answer is **yes**, the Monitoring Officer will only refer such a complaint for investigation or some other action if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and/or if there is a significant public interest in doing so.

## 9. Requests for Confidentiality

### **Has the complainant asked for his/her identity to be withheld?**

If the answer is **yes**, the Monitoring Officer will need to consider the request by the complainant for confidentiality alongside the substance of the complaint itself.

As a matter of fairness and natural justice, Members will usually be told who has complained about them. Requests for confidentiality should only be granted in exceptional circumstances and at the discretion of the Monitoring Officer, in consultation with the Independent Person.

The following considerations may assist the Monitoring Officer's deliberations in this respect:

- (a) Whether the complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed;
- (b) Whether the complainant is an officer who works closely with the subject Member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed (NB: this should be covered by the Council's Whistle-Blowing Policy);
- (c) Whether the complainant suffers from a serious health condition and there are medical risks associated with his/her identity being disclosed. In such circumstances, the Monitoring Officer may wish to request medical evidence of the complainant's condition. In such cases, the Monitoring Officer may give the complainant the option of requesting a withdrawal of his/her complaint;
- (d) Whether the disclosure of the complainant's identity is necessary for the investigation of the complaint; for example, this may be relevant in a bullying allegation. In such cases, the Monitoring Officer may give the complainant the option of requesting a withdrawal of his/her complaint;
- (e) Whether it is possible to investigate the complaint without making the complainant's identity known;
- (f) Whether the public interest in proceeding with an investigation outweighs the complainant's wish to have their identity withheld from the subject Member.

Where the Monitoring Officer decides to refuse a request by a complainant for confidentiality, s/he may, in the particular circumstances, decide to offer the complainant the option to withdraw the complaint, rather than proceed with their identity being disclosed.

## 10. Withdrawal of Complaints

### **Has the complainant indicated that s/he wishes to withdraw his/her complaint?**

If the answer is **yes**, the Monitoring Officer will need to decide whether to grant the request. The following considerations may assist the deliberations in this respect:

- (a) Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
- (b) Is the complaint such that action can be taken on it, for example an investigation, without the complainant's participation?
- (c) Is there an identifiable underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured to withdraw the complaint?

### **Possible decisions**

The Monitoring Officer assessing a complaint may decide to refer the complaint for investigation or other action (eg training, conciliation); or may decide that no action should be taken in respect of the complaint.

July 2012

## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

15 October, 2013

#### **Complaints Update**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To inform Members of ethical framework complaints received about Members of the Council since the previous report in February, 2013.
- 1.2 To seek the views of the Committee on whether, in the light of experience, it would be appropriate to make changes to the timescales set out in the arrangements for dealing with allegations of breach of the Members' Code of Conduct.
- 1.3 To seek the views of the Committee on whether it would be appropriate to provide to the complainant any information provided by the Member who is the subject of the complaint.

#### **2.0 COMPLAINTS SINCE FEBRUARY**

- 2.1 There have been five further complaints that certain Members may have breached the Authority's Members' Code of Conduct since those reported to the Committee's previous meeting.

##### NYCC/SC/30 and 31

- 2.2 These two complaints relate to payments of IT/broadband allowances to Members of the County Council who are also Members of a District Council in the County. The cases were assessed on 11 February 2013 by the Monitoring Officer in consultation with the Independent Person for Standards when it was decided that no further action was necessary. In addition, NYCC/SC/31 was found to be not in jurisdiction.

##### NYCC/SC/32

- 2.3 This complaint was that a Councillor, now no longer a Member of the Council, had failed to declare a disclosable pecuniary interest in a property at a meeting when a matter which the complainant believed might have affected the property was discussed. The property interest was declared in the Register of Members' Interests. The complaint was investigated by the Deputy Monitoring Officer and no breach of the Code of Conduct was found, as it was considered that the property in question was not sufficiently affected by the matter discussed at the meeting.

#### NYCC/SC/33

- 2.4 This complaint concerned the failure to remove an interest from the Register of Members' Interests within the timescale required under the County Council's Code of Conduct. As the Member complained against was no longer a member of the body, there was no question of any conflict or inappropriate influence arising. In consultation with the Independent Person I determined that this was not a serious breach, nor was there any question of the circumstances amounting to a criminal offence under the Localism Act 2011, and there was, therefore, no wider public interest in any further action being taken on the complaint.

#### NYCC/SC/34

- 2.5 This complaint is about the behaviour and statements made by a Member at a public meeting and subsequently. The complaint has been referred to the Deputy Monitoring Officer and is currently under investigation.
- 2.6 At the time of preparing this report a further complaint has also been received relating to allowances claims by "dual-hatted" Member(s), which has yet to be progressed.

#### **Previous complaints**

#### NYCC/SC/28

- 2.7 This case concerned allegations regarding the use of Council resources. It was assessed on 7 February 2013 and referred for investigation. The Investigating Officer reported no breach of the Code, which the Monitoring Officer and Independent Person for standards accepted.

#### NYCC/SC/29

- 2.8 This case concerned allegations regarding the use of Council resources. It was assessed on 7 February 2013 and referred for investigation. The Investigating Officer found breaches of the Code however by the end of process the subject Member had not been re-elected. The Monitoring Officer wrote to the parties to advise of the outcome of the report.

### **3.0 ARRANGEMENTS FOR DEALING WITH ALLEGATIONS**

- 3.1 The agreed arrangements for dealing with allegations of breach of the Members' Code of Conduct (copy attached at end of report) set out timescales for the treatment of complaints (sections 4, 5, 7 and 12). Experience of handling complaints, together with all the other workload, indicates that these timescales are often unachievable and the Committee is asked to consider whether it would be appropriate to amend them.
- 3.2 Whilst dealing with a recent complaint the complainant asked me to provide them with a copy of the information provided to me by the Member who was the subject of the complaint. Section 5 of the attached document makes clear that "the subject Member will be advised of the complaint and copied into any relevant correspondence or complaint received from the complainant". It goes on to state that the subject Member may also be requested to provide information about the matter, but does not state whether or not such information can/should then be made available to the complainant. The Committee is asked to consider whether there would be any benefit in the complainant being provided with information from the subject Member, or any reasons why this might be inappropriate. Any decision

to make such information available would need to take into account any Data Protection Act implications.

#### **4.0 RECOMMENDATIONS**

- 4.1 That the Committee notes the current position on complaints received
- 4.2 That the Committee determines whether it believes any changes to the timescales set out in the arrangements for dealing with allegations of the breach of the Members' Code of Conduct would be beneficial and merited.
- 4.3 That the Committee determines whether it would be appropriate to provide to the complainant any information provided by the Member who is the subject of the complaint.

CAROLE DUNN  
Monitoring Officer

Background Documents: None

County Hall  
NORTHALLERTON  
7 October, 2013

## **NORTH YORKSHIRE COUNTY COUNCIL**

### **ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACH OF THE MEMBERS' CODE OF CONDUCT**

These arrangements set out how a complaint can be made to North Yorkshire County Council that an elected or voting co-opted Member has failed to comply with the Council's Code of Conduct for Members. These arrangements are made under Sections 28(6) and (7) Localism Act 2011.

#### **1 Independent Person**

The Council has appointed an Independent Person whose views must be sought by the Council before it takes any decision on an allegation which has been decided should be investigated. The Independent Person's views can also be sought by the Council at any other stage or by a Member against whom an allegation has been made. In practice complaints are dealt with by the Monitoring Officer, and by the Standards Committee.

#### **2 Members' Code of Conduct**

The Council has adopted a Code of Conduct for Members, attached as an Appendix to these arrangements. It is also published on the Authority's website.

#### **3 Making a Complaint**

If someone considers there has been a breach of the Code of Conduct by a Member, and wants to make a complaint, they should write or send an email to:

Carole Dunn  
Monitoring Officer  
North Yorkshire County Council  
County Hall  
NORTHALLERTON  
North Yorkshire  
DL7 8AD

email: [carole.dunn@northyorks.gov.uk](mailto:carole.dunn@northyorks.gov.uk)

Where possible, the standard complaint form should be used. It can be downloaded from the Council's website, or is available from the Monitoring Officer at the above address.

It is important to provide a name and contact address. Please note that the Council will not investigate anonymous complaints unless there is a significant public interest in doing so.

#### **4 Timescales**

We aim to deal with any complaint, so far as possible, within 30 working days of receipt, or as soon as possible thereafter.

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

#### **5 Assessment for Investigation or Other Action**

Every complaint relating to the Code of Conduct will be received by the Monitoring Officer.

The Member who is the subject of a complaint ('the subject Member') will be advised of the complaint and copied into any relevant correspondence or complaint form received from the Complainant. The Monitoring Officer will review complaints and consult with the Independent Person in doing so, and will decide whether a complaint merits formal investigation. Where there



is a difference of opinion between the Monitoring Officer and the Independent Person, then the allegation will be investigated.

This assessment will take place, where possible, within 15 working days of receipt of the complaint or as soon as possible thereafter. The Monitoring Officer may request more information to assist the decision as to whether investigation is appropriate.

The subject Member may also be requested to provide information about the matter.

The Monitoring Officer will advise you, in writing, of his/her decision about whether or not the matter should be investigated.

If the complaint identifies criminal conduct or breach of other regulation, the Monitoring Officer will consult the Police and/or such other regulatory agencies as he/she considers appropriate.

The Monitoring Officer will not refer for investigation matters which are, in his/her opinion, and after consultation with the Independent Person, vexatious, offensive, trivial or politically motivated.

If the Monitoring Officer has a conflict of interest or does not for any other reason consider it appropriate that s/he undertakes initial assessment of a complaint, it will be referred to the Standards Committee.

The Standards Committee will be informed of the outcome of all complaints received.

## **6 Informal Resolution**

Wherever possible the Monitoring Officer will seek to resolve a complaint informally without the need for formal investigation or referral to the Standards Committee.

This may involve trying to mediate between the parties, aiming to clarify misunderstandings, or encouraging discussion between the Complainant and subject Member to enable a resolution between them, or where appropriate, an apology. It may also involve other remedial action by the Council.

If the Member or the Council make a reasonable offer of local resolution but the Complainant is not willing to accept the offer, the Monitoring Officer will take this into account in deciding whether a complaint merits formal investigation.

## **7 Investigation**

If the Monitoring Officer concludes that a matter merits investigation, the Complainant will be invited to submit all information they wish to submit in support of their allegation within 5 working days of request.

Once the information is received it will be sent to the Member who is subject to the complaint, who would also be invited to submit all information they wish to be considered in response within 5 working days.

Throughout the process the Monitoring Officer will ensure the subject Member and Complainant receive appropriate support and assistance.

The Monitoring Officer may also appoint a member of his/her staff to oversee the gathering of information relating to the matter which will comprise the investigation ('the Nominated Officer'). The Nominated Officer will consider whether any further information is needed and take steps so far as possible to secure its production.

A report containing the information provided by the Complainant and subject Member will be prepared by the Nominated Officer, and copied to both parties and sent to the Monitoring Officer. The report will conclude with a recommendation as to whether it is considered that there has been a breach of the Code.

## **8 Conclusion of no evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will receive and review the report and consult the Independent Person upon it. Subsequently, if satisfied that the report is sufficient, the Monitoring Officer will write to the Complainant and the subject Member notifying them that s/he is satisfied that no further action is required.

## **9 Conclusion that there is evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the report and consult the Independent Person as to whether local resolution may be possible. If any suggested resolution is not agreed, the matter will be referred to the Standards Committee for consideration.

If the matter can reasonably be resolved in the Monitoring Officer's opinion without the need for a hearing he/she will consult the Independent Person, with the Complainant and subject Member, to seek to agree a fair resolution which will also ensure higher standards of conduct for the future.

As with initial assessment this can include the Member accepting that conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution the matter will be reported to the Standards Committee but no further action will be taken.

## **10 Hearing**

If local resolution is not appropriate, or the Complainant or subject Member are not satisfied with the proposed resolution, or the subject Member is not prepared to undertake any proposed remedial action, the report will be reported to a Hearings Panel ('the Panel') of 3 Members from the Standards Committee. The Independent Person will attend all Panel meetings and will be consulted by the Panel in making its decision about whether there has been a breach of the Code and any action to be taken.

The Panel will meet to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The report will be presented to the Panel. The Complainant and the subject Member will be invited to attend the Panel to present information and make representations in relation to the allegations that there has been a failure to comply with the Code of Conduct. The Independent Person will be present. The Panel can proceed in the absence of either the subject Member or the Complainant where it deems this to be appropriate.

The Panel shall consult with the Independent Person and be advised by the Monitoring Officer. It may conclude:

- (a) that the Member did not fail to comply with the Code of Conduct;
- (b) that the Member did fail to comply with the Code of Conduct; and, if it so concludes, the Panel may determine whether any action is necessary and, if so, what sanction is appropriate.

## **11 What action can the Panel take if there has been a breach of the Code of Conduct?**

The Panel may:

- (a) issue a letter of censure to the Member and where appropriate require an apology to be given to the Complainant;

- (b) recommend to the Member's Group Leader that he/she be removed from any or all committees or sub-committees of the Council;
- (c) instruct the Monitoring Officer to arrange training for the Member.

The Panel has no power to suspend or disqualify the Member or to withdraw allowances.

The Panel shall consult the Independent Person and decide what, if any, publicity should be undertaken regarding the outcome of the matter. Options for such publicity include a notice on the Council's website or a press release.

## **12 What happens at the end of the hearing?**

The Chair of the Panel will announce the decision of the Panel as to whether the Member has failed to comply with the Code of Conduct and as to any action it deems necessary. The Monitoring Officer will prepare a Decision Notice which will be given to the subject Member and the Complainant within 5 working days. The outcome will be reported to the next meeting of the Standards Committee.

## **13 Revision of these arrangements**

The Council may by resolution agree to amend these arrangements and delegates to the Chair of the Panel the right to depart from these arrangements where he/she considers it expedient to do so to secure the effective and fair consideration of any matter.

## **14 Appeals**

There is no right of appeal for the Complainant or the subject Member against a decision of the Monitoring Officer or Panel.

If the Complainant feels that the Council has failed to deal with the complaint properly they may make a complaint to the Local Government Ombudsman.

1 July 2012

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

15 October, 2013

**Committee on Standards in Public Life - Annual Report 2012-13****1.0 PURPOSE OF REPORT**

- 1.1 To bring to the Standards Committee's attention those parts of the Committee on Standards in Public Life's annual report which have a particular bearing on standards in local government.

**2.0 ISSUES**

- 2.1 In its annual report the Committee on Standards in Public Life quotes its terms of reference, which are:

*"To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life and to review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements."*

- 2.2 "The Committee on Standards in Public Life concludes, in the general overview section of its report:

*"10. We are in no doubt that standards of behaviour in many areas of public life have improved since this Committee first reported in 1995, but there is still much to do and the evidence gives no grounds for complacency. New situations continually arise which raise new standards issues. Responses to standards issues often come too late and only in response to public scandals which by then have damaged public trust and confidence."*

- 2.3 The Committee on Standards in Public Life then goes on to comment on the review of best practice it has undertaken. It stresses, in particular, the need for those in leadership positions in all organisations delivering public services to take personal responsibility for ethical standards in their organisations and also draws attention to new ethical risks being created by the development of new models of service delivery.

*"11. It is 18 years since the Committee published its First Report in 1995. We thought it timely to look, in our Fourteenth Report, at what had been achieved over that period and what had worked best in practice to promote high standards of conduct within regulated public organisations and regulators. Alongside this we looked afresh at the Seven Principles of Public Life and the language used to describe them and at levels of public confidence in public sector institutions. The report was published as Standards matter: A review of best practice in promoting good behaviour in public life in January 2013, along with the report of the focus group research that supported it. We highlighted a number of outstanding areas of risk that still need to be addressed."*

12. *The review was carried out using four strands of research:*

- *A review of a number of reports produced since 1995 by this Committee, the Public Administration Select Committee and other bodies looking at standards issues.*
- *An invitation to the public to contribute their views, including through a blog on the Committee's website.*
- *A number of focus groups examining public attitudes towards the ethical standards of public office-holders and factors affecting their trust in public organisations and office-holders.*
- *A series of seminars with invited participants from across the UK exploring issues relating to ethical regulation in specific spheres of public life. The subjects of these seminars included the Westminster and devolved legislatures, central government and the civil service, local government, the wider public sector, private sector organisations delivering public services and the media. The Committee also visited Belfast, Edinburgh and Cardiff to hold discussions with those involved in standards issues in those legislatures.*

13. *We clearly saw that in many areas standards of behaviour in public life had improved. Nonetheless there continued to be grounds for concern. The report reached four main conclusions to address these, supported by eight recommended best practice points, as follows:*

- *We re-emphasised the point that the basic building blocks for promoting high standards remain much as identified in the Committee's First Report: a set of broadly expressed values which everyone understands, codes of practice elaborating on what the principles mean in the particular circumstances of an organisation, effective internal processes to embed a culture of high standards, leadership by example and proportionate, risk-based external scrutiny.*

*o To put this into effect, all organisations need to actively review how well they measure up to best practice in ethical governance as a matter of routine. It is important to consider all those factors affecting individual behaviour, including recruitment processes, appraisal and reward structures, leadership and contemporaneous prompts to good behaviour alongside formal codes and sanctions for poor behaviour.*

- *The need now is not for more rules and stricter regulation so much as for standards to be addressed actively at organisational level. High standards should be seen as everyone's personal responsibility, but it should be recognised that personal behaviour is shaped by organisational culture. With this in mind high standards need to be positively driven by leadership and example.*

*o Ethical issues should feature regularly on the agendas of the boards of public bodies and, where appropriate, on risk registers. All such boards should as a matter of course monitor standards of behaviour throughout their organisation, either directly or through their audit and risk committees.*

*o Those in leadership positions of all organisations delivering public services should take personal responsibility for ethical standards in their*

*organisations and certify annually in their annual report or equivalent document that they have satisfied themselves about the adequacy of their organisation's arrangements for safeguarding high standards.*

- *New ethical risks are being created by the development of new models of service delivery. There is a growing area of ambiguity occupied by people contracted to deliver public services who may not be public office-holders. We strongly believe that the ethical standards captured by the Seven Principles should also apply to such people.*

*o In all cases where new methods of delivering public services are being created, commissioners and providers should give careful thought to the mechanisms necessary to maintain expected high standards of behaviour and promote the principles of public life.*

*o Public servants designing and commissioning services should, in a consistent and proportionate way, address ethical issues throughout the procurement process. Contractors and others should acknowledge the particular responsibilities they bear when delivering public services, paid for by public money, to individuals who may not have the choice of going elsewhere.*

*o Where powers to regulate standards are devolved to promote local responsibility and leadership, care should always be taken to ensure that there is independent scrutiny, that the results of such scrutiny are made publicly available and that those who have responsibility for imposing sanctions have adequate legal or other powers to do so.*

- *Low and declining levels of confidence in the integrity of public institutions remain a matter of concern. While trust is a complex phenomenon, there is scope for trying to increase the confidence of the public in public office-holders and public institutions by addressing the outstanding standards issues identified in this report and by being more attentive to, and active in, addressing emerging issues rather than waiting until the pressures for reform become irresistible.*

*o Public office-holders and organisations should seek to improve their own trustworthiness by establishing and promulgating robust mechanisms for detecting and dealing with wrongdoing, increasing public understanding of their role, and creating a culture which harnesses the power of the media to promote high standards and deter or expose misconduct.*

*o There is at present a need to address certain areas of ethical risk in public life identified in the report (see further detail in standards check and outstanding risks set out below), and this should be done before they undermine public confidence.*

14. *As well as these conclusions and best practice points, the report re-examined the Seven Principles of Public Life, first established in the Committee's First Report, from the point of view of their modern relevance and applicability. We concluded that the Seven Principles should be kept as they are, but the brief descriptors appended to each one should be clarified and an explanatory preamble added."*

- 2.4 Members of this Committee will be aware of their role in promoting high ethical standards at this Council, which could go some way to address the Committee on

Standards in Public Life's view that "public-office holders and organisations should seek to improve their own trustworthiness by establishing and promulgating robust mechanisms for detecting and dealing with wrongdoing, increasing public understanding of their role, and creating a culture which harnesses the power of the media to promote high standards and deter or expose misconduct." Referring to its findings from its fifth biennial survey the Committee on Standards in Public Life states:

*"20. The evidence suggests that public responses to events and to their reporting can become more negative or positive. This demonstrates that confidence in public standards is not a fixed feature of British society that shows inevitable long term decline, but a feature of the British political scene that is influenced by events. This suggests that the public's perceptions of standards in public life can be repaired as well as damaged. It is therefore all the more important that high standards of behaviour are understood as a matter of personal responsibility, embedded in organisations and actively and consistently demonstrated, especially by those in leadership positions."*

- 2.5** In its strategic plan for 2012-15, the Committee on Standards in Public Life has identified local government standards as one of the priority areas it may choose to investigate in future. The Committee also refers specifically to local government in paragraphs 38 to 40 of its report, commenting that it is not satisfied that the sanctions now available against inappropriate behaviour, apart from the use of a political party's internal discipline procedures, are now sufficient.

*"26. In October 2012 the Committee published its strategic plan 2012–15. This set out our vision for our work over the next few years and we hope it will increase public knowledge and understanding of our work. As well explaining how we will set our priorities and monitor ethical standards across public services, the plan also identified the priority areas the Committee may choose to investigate in future such as:*

*The maintenance of appropriate ethical standards within an increasingly mixed economy with greater involvement of the private and voluntary sectors in delivering public services.*

*Ethical standards in the police, including Police and Crime Commissioners.*

*Local Government standards, following up a previous inquiry to review how the new system introduced by the Localism Act 2011 is bedding down and whether it is delivering its objectives.*

### **Local government standards**

*38. Under the Localism Act 2011 the new local government standards regime came into effect on 1 July 2012. The Committee welcomed the introduction of a mandatory requirement for local authorities to adopt a local code of conduct based on the Seven Principles of Public Life and the intention to encourage a greater sense of local responsibility for standards and to reduce the number of vexatious complaints.*

*39. While we recognise that the new system needs time to properly bed in, we do, however, have certain concerns:*

*Due to the emphasis on local ownership of standards we would expect the new regime, like the previous one, to function well in those areas where party leaders are prepared to provide the necessary leadership and example. It is likely to do*

*less well where such leadership is inadequate. History suggests that problems are most likely in areas with monolithic political cultures and correspondingly little political challenge, where partisan rivalry is most bitter and tit-for-tat accusations most common, or in those predominantly rural areas with significant numbers of independent members without the benefit of party discipline.*

*Under the previous arrangements local authorities and an independent tribunal had the power to suspend members for varying periods of time as a sanction against poor behaviour. The only sanctions now available, apart from through the use of a political party's internal discipline procedures are censure or criminal prosecution for deliberately withholding or misrepresenting a financial interest. We do not think these are sufficient. The last few years have seen a number of examples of inappropriate behaviour which would not pass the strict tests required to warrant a criminal prosecution, but which deserves a sanction stronger than simple censure. While censure may carry opprobrium in the political arena it is often considered unacceptably lenient by the public relative to other areas of their experience. Coercion of other members or officers is one category of offence with which it will be difficult to deal adequately under the new arrangements.*

*Under the previous arrangements allegations about poor behaviour were determined by standards committees independently chaired by individuals who were not themselves members of the local authority. Under the new arrangements every local authority must appoint at least one independent person whose views it will seek, and take into account, before making its decision on an allegation that it has decided to investigate. We doubt that this will be sufficient to provide assurance that justice is being done and, equally important, that it is seen to be done.*

*In the transition to the new system local authorities may have lacked proper time to prepare. In early June 2012 we wrote to all local authorities in England to ask about their preparations for implementing the new regime which came into force on 1 July 2012. The Committee was concerned that so late in the day, nearly half of those who responded had yet to adopt a new code and around four fifths had yet to appoint an independent person. The fact that the Regulations and Order which took effect from 1 July were laid only on 6 June cannot have helped their preparations.*

*40. While inevitably there have been various teething problems with the new regime, the Committee will continue to monitor the implementation and its effectiveness, particularly in relation to public confidence that any wrongdoing is tackled promptly and transparently in the absence of any external investigation and scrutiny."*

### **3.0 RECOMMENDATIONS**

- 3.1 That the Committee notes the views of the Committee on Standards in Public Life relating to local government, including the particular emphasis placed on leadership responsibilities in respect of ethical standards, and considers whether any specific actions are required to address the issues raised in the report.

CAROLE DUNN  
Monitoring Officer



Background Documents:

Annual Report 2012-13 of the Committee on Standards in Public Life

County Hall  
NORTHALLERTON

7 October, 2013

## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

15 October 2013

#### Standards Bulletin

#### **1.0 PURPOSE OF REPORT**

- 1.1 To present to the Committee, for consideration, a draft Standards Bulletin. .

#### **2.0 BACKGROUND**

- 2.1 The Standards Bulletin is produced periodically and circulated to Members of the Authority to keep them informed of key developments in the standards regime.
- 2.2 In adopting the new ethical framework under the Localism Act 2011, the Authority decided that the continued production of the Standards Bulletin would help to maintain the Authority's statutory duty to promote and maintain high standards of conduct.

#### **3.0 THE STANDARDS BULLETIN**

- 3.1 The latest draft edition of the Bulletin is attached at **Appendix 1** to this report.
- 3.2 The Committee is requested to consider the Bulletin with a view to its subsequent circulation.

#### **4.0 RECOMMENDATIONS**

- 4.1 That, subject to any comments Members may have, the Bulletin be updated as necessary following the outcome of the Committee's meeting and then circulated to Members of the Authority.

CAROLE DUNN  
Monitoring Officer

#### Background Papers:

- The Localism Act 2011

County Hall  
NORTHALLERTON

4 October 2013



North

Yorkshire County Council

# STANDARDS BULLETIN

## INTRODUCTION

Work continues to embed the new ethical framework introduced under the Localism Act 2011.

Training on the new Code and standards regime will continue to be factored into future Member training however, as ever, should you wish to discuss any standards matter, please do not hesitate to contact the Monitoring Officer or any of her Team.

**CAROLINE PATMORE**  
Chair of the Standards Committee

## THE STANDARDS COMMITTEE

The Members of the Standards Committee:

- **County Councillor Andrew Goss**
- **County Councillor Helen Grant**
- **County Councillor David Jeffels**
- **County Councillor Caroline Patmore**
- **County Councillor Peter Sowray**

Also invited to meetings of the Committee are:

- **Mrs Hilary Gilbertson MBE**, Independent Person for standards
- **Ms Louise Holroyd**, Independent Person for standards

If in doubt, please seek advice from the following:

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### IN THIS ISSUE:

- Ethical Framework Web-Pages
- Interests regime
- Register of Members' Interests
- Members' Gifts and Hospitality\$

## **Ethical Framework** **Web-Pages**

The Council's new website was launched on 3 October 2013.

It still has several webpages setting out details of the Council's ethical framework and publishing key standards documents which Members will find helpful, which can be accessed via the 'About the Council' tab:

<http://www.northyorks.gov.uk/article/23608/Councillors>

## **Interests' Regime**

Members are reminded of the application of the interests' regime, as set out in the Code of Conduct.

Members must register and disclose 'disclosable pecuniary interests' as set out in the new regulations and detailed in the new Members' Code of Conduct, but no wider, non-pecuniary, interests (eg membership of public and charitable bodies).

A pecuniary interest is a disclosable pecuniary interest ("DPI") if it is of a description specified in regulations ie

- Employment, office, trade, profession or vacation (for profit or gain)
- Sponsorship
- Contracts
- Land
- Licenses
- Corporate tenancies
- Securities

(please see the Code for the detailed descriptions)

**AND either:**

- (a) it is the Member's interest or
- (b) an interest of—

- the Member's spouse or civil partner
- a person with whom the Member is living as husband and wife, or
- a person with whom the Member is living as if they were civil partners

**AND** the Member is aware of the interest.

A Member with a DPI may not participate in the discussion of, or vote on, Authority business (unless a dispensation is granted) and must withdraw from the meeting room.

The Standards Committee is currently considering the scope of the Council's registration of interests regime and whether recommendations should be made to full Council that the Code should be widened in this respect, particularly in light of recent DCLG Guidance that that councillors should treat trade union membership as a personal non-pecuniary interest which should be registered and declared. Members will be kept informed of developments in this area.

## **Register of Members' Interests**

The Register of Members' Interests is maintained by the Monitoring Officer and is available for public inspection in Rm 11, County Hall.

Electronic copies of Members' interests forms (redacted to remove signatures) are also published on the Council's website (as required by the Localism Act) at:

<http://www.northyorks.gov.uk/article/23651/Councillors---declaration-of-interest>

Members must, within 28 days of becoming aware of a new interest or a change to an existing interest, register the necessary details by providing written notification to the Monitoring Officer.

Should you wish to amend your interests form, please contact Julie Robinson on ext 2953 to make the necessary arrangements or call in to Room 11 in County Hall, Northallerton.

## **Members' Gifts and Hospitality**

Although gifts and hospitality offered and declined or received are no longer required to be registered in the Register of Members' Interests, Members do still need to register them with the Monitoring Officer, by completing the appropriate form and returning it to the Monitoring Officer.

Should you have any queries in relation to the registration of your interests or of any gifts or hospitality received/offered, then please feel free to contact the Monitoring Officer or any of her team.

**Contributors:**

**MOIRA BEIGHTON**  
North Yorkshire Legal & Democratic Services

**Resources**

Localism Act 2011 and subordinate legislation.