

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

20 March 2015

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 Council to keep them informed of key developments in the standards regime.

2.2 In adopting the ethical framework under the Localism Act 2011, the Council decided that the continued production of the Standards Bulletin would help to maintain the Council'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 Council.

BARRY KHAN

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

Background Papers:

- The Localism Act 2011

County Hall
NORTHALLERTON

11 March 2015



North

Yorkshire County Council

Issue No: 27
March 2015

STANDARDS BULLETIN

INTRODUCTION

THE STANDARDS COMMITTEE

The Members of the Standards Committee:

- **County Councillor Andrew Goss**
- **County Councillor Helen Grant**
- **County Councillor David Jeffels** (Vice-Chair)
- **County Councillor Caroline Patmore** (Chair)
- **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:

Barry Khan

Assistant Chief Executive (Legal & Democratic Services) & Monitoring Officer
Tel: 01609 532173
(barry.khan@northyorks.gov.uk)

Jane Wilkinson

Senior Democratic Services Officer
Tel: 01609 533218
(jane.1.wilkinson@northyorks.gov.uk)

Moira Beighton

Senior Lawyer (Governance)
Tel: 01609 532458
(moira.beighton@northyorks.gov.uk)

The Committee on Standards in Public Life is continuing to maintain 'a watching brief' of the standards regimes in local government and the changes resulting from The Localism Act 2011. The Committee has published its Annual Report, details of which are set out in the Bulletin.

Members will be kept informed of developments.

Should you wish to discuss any standards matter, please do not hesitate to contact the Monitoring Officer or any of his Team.

CAROLINE PATMORE **Chair of the Standards Committee**

IN THIS ISSUE:

- Committee on Standards in Public Life Annual Report
- National Audit Office Report on Conflict of Interests
- Interests' regime
- Members' Gifts and Hospitality
- Complaint statistics
- Standards cases

Committee on Standards in Public Life **Annual Report**

In September 2014, the CSPL published its Annual Report for 2013/14.

The CSPL Annual Report provides an overview of the CSPL's activities up to July 2014. It has also published an Annual Plan for April 2014 -15. This year the CSPL proposes to combine the Annual Report and Annual Plan into one document which will be published in July 2015.

The report considers 'Local government standards' and key extracts from the report are as follows:

- The CSPL has *continued to maintain 'a watching brief' of the standards regimes in local government and the changes resulting from The Localism Act 2011.*
- *Indications are that the role of the independent person has been generally well received.*
- *There is some evidence that the number of vexatious complaints is falling.*
- *However, the effectiveness of the sanctions regime for non-adherence to members' codes of conduct, which apart from criminal prosecution, provides only for censure or suspension from a particular committee or committees, remains an issue of concern.*
- *Local government is now largely self-regulated with no systematic approach to conduct issues and limited sanctions. There remains ... a significant risk under these arrangements that inappropriate conduct by Local Authority members will not be dealt with effectively, eroding public confidence and trust in local government.*
- *The CSPL was extremely pleased to learn that 90% of those who responded to [a snapshot survey of Local Authorities' approach to induction and training] stated that their Local Authority provided an induction programme for newly elected councillors. Coverage and awareness of the Seven Principles of Public Life in local government was also pleasingly high, with 68% of respondents saying their induction covered the Seven Principles of Public Life, 88% saying it covered their Code*

of Conduct and 83% of respondents saying that councillors at their Local Authority were familiar or fairly familiar with the Seven Principles of Public Life.

- *The CSPL will therefore continue to monitor provision of Local Authority induction programmes and the profile of standards, conduct and ethical behaviour within those programmes by repeating this survey in 2015.*
- *The CSPL has provided evidence to the Communities and Local Government Select Committee inquiry on local government procurement, highlighting its belief that public sector procurement processes should take account of ethical issues as part of delivering value for money in the broadest sense.*

The Standards Committee is considering all the recent CSPL reports.

For more information about the work of the CSPL and its reports, please see the CSPL website www.public-standards.gov.uk

National Audit Office Report on **Conflict of Interests**

In January this year, a Report was published by the National Audit Office regarding conflicts of interests. The full report and an Executive Summary are published on the National Audit Office website at:

<http://www.nao.org.uk/wp-content/uploads/2015/01/Conflicts-of-interest-summary.pdf>

<http://www.nao.org.uk/wp-content/uploads/2015/01/Conflicts-of-interest.pdf>

The report outlines the importance of recognising and adequately managing conflicts of interest in the public sector.

The Council has procedures in place which assist in identifying and managing potential conflicts of interests within the authority, as recommended by the Report, and is therefore well-placed to

identify, manage and deal with the types of issues highlighted within the Report.

Interests' Regime

Members must register and disclose 'disclosable pecuniary interests' as set out in regulations and detailed in the Members' Code of Conduct, and membership of any trade unions or professional associations (as 'interests other than a disclosable pecuniary interests'), but generally 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, Council business (unless a dispensation is granted) and must withdraw from the meeting room.

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 2011) 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.

Please therefore keep your interests form under review and notify the Monitoring Officer promptly of any amendments required.

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.

Please do not hesitate to contact the Monitoring Officer or any of his team should you have any queries.

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 his team.

Complaint Statistics

For the year 1 April 2014 – 11 March 2015, the Council received three complaints that Members may have breached the Members' Code of Conduct.

Of those three complaints:

- one is currently being scheduled for assessment;

- no action was required in relation to the other two complaints;
- all were made by different complainants against different subject Members.

Members will be kept informed of statistical information in relation to standards complaints received by the Authority.

CASES

The following cases have been the subject of recent Local Government Lawyer case reports:

- A Borough Council subject member refused to make a public apology to the council's chief executive despite being ordered to do so by an earlier standards hearing and failed to attend a meeting called to decide which further sanctions to impose. It was decided to remove the subject Member's council IT equipment and to manage his emails, a council statement is reported to have said.
- A City Council Standards Hearing Panel decided that a subject Member who had used false names to enter local political debates should be barred from serving in the cabinet for the rest of the municipal year and should additionally hold no committee chair post during the same period and should be asked to undergo further training. The Panel felt the subject Member's behaviour could reasonably be regarded as bringing his office or the authority into disrepute.
- It is reported that criminal proceedings are being undertaken against a councillor in relation to three alleged offences under sections 31 and 34 of the Localism Act 2011 (failure to declare disclosable pecuniary interest and participation in authority business with a disclosable pecuniary interest), as it is believed there is "...sufficient evidence for a realistic prospect of conviction and that it is in the public interest to prosecute ... for these three offences."

Members will be kept informed of developments.

Contributors:

MOIRA BEIGHTON
North Yorkshire Legal & Democratic Services

Resources

Localism Act 2011 and subordinate legislation.
CSPL website - www.public-standards.gov.uk
National Audit Office website at www.nao.org.uk
Local Government Lawyer case reports