

# Agenda

**Meeting: Standards Committee**

**Venue: The Grand Meeting Room, County Hall, Northallerton DL7 8AD  
(see attached location plan)**

**Date: Friday 20 March 2015 at 10.00am**

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## Business

1. **Minutes of the Meeting held on 19 September 2014.**

**(Pages 1 to 6)**

2. **Public Questions or Statements.**

Members of the public may ask questions or make statements at this meeting if they have given notice to Moira Beighton of Legal Services (*contact details below*) by midday Wednesday 18 March 2015, three working days before the day of the meeting. Each speaker should limit themselves 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.

3. **Local Ethical Framework Developments** – Report of the Monitoring Officer.  
(Pages 7 to 42)
4. **Complaints Update** – Report of the Monitoring Officer.  
(Pages 43 to 59)
5. **Standards Bulletin** – Report of the Monitoring Officer.  
(Pages 60 to 64)
6. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
Northallerton

12 March 2015

**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, Monitoring Officer or Deputy 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**

The fire evacuation alarm is a continuous Klaxon. On hearing this you should leave the building by the nearest safe fire exit. From the **(insert relevant room and relevant evacuation procedure)**. Once outside the building please proceed to the fire assembly point outside the main entrance

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 (Vice-Chairman)				Conservative		
4	PATMORE, Caroline (Chairman)				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	

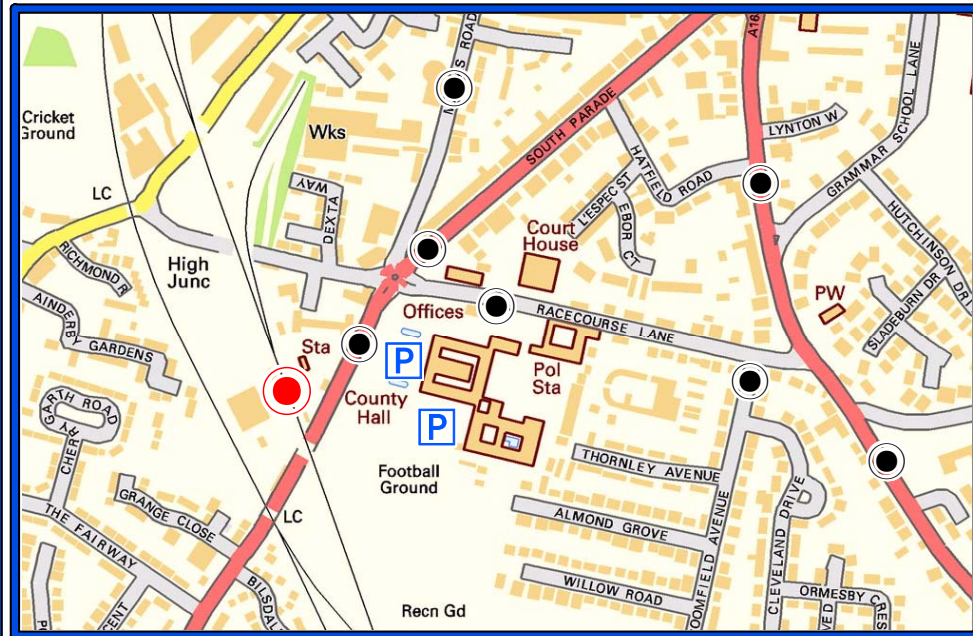
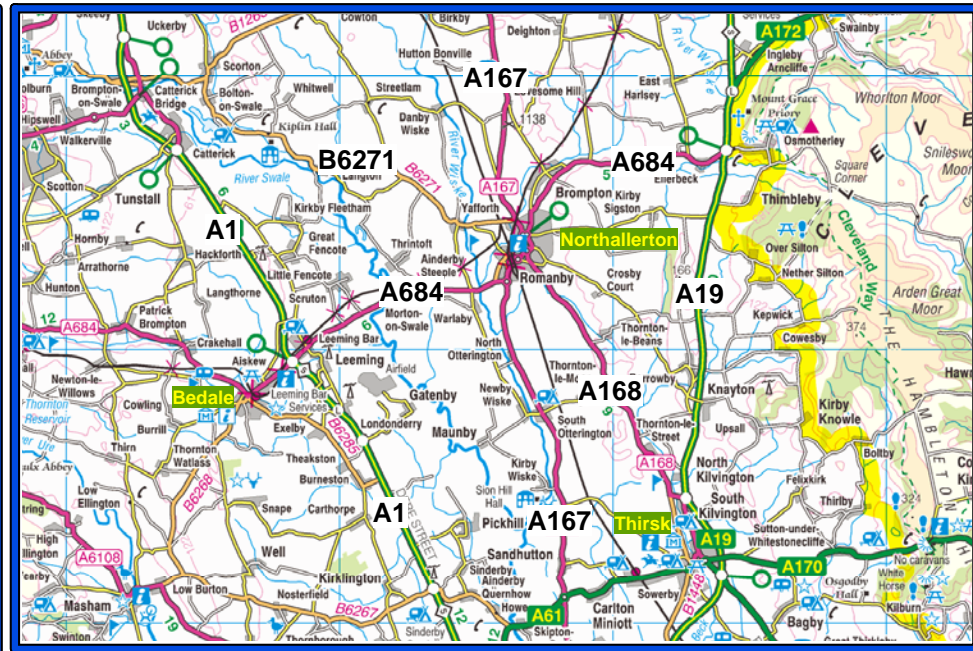
Note:

- (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





Visitor Parking at County Hall



Northallerton National Rail Station



Bus Stops

### County Hall

Northallerton  
North Yorkshire  
DL7 8AD



North  
Yorkshire County Council

Tel : 0845 8 72 73 74

## North Yorkshire County Council

### Standards Committee

Minutes of the meeting held on Friday 19 September 2014 at 10 am at County Hall, Northallerton.

**Present:-**

County Councillors Caroline Patmore (Chairman), Andrew Goss, Helen Grant and Peter Sowray.

Apologies were received from County Councillor David Jeffels and Independent Persons Hilary Gilbertson MBE and Louise Holroyd.

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

**18. Minutes**

**Resolved –**

That the minutes of the meeting held on 16 December 2013, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

**19. Public Questions or Statements**

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

**20. Local Ethical Framework Developments**

Considered -

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

The report provided details of work carried out by the Committee on Standards in Public Life including a report published in March 2014 entitled "Public Perceptions of Standards in Public Life in the UK and Europe" which was provided as an Appendix to the report. Also attached were the Committee's reports on "Ethical Standards for Providers of Public Services" and, "Ethics in Practice: Promoting Ethical Conduct in Public Life".

The Monitoring Officer provided highlights of those reports and the following issues and points were raised in the discussion that followed:-

- ◆ Ethical standards continued to be taken very seriously at North Yorkshire County Council and Members should not be deterred from pursuing those high levels of standards.
- ◆ There remained a low level of perception of high standards amongst the general public, both in the UK and Europe, in respect of ethical standards

amongst public servants, despite efforts that had been made to alter those perceptions and to make those standards much higher.

- ◆ The issue of the funding of political parties, the public perception around that and the possible state funding of parties, rather than personal donations or group donations, was discussed.
- ◆ The report indicated that there was quite a high level of satisfaction with the democratic process in the UK and Europe, despite the issues around the perception of ethical standards.
- ◆ In view of the report, there was obviously still a great deal of work to be undertaken by the Standards Committee in changing the perception amongst the public of the ethical standards of those in public office and a robust communications strategy was essential in reflecting that to the public.
- ◆ It was noted that North Yorkshire County Council had a relatively small number of complaints against Councillors since the ethical framework had been introduced, and that had reduced further over the previous year, which reflected the good work undertaken by the Standards Committee.
- ◆ Members considered that it was important that the Standards Committee kept a high profile to counter the perception in terms of ethical standards within the County Council.
- ◆ There was also a need to ensure that the high levels of ethical standards demanded of County Councillors were embedded into contractual relationships with both public and private partner organisations.
- ◆ Work was required around the value for money provided by Councillors in terms of work undertaken against allowances/expenses provided.

#### **Resolved -**

- (i) That the contents of the report be noted.
- (ii) That the Committee continue to keep a high profile, through the implementation of a robust communications strategy, in an effort to allay the perceptions portrayed within the reports published by the Committee on Standards in Public Life.

## **21. Annual Report of Standards Committee**

### **Considered -**

The report of the Monitoring Officer seeking Members' views on whether to re-introduce the publication of an annual report by the Standards Committee. The report provided details of how this had been undertaken previously.

The Monitoring Officer noted that during recent discussions with North Yorkshire Fire and Rescue Authority it had been decided that an annual report for the Standards Sub-Committee relating to that organisation would be re-introduced, however, this would be much smaller than previously and he sought the views of Members as to whether the County Council would wish to provide a publication in a similar manner.

Members agreed that a 'light touch' annual report should be produced by the Committee and that it should be as brief as possible. It was also suggested that this



should promote the role of Councillors, with a view to changing public perceptions, as discussed earlier in the meeting.

**Resolved -**

That the Committee consider it appropriate to present an annual report regarding the work of the Committee to full Council in future in line with the format outlined above.

**22. Complaints Procedure**

Considered -

The report of the Monitoring Officer presenting to the Committee, for consideration and recommendation to full Council for approval, proposed amendments to the Standards Arrangements arising out of the Council approval of the Standards Committee protocol for dealing with Unreasonably persistent/vexatious Complainants.

An Appendix was attached to the report setting out the agreed arrangements for dealing with allegations of the breach of Members' Code of Conduct and proposed amendments to reference the Protocol for dealing with Unreasonably persistent/vexatious Complainants and to update details of the Monitoring Officer.

In discussing the report details of how persistent/vexatious complaints were determined, were outlined. The Monitoring Officer provided details of the process involved in both recognising and dealing with such complaints. It was noted that the ICO also provided guidelines in relation to how persistent/vexatious complaints could be determined and dealt with.

Members referred to the drain on resources that could be caused.

**Resolved -**

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

**23. Gifts and Hospitality Protocol for Employees**

Considered -

The report of the Monitoring Officer seeking Members' approval of suggested amendments to the Employees' Gifts and Hospitality Protocol.

Details of the current Protocol and a copy of the current registration form were appended to the report.

The Monitoring Officer explained that he was seeking Members' views on the introduction of a threshold level of £25 or more for the registration of officers' gifts and hospitality enabling officers to accept de minimis and lower value gifts and hospitality without having to register the offer and receipt. Should Members be mindful to introduce such a threshold then this would also require a change to the Standards of Conduct Procedure for Officers. This, in turn, would require wider consultation within the Council.

Also included within the Appendix to the report were suggested amendments to update the Monitoring Officer details within the Protocol.

The following issues were raised during discussion of the report:-

- ◆ Time and money would be saved in reducing declarations required for very small offers of gifts and hospitality.
- ◆ Safeguards would still be in place to avoid officers being compromised in terms of accepting gifts and hospitality, by the procedure set out in the Protocol.
- ◆ The consultation on this matter, should Members be minded to agree it, would take place fairly quickly and would be returned to the Committee for a final decision to be made. Members considered the £25 threshold to be appropriate.
- ◆ It was noted that the matter would be discussed with the Trade Unions as part of the consultation process.

#### **Resolved -**

- (i) That the draft amendments to the Gifts and Hospitality Protocol for Employees as set out in Appendix 1 to the report, be approved.
- (ii) That the introduction of a threshold value of £25 or more for officers' gifts and hospitality registration was considered to be helpful and should be sent out for consultation before returning to the Committee for a final decision.

## **24. Complaints Update**

Considered -

The report of the Monitoring Officer providing Members with an update in respect of ethical framework complaint activity since the Committee's last meetings in October and December 2013.

The Monitoring Officer provided details of the new complaints received within that period, the context behind those complaints and how they had been addressed following consultation between the Monitoring Officer and one of the Independent Persons for Standards, who took turns to assist the Monitoring Officer with the consideration of the complaints. The Monitoring Officer noted that none of the complaints had been upheld, however, some minor action relating to letters of apology, etc had resulted from the complaints received, in some of the cases.

Members discussed the report and the following points were raised:-

- ◆ It was noted that the complaints outlined related to different County Councillors.
- ◆ Members suggested that further details were required in future reports relating to whether the complaint outlined related to the same Member on more than one occasion and whether a County Councillor had received more than one complaint about their conduct. The Chairman suggested that an additional part of the process should be added which involved contact between the Chairman and the Monitoring Officer when this was considered warranted in respect of large numbers of complaints against a particular Councillor, a specific complaint relating to one Councillor registered by more than one complainant and an unusually large number of complaints generally.



- ◆ It was clarified that non-compliance with issues relating to the registration and declaration of interests was now a criminal offence and may be reported to the Police.
- ◆ A further update was provided in relation to the handling of complaints that had been deemed to be unreasonably persistent and/or vexatious. It was noted that the Chairman and Independent Members of the Standards Committee had met with a number of the complainants to allow them to air their views on the issues they were raising. As a result, the level of persistent and/or vexatious complaints from those people had decreased. It was emphasised that this showed that there was a role for the Standards Committee to play in such matters.
- ◆ A discussion took place on how unreasonably persistent and/or vexatious complaints were dealt with under Freedom of Information legislation. The Monitoring Officer noted that a person could not, per se, be deemed to be a unreasonably persistent and/or vexatious complainant, however, complaints on the same matter, by the same complainant, could be categorised in this way. It was noted that complaints from the same individual on different matters would all be investigated accordingly.
- ◆ The need to avoid the perception that the Independent Persons were working in tandem with the Standards Committee on complaints was emphasised by Members, as that could give the wrong message to complainants. The Monitoring Officer emphasised that, where possible, the complaints were dealt with by alternating the Independent Members, so as not to build up this perception. It was also stated that if there was a perception that the Council's Independent Persons had dealt with matters previously, and may be perceived to be unable to form an independent viewpoint, then the development of reciprocal arrangements with the Independent Persons from neighbouring authorities could be something to be explored, with the County Council's Independent Persons reciprocating the arrangement when required. The Committee suggested that this would be appropriate in such cases and that the arrangements should be put in place for this to be developed.

**Resolved -**

- (i) That the current position on complaints received and the update on unreasonably persistent complainants be noted;
- (ii) That consideration be given to developing an additional part of the process in response to complaints whereby the Monitoring Officer would contact the Chairman of the Committee where a larger number of complaints than usual had been submitted in respect of a particular individual County Councillor, there was a specific complaint relating to one Councillor registered by more than one complainant or there had been generally a larger number of complaints than usual; and
- (iii) That consideration be given to the development of arrangements with neighbouring authorities in relation to the use of Independent Persons in complaint handling where it could be perceived that the Independent Persons had previously been involved in these cases with reciprocal arrangements being provided by the County Council's Independent Persons to other neighbouring authorities.

**25. Standards Bulletin**

Considered -

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

The Chairman noted that the Bulletin had not been circulated for a while and asked for Members' views on the format of this and how, and to who, it was circulated.

A copy of the draft of the Bulletin was appended to the report.

Members stated that they were satisfied with the format of the document and suggested that this should be emailed around County Councillors and senior officers, with links included, as now, to the various websites that the articles related to. It was noted that the Bulletin was circulated twice per year, following the meetings of the Standards Committee, and Members considered that to be appropriate.

**Resolved -**

That, taking account of the comments made by Members, the Bulletin be circulated accordingly.

The meeting concluded at 11.25 am.

SL/JR

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

20 March 2015

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

- 1.1 To update Members on the development of the ethical framework under the Localism Act 2011.

**2.0 BACKGROUND**

- 2.1 Members receive a report at each Standards Committee meeting setting out any recent developments in the ethical framework.

**3.0 CSPL REPORT – ANNUAL REPORT 2013/14**

- 3.1 The Committee on Standards in Public Life (“CSPL”) is an advisory Non-Departmental Public Body (NDPB) sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister.
- 3.2 In September 2014, the CSPL published its Annual Report for 2013/14, a copy of which is attached at **Appendix 1** to this report for Members’ information. 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.
- 3.3 The Committee’s attention is particularly drawn to the ‘Local government standards’ section on page 15 of the Report, key highlights of which are:
- 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.

3.4 Members will see from paragraph 42 of the CSPL Annual Report, the stated intention of the CSPL to focus on accountability mechanisms for the police and for police and crime commissioners in holding Chief Constables to account and their role as ethical leaders. The CSPL consulted on its 'Police Accountability Structures - Issues and Questions Paper' in October 2014. The consultation has now closed and further information is awaited regarding the outcome.

3.5 The Committee is requested to note the highlights of the CSPL Annual Report.

#### **4.0 NATIONAL AUDIT OFFICE REPORT ON CONFLICT OF INTERESTS**

4.1 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>

4.2 Key highlights from the Executive Summary are as follows:

- *The report outlines the importance of recognising and adequately managing conflicts of interest in the public sector. A conflict of interest is defined as "a set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest."*

Examples quoted are financial interests, non-financial/personal interests, conflicts of loyalty for decision-takers, and the acceptance of gifts/hospitality.

- *Conflicts of interest can occur naturally as a product of the way a system is designed. Providing services via third parties increases the potential for conflicts of interest as organisations act as both commissioner and provider of related services. A clear approach to managing these conflicts is necessary to counter concerns about lack of transparency and the view that conflicts of*

*interest are influencing decisions. A particular concern alleges that commissioners have been able to buy services from private businesses in which they have a financial or family interest.*

- *It is important to recognise the risk of conflicts of interest and their impact on how decisions and operations are perceived. A failure to recognise a conflict of interest can give the impression that the organisation or individual is not acting in the public interest and could potentially lead to a decision being subject to challenge. This can damage reputations and undermine confidence in government.*
- *... We plan to focus on how conflicts of interest are managed in specific sectors separately in planned future work ...*

4.3 The Council has procedures in place which assist in identifying and managing potential conflicts of interests within the authority, as recommended by the Report, for example, amongst others:

- the Members' Code of Conduct
- the Standards of Conduct Procedure for Employees
- the Registers of Interests for Members and Officers
- the Registers of Gifts and Hospitality for Members and Officers
- the Gifts and Hospitality Protocol for Employees
- the Protocol for Member/Officer Relations
- the Standards Committee and standards arrangements
- disciplinary procedures for staff
- the counter fraud suite of policies and guidance, for example in relation to whistleblowing
- Detailed recruitment and selection procedures
- Detailed procurement procedures.

The Council is therefore well-placed to identify, manage and deal with the types of issues highlighted within the Report.

## **5.0 RECOMMENDATIONS**

5.1 That the Committee notes the contents of this report.

BARRY KHAN

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

### Background Papers:

Information published on the Committee on Standards in Public Life website - [www.public-standards.gov.uk](http://www.public-standards.gov.uk)

Information published on the National Audit Office website - [www.nao.org.uk](http://www.nao.org.uk)

County Hall  
NORTHALLERTON

10 March 2015

UNCLASSIFIED

# Annual Report 2013-14

Committee on Standards  
In Public Life

September 2014

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## THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Seven 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.

### SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

### INTEGRITY

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.

### OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### ACCOUNTABILITY

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.

### OPENNESS

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.

### HONESTY

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.

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*The Seven Principles were established in the Committee's First Report in 1995; the accompanying descriptors were revised following a review in the Fourteenth Report, published in January 2013.*

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## FOREWORD

Since Lord Nolan set down the seven principles of public life - honesty, integrity, objectivity, accountability, openness, honesty and leadership - almost twenty years ago what we mean by public life in this country has changed significantly.

As we finalise this report, the full implication of the 'no' vote in the Scottish referendum is beginning to dawn on the United Kingdom. A momentous shift in democratic accountability is irrefutable; with new local structures, further devolution and a reallocation of power across our country widely expected.

In recent years the country has also adapted to widespread changes in the delivery of public services – including new third party providers of front line services, Clinical Commissioning Groups, Academies and Free Schools and Elected Mayors and Police and Crime Commissioners.

In the face of these changes, our research shows that public support for the seven principles endures. These principles are not merely theoretical concepts, they have practical consequences for ordinary people in receipt of public services. The public must feel reassured that for example safeguarding or educating children, caring for the elderly, or security arrangements at our prisons, are carried out in line with these expected behaviours.

The Committee for Standards in Public Life is at the centre of the storm over values which currently convulses British public life. Today, issues around the accountability of policing and local government are centre stage. Yesterday, it was the ethical standards of Members of Parliament: of particular relevance was the issue of lobbying. Before that, it was the scandals which surfaced concerning the performance of private companies who are in receipt of vast sums of public money. The Committee is determined to promote high standards in British public life. This requires facing up to the implications of such troubling controversies. I believe that the work we have carried out this year, detailed in this report, is an important contribution to the debate.

The Nolan principles were revolutionary at the time because they focused on behaviour and culture, rather than processes. High ethical standards need to be embedded and internalised in the culture of organisations. This applies equally to all providers of services to the public - whether they are in the private, public or voluntary sector. It is therefore important that all those involved in public service from MPs to front line local services remain alert to the fundamental role that high ethical standards play in the healthy functioning of society. Nearly twenty years on from the introduction of the seven principles of public life, they remain as relevant as ever in building public trust in our changing democracy.

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Finally, over the course of this year, the term of membership of two long-standing members of the Committee, Dame Denise Platt and Sir Derek Morris ended. Their departure will be a great loss for the Committee and I thank them for the enormous contribution they have made and the dedication with which which they carried out their role.

Paul Bew  
Chair

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## INTRODUCTION

1. The Committee on Standards in Public Life has wide terms of reference.

**“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.”<sup>1</sup>**

2. The Committee fulfils this role partly through its formal inquiries and reviews. In addition, we routinely monitor and consider issues and concerns relating to standards in public life, track public perception of standards of conduct by public office holders and seek to promote the Seven Principles of Public Life. We contribute to public policy development through meetings, seminars, speaking engagements, and by responding to consultation papers on relevant issues.
3. This report provides an overview of the Committee’s activities over the course of the past financial year and beyond until July 2014. We also published Annual Plans for the years April 2013 -14 and April 2014 -15. Next year we will combine the Annual Report and Annual Plan into one document which will be published in July 2015.
4. In line with our post-Triennial Review ways of working we have carried out this year some shorter pieces of work. The first part of the year was spent conducting a review of transparency around lobbying. In the second half of the year we completed two short projects. The first considered ethical standards for providers of public services and the second ethics in induction and training. It is important that as part of its work the Committee researches public perception on standards issues and in September 2013 the Committee published its fifth general survey of public attitudes to standards in public life. We followed this up with research to compare UK public perceptions with those recorded in a number of other European countries which formed the basis of a public seminar in March 2014.
5. The appendices to the report provide detail about the structure and finances of the Committee.

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<sup>1</sup> Hansard (HC) 25 October 1994, col. 758 and Hansard (HC) 12 November 1997, col. 899

## OVERVIEW OF ACTIVITIES

### Strengthening Transparency around Lobbying

6. The Committee published its Lobbying report in November 2013. We applied the Nolan principles to lobbying and considered how best the lobbied and lobbyists could live out those principles. In doing so we recognised that lobbying is a legitimate and potentially beneficial activity and necessary for effective policy formulation, and that free and open access to government is essential. But, lobbying must be carried out transparently and ethically.
7. We concluded that a package of measures was urgently required to deliver a greater culture of openness and transparency around lobbying; provide greater clarity for public office holders on the standards expected of them; and to reassure the public that a more ethical approach to lobbying is actively being applied by all those individuals and organisations involved in lobbying.
8. Recommendations included:
  - more timely and detailed disclosure about all significant meetings and hospitality involving external attempts to influence a public policy decision;
  - disclosure arrangements widened to cover special advisers and senior civil servants as well as Ministers, Permanent Secretaries and Departmental Boards;
  - public office holders who are outside the scope of the Freedom of Information Act (including Members of Parliament, Peers and Councillors) should be encouraged to disclose the same information and consideration should be given to including this in relevant Codes of Conduct;
  - extending the lobbying rules to former Members of the House for two years in respect of approaches to Ministers, other Members or public officials; and require former Members to register for two years any occupation or employment which involves them or their employer in contact with Ministers, other Members or public officials;
  - consideration to be given to Chairs of Select Committee having additional restrictions in relation to conflicts of interests and explicit provision that Members should not accept any but the most insignificant or incidental gift, benefit or hospitality or payments from professional lobbyists.
9. We welcome the steps taken by the House of Lords to address the recommendations in our report. The House of Lords Privileges and Conduct Committee proposed amendments to the Code of Conduct



and the Guide to the Code in March 2014<sup>2</sup> and May 2014<sup>3</sup> which were subsequently approved by the House of Lords. These amendments included incorporating the revised descriptors of the Seven Principles of Public Life into the House of Lords Code of Conduct, introducing a statement of principle on how to deal with lobbyists, lowering the threshold for registering gifts, benefits and hospitality to Members from third parties from £500 to £140 and introducing a new Code of Conduct for Members' Staff with requirements to register interests in parliamentary lobbying and abstain from lobbying or using access to Parliament to further outside interests in return for a payment or other reward.

10. The House of Commons Committee on Standards consulted in January 2014<sup>4</sup> on interests of committee chairs, in response in part to one of our recommendations that invited consideration of whether chairmanship of a Select Committee brings with a particular influence on matters of public policy that justifies the imposition of additional restrictions in relation to conflicts of interest. Both the Speaker of the House of Commons<sup>5</sup> and the Parliamentary Commissioner of Standards<sup>6</sup> have raised similar questions. Despite the consultation concluding in March, no report from the Committee has been forthcoming. This is disappointing particularly given that the House of Commons has not yet found time to debate proposals put forward by the previous Parliamentary Commissioner for Standards and the Committee on Standards for changes to the current rules, which this Committee supported and which addressed some of the recommendations of the Group of States against Corruption (GRECO), in relation to lobbying.
11. Many of the recommendations in our report were for Government and related to transparency of information about lobbying activities and arrangements for the movement of office holders between the public and private sectors which raises the risk of potential conflicts of interest. During our review the Government introduced the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill which proposed a register of consultant lobbyists. We considered that the narrow definition of "consultant lobbyists" would significantly limit the Bill's potential to enhance transparency around lobbying. We note that the Members of Parliament of all parties, like the respondents to our review, were severely critical of the Bill's detail. The Political and Constitutional Reform Committee pre-legislative scrutiny report of the Government's proposals for a statutory

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<sup>2</sup> Committee for Privileges and Conduct Thirteenth Report Amendments to the Code of Conduct and Guide to the Code of Conduct HL 182

<sup>3</sup> Committee for Privileges and Conduct Fifteenth Report Further Amendments to the Code of Conduct and Guide to the Code of Conduct HL 181

<sup>4</sup> <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmstandards/997/99702.htm>

<sup>5</sup> Letter from Mr Speaker to the Chair of the Committee on Standards on select committee Chairs and commercial interests dated 12 June 2013, [www.parliament.uk](http://www.parliament.uk)

<sup>6</sup> Committee on Standards, Fifth Report of Session 2013-14, Mr Tim Yeo, HC 849, Appendix 1, para 58

register of lobbyists considered that regardless of any such register, changes could be made to improve transparency about who is lobbying whom, through enhanced disclosure of Ministerial meeting.

12. In the course of the parliamentary debate, in response to such criticism, Lord Wallace of Tankerness made a government commitment to make further improvements to the accessibility of government transparency information. This included ensuring:

*“greater co-ordination of the publication of data sets so that all returns within a quarter can be found on one page.....we ought to get better at the speediness with which we make this information available.....”*

*We will also ensure greater consistency in the content of departmental reporting, particularly on including the subject of meetings. Finally, we will ensure that the gov.uk transparency pages contain a link to the statutory register of lobbyists so that the data can be easily cross-referenced. The practical implications of those improvements are that: rather than having to visit a number of different sites or pages, all information will be accessed via one easily located page of gov.uk; the consistency of those data will be improved so that the transparency reports can be more easily located via search functions; and the subject of the meetings will be set out more helpfully.”<sup>7</sup>*

13. This commitment addresses some of the criticisms by this Committee in our report around accessibility of transparency information but does not go as far as our recommendation 5<sup>8</sup> which we considered would provide sufficient transparency and accountability to enable effective public scrutiny of lobbying. We also note that the Government is committed to publishing transparency data quarterly, or at any time in the following quarter. Notwithstanding this all of the data published in 2013 was published late. The Government therefore has some way to go to meet its commitment to Parliament.

14. The Government has also recently revised the Business Appointment Rules<sup>9</sup> which apply to Former Ministers and Crown servants namely civil servants (including special advisers) and members of the Diplomatic Service, Intelligence Agencies and Armed Forces before they accept any new appointment or employment after leaving their role. We welcome the greater clarity in the rules around the definition of lobbying and the practical application of a lobbying ban but note that the rules have

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<sup>7</sup> <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140113-0001.htm>

<sup>8</sup> *Strengthening Transparency Around Lobbying* November 2013 p29

<sup>9</sup> Business Appointment Rules: Government Response to the Committee’s Third Report of Session 2012-13 HC 563 17 July 2014

reverted to the pre-2010 position whereby only applications from the most senior special advisors are referred to the Advisory Committee on Business Appointments (“ACOBA”). Whilst this Committee has argued for a risk based approach to application of the rules, we do not think seniority is necessarily the only risk factor and the nature of the role of special advisor as a conduit of access to the Minister, in our view necessitates the referral of all applications to ACOBA.

15. The Committee also notes that the revised rules will require Departments to publish information in broad terms about the advice they give to applicants in the senior civil servants whose applications are not dealt with by ACOBA. This Committee called for the publication of consistent summary information by Departments on all cases they consider. It is the Cabinet Office’s responsibility to provide assurance of Department’s compliance with the Rules and we will maintain an interest in Departmental performance and transparency in this respect.
16. We are disappointed that given the increased use of interchange through secondments, loans and career breaks to move in and out of the public sector organisations, the Government has not accepted our recommendation for Departments and their Agencies, for transparency and public confidence reasons, to publish on an annual basis the number of secondments and interchanges in and out of their organisation.<sup>10</sup>

## Public Perceptions Survey

17. In September 2013 the Committee published the fifth and latest survey of public attitudes towards conduct in public life,<sup>11</sup> a series which started in 2004. It is a unique long term, independent study and source of information about what the public think about standards in public life in the UK. The research focussed on three main issues:
- To establish what the public sees as acceptable and unacceptable behaviour on the part of holders of public office;
  - To assess how far the public believes that the behaviour of holders of public office is, for the most part, acceptable or unacceptable;
  - To assess how far the public believes that holders of public office are effectively held responsible and accountable for their conduct.

18. Over the lifetime of the survey, there has been a continuous and substantial decline in the percentage

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<sup>10</sup> *Strengthening Transparency Around Lobbying* November 2013 recommendation 11 p 36

<sup>11</sup> <https://www.gov.uk/government/publications/public-attitudes-survey-2012>

of respondents rating standards as “quite high” or “very high”, while the percentage of respondents rating standards as “quite poor” or “very poor” has steadily increased, showing a clear trend across this data. But this trend masks a deeper pattern that shows that in fact, prior to 2010 confidence was rising, and that it suffered a major decline in 2010 after the MPs’ expenses scandal, from which there is only marginal recovery in 2012.

19. In relation to Westminster MPs, the public share broadly a set of expectations that are in line with the seven principles of public life. However they have consistently low levels of confidence that MPs actually meet these standards. In the latest survey, pessimism was less marked than in 2010, but levels of confidence have not returned to their 2008 levels. Although absolute levels of confidence are low in particular types of national public office holders or professions such as Ministers, MPs and tabloid journalists, this should be contrasted with higher and rising confidence in institutions and in processes and in those administering the process – so for example, as in most countries that have low and falling levels of confidence in politicians, there is, paradoxically, a higher confidence in national institutions such as Parliament and much higher confidence in the legal system.
20. In addition, responses to new questions in the 2012 survey indicate people’s widespread belief that they will receive fair treatment from a range of front line public services. A large majority of respondents thought they would be treated fairly by doctors, police officers, judges, and local planning bodies. Responses suggested that members of the public have more confidence in the probity of relatively junior front line staff - in terms of putting the public interest first, owning up to making mistakes, and being held accountable for mistakes - than in that of more senior managers. They also expressed more confidence in the probity of public sector employees than in those in the semi-public or private sectors.
21. Our most recent survey explored, amongst other things, which measures for ensuring good standards of conduct in public life elicit the most public support. The questions were informed by a common distinction drawn between ‘compliance-based’ and ‘integrity-based’ behaviour: that is, between good behaviour resulting from a well-designed and systematically enforced external set of rules, and good behaviour that is internally driven and the result of strong ethical character. Respondents were asked to choose up to three policies they thought important in ensuring probity in large public and private organisations.
22. Findings suggest that members of the public favour adopting elements from **both** the compliance and integrity models in ensuring public probity. They do not endorse internal self-regulation or a culture of financial incentives for those doing a job (26% for large public sector organisations and 22% for private sector). They do favour senior managers setting a good example, (38% for large public sector

organisations and 51% for private sector) and training people in a code of conduct (63% for large public sector organisations and 60% for private sector), but they also want protection for 'whistleblowing' and external regulators for organisations (whether public or private sector). Encouraging a culture where people are not afraid to report wrongdoing (66% for large public sector organisations and 53% for private sector) was seen as particularly important for promoting probity.

23. The responses of different groups of respondents - as distinguished by trust in public office holders, perceptions of standards, party-political preferences, social grade, ethnicity, age and gender - were compared to see if there were any clear differences found in how various segments of the public think that probity should be promoted. In fact, none of these comparisons yielded significant differences.
24. There is therefore very wide agreement in all segments of the British general public about the ways in which probity in both the public and the private sector can be promoted. In that shared view, the ways seen as most important are the promotion of a culture in which people are not afraid to report wrongdoing, the use of codes of proper conduct in which office holders and staff are trained, and the setting of a good example by senior managers or office holders.
25. The evidence from this long term study suggests that public attitudes are broadly stable, that they respond to events and their reporting, and that they can become more negative or more positive. This suggests that the public's perceptions of standards in public life can be repaired as well as damaged. The data also gave us a picture of groups who are most likely to feel most sceptical. This was particularly the case for those from lower social grades, from white-British or white-Irish background, middle aged or older and who have little engagement with the political system. The growth in the size of this group presents a challenge to all those involved in public life.
26. The Committee recognises it is important to place these findings in a wider context and so commissioned some further research on assessing the results from our British survey compared with other European countries, to see if results are potentially motivated by domestic factors or reflect citizen's attitudes across western democracies. This research was published in March 2014<sup>12</sup> and it shows that the UK public's decline in perceptions of standards in public life is part of a broader trend across Western democracies. The research also finds that British citizens' assessments of standards in public life are not unusual and they are rarely the most cynical. In fact British citizens' perceptions and experiences of corruption are lower than those in most other European countries.
27. Both sets of research however illustrate as a reminder to public authorities and office holders that public perceptions of standards in public life have political consequences. Events and the response to

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<sup>12</sup><https://www.gov.uk/government/publications/public-perceptions-of-standards-in-public-life-in-the-uk-and-europe>

them they play a part in informing citizens' views of standards, probity and trust.

28. Whilst this research was the final biennial survey of its type, the Committee continues to believe it is important to test public perceptions of standards issues and will continue to undertake such research, as appropriate, in its ongoing work.

## Ethical Standards for providers of public services

29. The Committee's terms of reference were clarified last year so that its remit to examine standards of conduct of all holders of public office encompassed all those involved in the delivery of public services. As public services are increasingly being delivered by those outside the public sector, the Committee decided to test the expectation and assurance of ethical standards in the public service market. The Committee commissioned new independent research with members of the public, commissioners and providers of public services. We also spoke to individuals and organisations with current experience of commissioning and providing public services to understand their expectations of the ethical principles and standards expected of public services. The Committee's report *Ethical standards for providers of public services* and accompanying research was published in June 2014.

30. On the basis of our research, we can be confident that:

- the public want common ethical standards across all provider types regardless of sector, supported by a code of conduct;
- "how" the service is delivered is as important to the public as "what" is delivered;
- public and stakeholder views of what should constitute ethical standards are broadly in line with the Seven Principles of Public Life;
- commissioners expect providers to conform to ethical standards but rarely explicitly articulate this;
- commissioners want guidance on how to embed ethical standards in the commissioning and procurement process.

31. For the Committee this is an issue of accountability. The public needs to be reassured that the standards it expects are being delivered by providers, Government must be capable of assuring the public that ethical standards are part of service delivery standards and business (as the CBI has recently acknowledged) needs to recognise that a cultural shift is required in its approach to the public service market, in order to meet the public's legitimate expectations and to build public trust.

32. It was evident from our research that there are currently no consistent structures or arrangements in place to promote actively an ethical culture and behaviours in the public service market. The



Committee therefore recommended that ethical standards need to be proportionately addressed within existing contractual and monitoring arrangements, as part of the process for securing the regularity and propriety of public services.

33. The Government believes that the Seven Principles of Public Life, the basis of the ethical standards framework for those operating in the public sector, has application to all those delivering public services whether they are public sector providers or third-party providers from the private or voluntary sector. As a consequence, using the evidence base from the review and building on existing mechanisms, we set out in the report a high level framework required to support these ethical standards and provide the necessary assurance.
34. We have received considerable interest in our report and its recommendations from business organisations, commissioners and providers and we intend to follow this up with further discussions with a view to developing practical measures to help ensure high ethical standards are met.

## Ethics in Practice

35. In July 2014, the Committee published *Ethics in Practice: Promoting Ethical Conduct in Public Life*, a short report which looked at the role of induction processes in embedding ethical standards in public life. The project looked at works in terms of building an ethical culture through induction, education and training, captured examples of best practice, and identified areas where more needs to be done or where previous progress may be at risk.
36. After looking across a range of public, private and voluntary sector organisations, we concluded that induction is key to ensuring that all public office holders are aware of the standards expected of them. Ethical standards need to be included in the induction arrangements for all those public life. For many of those in public life, this message has already been heard and understood. For some, however, more clearly needs to be done to embed ethical standards. The Committee was particularly concerned at the low level of engagement with ethical standards evidenced by those in Parliament.
37. Our report called for more of an obvious demonstration of leadership in relationship to ethical standards from those in the Westminster Parliament, both elected and appointed. We called for MPs, parties and the House Authorities to develop a meaningful and credible induction and professional development programme that builds an awareness and understanding of ethical standards – both principles and rules - that meets the needs of MPs and Lords and the expectations of the public.

## STANDARDS CHECK

### Behaviour and conduct of the police

38. The police standards have been the focus of much public concern over the last year. Both new and ongoing revelations about the conduct of individual officers and the culture and behaviours in police forces and the Police Federation have damaged public confidence and trust in the police. The role of Police and Crime Commissioners in holding police to account locally is relatively new and the College of Policing is still establishing itself as the professional standards body. We welcome the College's focus on promoting ethics, values and standards of integrity.
39. Over the last 12 months his Committee has been monitoring the ethical risks in policing and has:
- Met with the Association of Police and Crime Commissioners to discuss how best to pre-empt any ethical risks in their role
  - Responded to the Home Affairs Select Committee call for evidence on Police and Crime Commissioners
  - Responded to the Public Administration Select Committee inquiry on the validity of crime statistics
  - Responded to the College of Policing consultation on their draft code of ethics and meeting with the College to discuss the draft code, its implementation and the embedding of high ethical standards
  - Attended and spoken at conferences on policing ethics.
40. The Committee made clear its intention to monitor the extent to which Police and Crime Commissioners are genuinely open and accountable and how successful any ethical risks arising from their role are addressed in its response to the Home Affairs Committee call for evidence. This report concluded that it was too early to determine whether the introduction of Police and Crime Commissioners had been a success.
41. The Public Administration Select Committee concluded in its report on police recorded crime statistics that *“the quality of leadership within the police, and its compliance with the core values of policing, including accountability, honesty and integrity, will determine whether the quality of police recorded crime data can be restored.”* PASC recommended that this Committee *“conducts a wide ranging*

*inquiry into the police's compliance with the new Code of Ethics; in particular the role of leadership in promoting and sustaining these values in the face of all the other pressures on the force."*

42. The Committee have considered seriously this recommendation. The Committee are likely to focus over the coming year on the accountability mechanisms for holding the police to account generally and specifically the role of Police and Crime Commissioners in representing the public in holding Chief Constables to account, and on the issues where we have heard the most concern namely the extent of their public remit and their role as ethical leaders. This will compliment and not duplicate the considerable work already underway by Her Majesty's Inspectorate of Constabulary to review anti-corruption capability in police forces and the inspection of police integrity and the College of Policing Review of police leadership.

## Local government standards

43. The Committee has continued this year to maintain a watching brief of the standards regimes in local government and the changes resulting from The Localism Act 2011 implemented in 2012. Having emphasised at the time the need for a mandatory code of conduct, strong local leadership, and effective independent persons and expressed concern at the lack of sanctions, the Committee also recognised the need to allow new arrangements to bed down.
44. The survey carried out by Local Government Lawyer on the implementation of the Localism Act 2011,<sup>13</sup> suggests indications are that the role of the independent person has been generally well received and there is some evidence that the number of vexatious complaints is falling. However, the effectiveness of the sanctions regime for non-adherence to Local Authority 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. We are aware that there have been recent individual cases that illustrate this, in particular the lack of a sanction to suspend councillors who have seriously breached the code of conduct.
45. In contrast to the recent public debate on parliamentary standards calling for greater sanctions, tightening of codes of conduct, and a greater independent element, local government is now largely self regulated with no systematic approach to conduct issues and limited sanctions. There remains in our view a significant risk under these arrangements that inappropriate conduct by Local Authority

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<sup>13</sup> <http://www.localgovernmentlawyer.co.uk/images/stories/Localism%20Act%20Special%20Report.pdf>

members will not be dealt with effectively, eroding public confidence and trust in local government. We call upon the Local Government Association to support strong long leadership and continue to use its peer challenge process to offer sector led improvement in this area<sup>14</sup> as we believe the LGA has a major responsibility to provide the leadership and peer support across the sector to ensure that all councils and councillors live up to the public's expectations of high standards of ethical behaviour in those whom they elect.

46. As part of the research for the Committee's *Ethics in Practice* report, we conducted a snapshot survey of Local Authorities' approach to induction and training. The Committee sent an electronic questionnaire to Local Authority Monitoring Officers in England, asking them to circulate it further to elected members. We received over 130 responses from Monitoring Officers and elected members.
47. The Committee was extremely pleased to learn that 90% of those who responded to the survey 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.
48. Despite these positive results, however, the Committee remains alert to the challenges to ethical standards arising from financial constraints and changes to the Local Authority standards regime. The Committee 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.
49. More generally, we have provided evidence to the Communities and Local Government Select Committee inquiry on local government procurement, highlighting our belief that public sector procurement processes should take account of ethical issues as part of delivering value for money in the broadest sense. Our report *Ethical standards of third party providers of public services* considered the ethical principles and standards that the public and commissioners of services have of those delivering public services and the necessary safeguards to ensure those principles and standards are met, is directly relevant to local government who spends over a quarter of its annual expenditure on procuring goods and services from third party providers.

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<sup>14</sup> See Thanet District Council Corporate Peer Challenge 28 April 2014 at [thanet.gov.uk](http://thanet.gov.uk)

## Electoral system

50. In light of the forthcoming elections this year and next, the introduction of the individual electoral registration and recent changes arising from the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, and other developments in the electoral sphere, the Committee met with Chair of the Electoral Commission this year to discuss the level of ethical risk to the electoral system.
51. The forthcoming election brings into focus two particular matters on which the Committee has made recommendations in the past. Firstly, electoral registration. The Committee key made recommendations about electoral registration in its Eleventh report – *Review of the Electoral Commission (2007)* - including the introduction of arrangements for individual registration to modernise the system and to help tackle electoral fraud. The Committee therefore welcomes the introduction this year of individual electoral registration (IER). The Committee also notes the Electoral Commission recent report on *Electoral Fraud in the UK* which recommended that more could be done to tackle electoral fraud and that “polling station voting in Great Britain remains vulnerable to impersonation fraud because there are currently few checks available to prevent someone claiming to be an elector and voting in their name,’. Given recent allegations of electoral irregularities in local elections, the Committee will keep a watching brief on electoral fraud and the implementation of IER.
52. Secondly, reform of party funding. The Committee published its report on Party Funding in 2011. It made 24 recommendations to be accepted as a complete package. Key recommendations included:
- a donation cap of £10,000 for all donations from any individual or organisation to any political party in any year;
  - the cap to apply to all individuals and organisations, including trade unions;
  - limits on campaign funding in the period before an election to be cut by 15%;
  - an increase in existing state funding to parties calculated on the basis of the number of votes received in the previous election or elections at £3 per vote received in a Westminster election and £1.50 in an election to a devolved legislature;
  - the additional state funding we recommended after 2015 would amount to approximately £23m per year. Broken down that is 50p per voter.
53. Following the breakdown of cross-party talks on reforming party finance, the Government confirmed in October 2013 it would not be taking forward any of the Committee’s recommendations this

Parliament.

54. It is clear to the Committee that party funding is still an issue of concern for the public. They want to be sure that people and organisations are not buying influence through the funding of political parties. Dependency on a big donor culture creates a suspicion that donations can be used to exert influence on the parties. That suspicion is, in turn, corroding to trust in politics generally.
55. The Committee's package of recommendations was designed to restore integrity and provide meaningful accountability, providing a radical change to create a sustainable party funding system. The Committee made clear that any move to implement some parts, whilst rejecting others would upset the overall balance the recommendations were trying to achieve. Real progress will require all main parties to look beyond their own political advantage to arrive at a solution that has cross-party agreement and will restore public confidence in the integrity of the funding system.

## REPRESENTATIONS AND SPEECHES

56. Over the course of the year, the Chair has spoken at a number of events on standards issues, promoting the work of the Committee and the importance of the Seven Principles of Public Life and providing other examples of best practice, including:
- In November 2013 Lord Bew gave the opening address at the Annual Governance Conference of Lawyers in Local Government; a presentation about the work of the Committee to the Public Service Commissioners of various Commonwealth countries; and a speech at the OECD 'Restoring Trust in Government' policy forum in Paris
  - In January 2014 Lord Bew gave a speech entitled 'Effective Parliamentary Standards' at the Annual Conference of the Study of Parliament Group, at Worcester College, Oxford
  - In May 2014 Lord Bew gave evidence to the Northern Ireland Assembly's Committee on Standards and Privileges in relation to their review of the Assembly's Code of Conduct and Guide to the Rules Relating to the Conduct of Members
  - In June 2014 Lord Bew gave a speech at the launch of the Hansard Society's Audit of Political Engagement and also gave evidence to the House of Commons Committee on Standards Sub-Committee in relation to their inquiry on the standards system in the House of Commons.
57. In March 2014 the Committee held a seminar on issues around trust in public life. The event was open

to the public and the video of the event can be found on our website (<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>)

58. Other Committee and Secretariat Members also spoke about the work of the Committee and standards issues in a number of contexts, including:

- a presentation, in September 2013 to a group of students on MA Corruption and Governance course at University of Sussex
- a presentation, in November 2013, to a group of visiting Canadian politics students
- attending the 40<sup>th</sup> Forum of Asia Pacific Privacy Authorities in New South Wales in December 2013 to discuss ethical issues for privacy authorities
- a speech at The Policing of Ethics: Towards an Ethical Police Service conference in July 2014

59. The Committee has also been proactive in promoting the Seven Principles of Public Life through responses to a number of consultations including:

- the draft cross party Bill on democratic political activity (funding and expenditure) in April 2013
- the Whistleblowing Commission consultation on strengthening policy and law on whistleblowing in the workplace in July 2013
- the Public Administration Select Committee's consultation on the integrity of crime statistics in November 2013
- the College of Policing's draft Code of Ethics in December 2013
- the Home Affairs Select Committee's consultation on Police and Crime Commissioners in December 2013
- the Civil Service Commission's consultation on changes to their Recruitment Principles in February 2014
- the Committee on Standards' consultation on the Interests of Committee Chairs in March 2014
- Sir Richard Lambert's Banking Standards Review in March 2014
- the Public Administration Select Committee's inquiry into Civil Service impartiality and referendums in April 2014
- the Northern Ireland Assembly's Committee on Standards and Privileges' review of their



Members' Code of Conduct in May 2014.

60. The secretariat received and responds regularly to public enquires and correspondence on standards issues. The Secretariat has had the means of monitoring the number and sources of visitors to its former corporate website ([www.public-standards.gov.uk](http://www.public-standards.gov.uk)) since October 2013. Between 1 October 2013 and 26 August 2014 we received 22,745 unique visits to our corporate website, from 140 countries. Efforts to redesign our corporate website between November and early August 2014 resulted in user engagement (in the form of visitors returning to the site) more than doubling over this period. As of August 2014 the Committee's website has been moved to Gov.uk (<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>)

## APPENDIX 1: ABOUT THE COMMITTEE

### Terms of reference

61. The Committee on Standards in Public Life was established under the chairmanship of the Rt. Hon. Lord Nolan by the then Prime Minister, the Rt. Hon. John Major MP, in October 1994, with the following terms of reference:

**“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.”<sup>15</sup>**

62. On 12 November 1997, the then Prime Minister, the Rt. Hon. Tony Blair MP, announced additional terms of reference:

**“To review issues in relation to the funding of political parties and to make recommendations as to any changes in present arrangements.”<sup>16</sup>**

63. On 5 February 2013, the terms of reference of the Committee were clarified in two respects:

**“in future the Committee should not inquire into matters relating to the devolved legislatures and Governments except with the agreement of those bodies”**

and

**“The Committee’s remit to examine ‘standards of conduct of all holders of public office’ [should be understood] as encompassing all those involved in the delivery of public services, not solely those appointed or elected to public of.”<sup>17</sup>**

64. The Committee’s remit does not allow us to investigate individual allegations of misconduct.

### Status

65. The Committee is an independent advisory non-departmental public body (NDPB). Its members are appointed by the Prime Minister. Six of its members, including the chair, are chosen through open

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<sup>15</sup> Hansard (HC) 25 October 1994, col. 758

<sup>16</sup> Hansard (HC) 12 November 1997, col. 899

<sup>17</sup> Hansard (HC) 5 February 2013, col. 7WS

competition under the rules of the Office of the Commissioner for Public Appointments (OCPA). The remaining three members are nominated by the three main political parties. The Committee is not founded in statute and has no legal powers to compel witnesses to provide evidence or to enforce its recommendations. Nor does it have any powers to investigate individual allegations of misconduct. It presents its recommendations to the Prime Minister and publishes them simultaneously.

## Funding and administration

66. The Committee receives its budget from the Cabinet Office. Day-to-day responsibility for financial controls and budgetary mechanisms are delegated to the secretary of the Committee. The Secretary and the rest of the secretariat are permanent civil servants employed by the Cabinet Office or on secondment from other departments or elsewhere. The current Secretary is seconded from the Ministry of Justice.

## Policy on openness

67. In its first report the Committee defined the Seven Principles of Public Life. The Committee has always sought to implement these principles in its own work, including the principle of openness.

68. The Secretary of the Committee has responsibility for the operation and maintenance of the Committee's publication scheme under the Freedom of Information Act 2000. Most of the information held by the Committee is readily available, and does not require a Freedom of Information Act request before it can be accessed. The Committee can be contacted in writing, by email, by telephone or by fax. The public can also access information via the Committee's website. Requests for information under the Freedom of Information Act should be made to the Secretary to the Committee at the following address:

- **Committee on Standards in Public Life**  
Room GC05  
1 Horse Guards Road  
London SW1A 2HQ
- Phone: 020 7271 2948
- Email: [public@standards.gsi.gov.uk](mailto:public@standards.gsi.gov.uk)
- Website: <https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

## APPENDIX 2: MEMBERS OF THE COMMITTEE

69. Until the latest appointments, Committee members were appointed for a three year term, with the possibility of reappointment. The latest three members were recruited for a five year non-renewable term. The Chair is appointed for a single non-renewable five year term.

### Chair: Lord Paul Bew

**Appointed:** 1 September 2013    **Term ends:** 31 August 2018

Lord Bew teaches Irish History and Politics at the School of Politics, International Studies and Philosophy at Queen's University.

Lord Bew has previously:

- served on the Joint Committee on Parliamentary Privilege
- chaired the independent review of Key Stage 2 (SATs) provision in England
- served on the Joint Committee on the Defamation Bill, which addressed key issues of academic freedom
- served on the Local London Authority Bill Select Committee
- acted as historical adviser to the Bloody Sunday Inquiry

He was appointed as a non-party-political peer by the independent House of Lords Appointments Commission in February 2007, following his contributions to the Good Friday Agreement.

### Members active in 2013-2014 who are currently members

#### Lord Alderdice

**Appointed:** 1 September 2010                      **Reappointed:** 1 September 2013                      **Term ends:** 31 August 2016

John Alderdice is a fellow of the Royal College of Psychiatrists. He led the Alliance Party and has held a variety of positions in the Federation of European Liberal, Democrat and Reform Parties and Liberal International. He was one of the negotiators of the Good Friday Agreement. Raised to the peerage on October 1996, he took his seat on the Liberal Democrat benches in the House of Lords on 5 November that year. In 1998 Lord Alderdice was elected member for Belfast East and appointed Speaker of the Northern Ireland Assembly. In 2004 he was appointed as a Commissioner for the newly established Independent Monitoring Commission. He is also the Chairman and a Director of the Centre for Democracy and Peace Building (based in Belfast) and President of ARTIS (Europe) Ltd, a research institution designed to improve the understanding of cognitive and behavioral science related to politically motivated violence through science-based field research.

## **Rt Hon Margaret Beckett MP**

**Appointed:** 1 November 2010      **Reappointed:** 1 September 2013      **Term ends:** 31 August 2016

Margaret Beckett has been Labour MP for Derby South since 1983. She was Secretary of State for Trade and Industry 1997-1998, President of the Council and Leader of the House of Commons 1998-2001, Secretary of State for Environment, Food and Rural Affairs 2001-2006, for Foreign Affairs 2006-2007, Minister for Housing and Planning (attending Cabinet), Department for Communities and Local Government 2008-2009. She has also been Chair of the Intelligence and Security Committee. Margaret is a member of the Labour National Executive Committee and Chair of the Joint Committee on National Security Strategy.

## **David Prince CBE**

**Appointed:** 1 June 2009      **Re-appointed:** 1 June 2012      **Term ends:** 31 May 2015

David Prince is the former Chief Executive of the Standards Board for England. He held senior positions at the Audit Commission, as Managing Director, Strategy and Resources and District Audit. Previously his career was in local government, where posts included Chief Executive of Leicestershire County Council and Director of Finance and Administration of Cambridgeshire County Council. He has held non-executive independent appointments as lay member of the General Social Care Council, Leicestershire Police Authority and the Performance and Best Value Committee of the Bar Standards Board. David is currently Chair of the Audit Committee of Parkinson's UK and, an independent member of the Audit and Corporate Governance Committee of the Care Quality Commission and a lay member of the General Pharmaceutical Council.

## **Patricia Moberly**

**Appointed:** 17 May 2012      **Term ends:** 16 May 2017

Patricia Moberly was Chair of Guy's and St Thomas' NHS Foundation Trust from 1999 to 2011. During her previous career as a schoolteacher, she worked in secondary schools in London and Zambia, and was Head of the Sixth Form at Pimlico School from 1985 to 1998. She served on the National Executive of the Anti-Apartheid Movement, was a member of Area and District Health Authorities and of the General Medical Council, a local councillor and a magistrate. Currently she is a prison visitor and a member of the Ethics Committee of the Royal College of Obstetricians and Gynaecologists, and serves on an advisory committee to the Secretary of State for Transport. She is a panellist for the Judicial Appointments Commission.

### **Sheila Drew Smith OBE**

**Appointed:** 17 May 2012      **Term ends:** 16 May 2017

Sheila Drew Smith OBE is an economist by background. She has been an independent assessor for public appointments (OCA) since 1997 and undertakes selection work in the private sector. She is the Chair of the National Approved Letting Scheme and a committee member for Safe Agents. She is also currently a member of the appointments panel of the Bar Standards Board, the Member Selection Panel of Network Rail and an independent panel member for RICS. She was was a board member of the Housing Corporation between 2002 and 2008, the Audit Commission between 2004 and 2010, and the Infrastructure Planning Commission and the Office of the Regulator of Social Housing until March 2012. She was also an independent assessor for public appointments until May 2012. Prior to this she was a partner in the predecessor firms of PricewaterhouseCoopers working in the UK and internationally. Her earlier career was in the civil service.

### **Dame Angela Watkinson MP**

**Appointed:** 30 November 2012      **Term ends:** 30 November 2017

After an early career in banking and a family career break, Dame Angela Watkinson worked for several local authorities in special education and central services. She has served as a councillor for both the London Borough of Havering and an Essex County Council. Angela was elected as Conservative MP for Upminster in 2001 and continues to serve her enlarged constituency of Hornchurch and Upminster. She has spent most of her Parliamentary Career as a Whip, and Lord Commissioner to the Treasury. Angela is also a member of Parliamentary Assembly of the Council of Europe.

### **Richard Thomas CBE**

**Appointed:** 17 May 2012      **Term ends:** 16 May 2017

Richard Thomas CBE LLD was the Information Commissioner from November from 2002 to 2009 and the Chairman of the Administrative Justice and Tribunals Council (AJTC) from 2009 to 2013. He is currently a Strategy Adviser to the Centre for Information Policy Leadership and has served as Deputy Chairman of the Consumers Association, as Trustee of the Whitehall and Industry Group, and as Board Member of the International Association of Privacy Professionals (IAPP). During his earlier career his roles included Director of Consumer Affairs at the Office of Fair Trading from 1986 to 1992 and Director of Public Policy at Clifford Chance, the international law firm, from 1992 to 2002.

## Members active in 2013 – 2014 who have subsequently stood down

### Sir Derek James Morris MA DPhil

**Appointed:** 1 March 2008

**Re-appointed:** 1 March 2011

**Term ended:** 28 February 2014

Sir Derek Morris has been Provost of Oriel College, Oxford since 2004. Previously he was Chairman of the Competition Commission (formerly the Monopolies and Mergers Commission). From 1970 to 1997 he was an Economics Fellow at Oriel College and from 2004 to 2005 he chaired the Morris Review of the Actuarial Profession. He is chairman of trustees of Oxford University Press Pension Fund, non-executive chairman of Lucida plc and a senior consultant to Frontier Economics.

### Dame Denise Platt DBE

**Appointed:** 1 July 2008

**Re-appointed:** 1 July 2011

**Term ended:** 30 June 2014

Denise Platt was an Audit Commissioner and chair of the independent advisory panel for the Local Innovation Awards until October 2010. From 2004 until 2009 she was chair of the Commission for Social Care Inspection (now part of the Care Quality Commission). She has held a variety of posts both nationally and locally in local government and social care and has been an independent panel member to appoint the Electoral Commissioner. She holds posts with a number of voluntary organisations and is the chair of the National AIDS Trust (NAT). She is governor of the University of Bedfordshire and a member of the independent Review Board of the Cheshire Fire and Rescue Service and the Independent Commission on Assisted Dying.

## Research Advisory Board

The Committee's work is supported by a Research Advisory Board. The current Board members are:

- **Dr Mark Philp** (Chairman), Professor, Director of the European History Research Centre, Dissertation Coordinator, Department of History, University of Warwick
- **Dr Jean Martin**, Senior Research Fellow, Social Inequality and Survey Methods, Department of Sociology, University of Oxford
- **Professor Cees van der Eijk**, Professor of Social Science Research Methods, Director of Social Sciences Methods and Data Institute, University of Nottingham
- **Dr Wendy Sykes**, Director of Independent Social Research Ltd (ISR) and Member of the SRA

implementation group on commissioning social research.

### Members' attendance (1 April 2013 – 31 March 2014)

70. The table below shows the total number of meetings that each member of the Committee could have attended and the number they actually attended.

Name	Possible meetings	Actual meetings
Lord Bew	7	7
Lord Alderdice	11	7
Rt Hon Margaret Beckett MP	11	8
Patricia Moberly	11	10
Richard Thomas	11	10
Sir Derek Morris	8	7
Dame Denise Platt	11	8
David Prince	11	11
Sheila Drew Smith	11	10
Angela Watkinson MP	11	8

71. In addition to the monthly Committee meetings, all members attend a variety of other meetings and briefings in relation to the business of the Committee.

### Remuneration

72. Committee members who do not already receive a salary from public funds for the days in question may claim £240 for each day they work on committee business. The Chair is paid on the basis of a non-pensionable salary of £500 per day, with the expectation that he should commit an average of 2-3 days a month, although this can increase significantly during Committee inquiries. All members are reimbursed for expenses necessarily incurred.



73. For the period April 2013 to March 2014 committee members other than the Chair claimed a total of £21,765.74 in fees and expenses.

74. In total, the Chairs (David Prince being interim Chair from 1 April to 31 July 2013) claimed £20,159.84 in fees and expenses.

75. In accordance with the best practice recommended in its first report, members of the Committee formally adopted a code of practice in March 1999. The code is available on the website and has been reviewed periodically by the Committee, most recently in July 2011. Members provide details of any interests that might impinge on the work of the Committee through the Committee's register of interests, also available on the website at:

<https://www.gov.uk/government/publications/register-of-interests>

## APPENDIX 3: FINANCIAL INFORMATION

<b>Expenditure</b>	<b>2012-13</b>	<b>2013-14</b>
	<b>(£)</b>	<b>(£)</b>
<b>Staff costs and fees</b>	355,737	214,791
<b>Other running costs</b>	161,425	116,084
<b>Total net expenditure</b>	<b>517,162</b>	<b>330,875</b>

76. As an advisory Non-Departmental Public Body (NDPB), the Committee receives its delegated budget from the Cabinet Office. The Cabinet Office Accounting Officer has personal responsibility for the regularity and propriety of the Cabinet Office vote. Responsibility for certain levels of authorisation, methods of control and day to day mechanisms have been delegated to the Secretary to the Committee but creation of all new posts and the use of external resources are subject to the approval of the Cabinet Office Approvals Board. Whilst the core secretariat has been reduced to three, the Secretary can and has used the budget to buy-in additional time limited resource to service specific inquiries and reviews. This level of resource necessarily constrains the choices the Committee makes in relation to its work programme and, taken together with the time taken to secure approvals, affects its ability to respond quickly and comprehensively to standards issues as they emerge.
77. The Secretary to the Committee is responsible for setting out the outputs and outcomes which the Committee plans to deliver with the resources for which they have delegated authority, and for reporting regularly on resource usage and success in delivering those plans. She is also responsible for maintaining a sound system of internal control over the resources for which she has delegated authority, and for providing the accounting officer with assurances that those controls are effective.
78. For the year 2013-14 the Committee's budget allocation was £400,000. There was an under spend of £69,125. The main causes of this under spend were savings generated by a) a decision not to commission a planned survey into the impact of the Committee's report *"Standards Matter: A review of best practice in promoting good behaviour in public life"* and b) a planned re-design of the Committee's website during November 2013 being cancelled because a decision was made to migrate the contents of its website to gov.uk in 2014. Both of the projects on the two most recent reports also ran into the current financial year.

## APPENDIX 4: REPORTS AND PUBLICATIONS

The Committee has published the following reports:

- Ethics in Practice: Promoting Ethical Standards in Public Life (July 2014)
- Ethical standards for providers of public services (June 2014)
- Strengthening transparency around lobbying (November 2013)
- Standards matter: A review of best practice in promoting good behaviour in public life (Fourteenth Report (Cm 8519)) (January 2013)
- Political Party Finance - Ending the big donor culture (Thirteenth Report (Cm 8208)) (November 2011)
- MPs' Expenses and Allowances: Supporting Parliament, Safeguarding the Taxpayer (Twelfth Report (Cm7724)) (November 2009)
- Review of the Electoral Commission (Eleventh Report (Cm7006)) (January 2007)
- Getting the Balance Right: Implementing Standards of Conduct in Public Life (Tenth Report (Cm6407)) (January 2005)
- Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service (Ninth Report (Cm 5775)) (April 2003)
- Standards of Conduct in the House of Commons (Eighth Report (Cm 5663)) (November 2002)
- The First Seven Reports - A Review of Progress - a stock-take of the action taken on each of the 308 recommendations made in the Committee's seven reports since 1994 (September 2001)
- Standards of Conduct in the House of Lords (Seventh Report (Cm 4903)) (November 2000)
- Reinforcing Standards (Sixth Report (Cm 4557)) (January 2000)
- The Funding of Political Parties in the United Kingdom (Fifth Report (Cm 4057)) (October 1998)
- Review of Standards of Conduct in Executive Non-Departmental Public Bodies (NDPBs), NHS Trusts and Local Public Spending Bodies (Fourth Report) (November 1997)<sup>18</sup>
- Standards of Conduct in Local Government in England, Scotland and Wales (Third Report (Cm

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<sup>18</sup> This report was not published as a Command Paper.

3702)) (July 1997)

- Local Public Spending Bodies (Second Report (Cm 3270)) (June 1996)
- Standards in Public Life (First Report (Cm 2850)) (May 1995)

Since 2004, the Committee has also undertaken four biennial surveys of public attitudes towards conduct in public life. Findings were published in 2004, 2006, 2008, 2011 and 2013.

**Annual Report 2013-14**

**Published electronically by the Committee on Standards in Public Life**

**The Committee on Standards in Public Life**

**Room GC05**

**1 Horse Guards Road**

**London SW1A 2HQ**

**Tel: 020 7271 2948**

**Internet: [www.public-standards.gov.uk](http://www.public-standards.gov.uk)**

**Email: [public@standards.gsi.gov.uk](mailto:public@standards.gsi.gov.uk)**

**September 2014**

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

20 March 2015

**Complaints Update****1.0 PURPOSE OF REPORT**

- 1.1 To present to the Committee for consideration, amendments to the standards complaint form.
- 1.2 To update the Committee regarding ethical framework complaint activity since the Committee's last meeting in September 2014.

**2.0 COMPLAINT FORM**

- 2.1 The Committee has previously agreed a complaint form for sending to potential complainants to assist them in making a complaint that a Member may have breached the Members' Code of Conduct.
- 2.2 The complaint form subsequently required an administrative amendment to update the Monitoring Officer details in the opening section and also to include the more recent version of the Code of Conduct in the Appendix. These amendments have been undertaken by the Monitoring Officer and a revised copy of the complaint form is attached at **Appendix 1** to this report for endorsement by the Committee.

**3.0 COMPLAINTS UPDATE**

- 3.1 Two new complaints have been received since the last meeting of the Committee:
  - a) In one of the complaints, the complainant alleged that the subject Member had used certain Council information in an inappropriate manner. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards, when it was agreed that no action should be taken in relation to the complaint.
  - b) The other complaint concerns certain alleged comments about Council officers alleged to have been made by the subject member at a public meeting. At the time of writing this report, the complaint is being scheduled for assessment.
- 3.2 Overall, for the year 1 April 2014 – 11 March 2015 (the date of writing this report), the Council has received three complaints that Members may have breached the Members' Code of Conduct. Of those three complaints:
  - one is currently being scheduled for assessment (see paragraph 3.1(b) above);
  - no action was required in relation to the other two complaints;
  - all were made by different complainants against different subject Members.
- 3.3 Members will be kept informed of developments.

**4.0 RECOMMENDATIONS**

4.1 That the Committee notes the current position on complaints received.

4.2 That, subject to any comments Members may have, the revised standards complaint form attached at **Appendix 1** be approved.

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

Background Documents:

None

County Hall  
NORTHALLERTON

11 March 2015

## NORTH YORKSHIRE COUNTY COUNCIL

## ETHICAL FRAMEWORK

**COMPLAINT FORM – Members’ Code of Conduct**

If you consider that there has been a breach of the Members’ Code of Conduct by a County Councillor or voting co-opted member (“Members”) on one of the County Council’s committees, and you wish to make a complaint, please complete this form and then send or email it to:

Barry Khan  
 Monitoring Officer  
 North Yorkshire County Council  
 County Hall  
 NORTHALLERTON  
 North Yorkshire  
 DL7 8AD

email: [barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk)

Please note that the Standards Committee can only consider complaints about the behaviour of individual Members and has no jurisdiction to consider complaints about the Council as a whole or Council employees. If you wish to make a complaint about the Council as a whole, or one of its services, please send your complaint to the Chief Executive Officer at the above address.

**Your Details**

1. Please provide us with your name and contact details:

<b>Title:</b>	
<b>First Name:</b>	
<b>Last Name:</b>	
<b>Address:</b>	
<b>Contact telephone number:</b>	
<b>Email address:</b>	



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

The Member(s) who is/are the subject of your complaint ('the subject Member(s)') will be advised of the complaint and copied into any relevant correspondence (including this completed complaint form) received from you.

2. Please confirm the status in which you are making this complaint:

- Member of the public;
- An elected or co-opted Member of the Authority;
- Member of Parliament;
- Local Authority Monitoring Officer;
- Other Council Officer or Authority employee; or
- Other (please specify)

3. Please provide us with the name(s) of the Member(s) you believe to have breached the Members' Code of Conduct:

Title	First name	Last name

4. A copy of the Code is attached for reference. Please indicate which paragraphs of the Code of Conduct you believe the Member(s) to have breached:

Councillor	Code paragraph alleged to have been breached

5. Please explain in this section (or on a separate sheet) **what the Member has done** which you believe breaches the Code of Conduct.

If you are complaining about more than one Member you should clearly explain what each individual person has done which you believe breaches the Code.

It is important that you provide all the information you wish the Monitoring Officer to take into account when deciding, in consultation with the Authority's Independent Person for standards, whether to take any action in respect of your complaint.

**Please provide us with the details of your complaint. Continue on a separate sheet if necessary.**

Signed:.....Date:.....

## **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.

**Other Interests**

- 16A. (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 interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. This relates only to your *own* interests.

- (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 interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Council's register when the notification is given.
- (3) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.
- (4) Members involved in making a decision on particular business must always bear in mind the rules relating to bias and predetermination and must not participate in, or seek to influence, Council business where their interests (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

### ***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.

**INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS**

The interests other than pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

**1. Membership of Trade Unions/Professional Associations**

In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association.

## 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.
<i>Leadership</i>	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

## 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



# STANDARDS BULLETIN

## INTRODUCTION

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.

## 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

## **CAROLINE PATMORE** **Chair of the Standards Committee**

If in doubt, please seek advice from the following:

### **Barry Khan**

Assistant Chief Executive (Legal & Democratic Services) & Monitoring Officer  
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([barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk))

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Senior Democratic Services Officer  
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### **Moira Beighton**

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## 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](http://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](http://www.public-standards.gov.uk)  
National Audit Office website at [www.nao.org.uk](http://www.nao.org.uk)  
Local Government Lawyer case reports