

ITEM 6 - LATE REPORT

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 September 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 September 2015



North

Yorkshire County Council

Issue No: 28
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STANDARDS BULLETIN

INTRODUCTION

THE STANDARDS COMMITTEE

The Members of the Standards Committee:

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

Also invited to meetings of the Committee are:

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

If in doubt, please seek advice from the following:

Barry Khan

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Stephen Loach

Principal Democratic Services Officer
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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 2014 - 2015 and Business Plan 2015 - 2016, details of which are set out in the Bulletin.

Members will be kept informed of developments.

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

CAROLINE PATMORE **Chair of the Standards Committee**

IN THIS ISSUE:

- Committee on Standards in Public Life Annual Report 2014 - 2015 and Business Plan 2015 - 2016
- Interests' regime
- Members' Gifts and Hospitality
- Complaint statistics
- Standards case

Committee on Standards in Public Life **Annual Report 2014 - 2015 and** **Business Plan 2015 - 2016**

The CSPL has published its Annual Report for 2014/15 and Business Plan 2015/16, which is available to download from:

<https://www.gov.uk/government/publications/cspl-annual-report-2014-2015-and-business-plan-2015-2016>

The CSPL Annual Report provides an overview of the CSPL's activities from July 2014 and now incorporates its annual forward plan of work for 2015 -16. Key activity by the CSPL over the last year has been reported to the Standards Committee.

Key highlights from the Report are:

- (a) Effective independent scrutiny is necessary to support high standards.
- (b) the Committee looked at the accountability and governance framework for local policing and produced a report "*Tone from the top Leadership, ethics and accountability in policing*", which calls for greater safeguards in the accountability arrangements in local policing in between the four yearly cycle of elections for Police and Crime Commissioners (PCCs). It recommends a national minimum code of conduct for PCCs and an ethical checklist that PCC candidates should be invited to sign at the 2016 election to demonstrate their personal commitment to high standards. The Committee also concluded that PCCs need more constructive challenge and active support from their local Police and Crime Panels to ensure that their decisions are tested on behalf of the public on a regular basis. Further information about the Local police accountability inquiry is set out at page 11 of the Annual Report and a copy is available to download:

<https://www.gov.uk/government/news/cspl-launches-tone-from-the-top-leadership-ethics-and-accountability-in-policing>

An Executive Summary document is also available.

- (c) *Devolution and new ways of delivering public services can bring creativity and innovation which save money, meets local need and stimulates local economies. But it can also mean, greater complexity and a lack of clarity as to the lines of accountability for those in receipt of services, some of whom may be vulnerable individuals. In times of reduced expenditure and financial pressures on local services, it is all the more critical that there is effective and continuous accountability to provide assurance and command public confidence... Expected standards of behaviour for those working for the public should be integrated in the design and implementation of any governance model.*
- (d) *the importance of individuals in leadership roles exemplifying, promoting and sustaining high standards of behaviour... The issue of party funding remains a matter of significant public concern centred on the confluence of money, power and influence.*
- (e) The CSPL will continue to monitor ethical standards across public services and will:
 - *Maintain a watching brief to identify emerging or persistent standards issues and respond promptly to them.*
 - *Undertake independent quantitative and qualitative research into public perceptions of ethical standards.*
 - *Respond to consultations and key policy announcements and legislation where these impact on ethical standards and we have an informed contribution to make.*
- (f) The CSPL sets out its Key Findings for 2015 on pages 18 and 19 of its Annual Report. The research shows a continuing downward trend in public attitudes towards the standards of office holders:
 - i. *more respondents rated standards of conduct of public office holders as low (36%) as rated them as high (18%);*

- ii. *more respondents thought the standards of conduct of public office holders had worsened (36%) than had improved (16%);*
- iii. *most respondents (56%) were not confident that authorities are committed to upholding standards in public life;*
- iv. *most respondents (61%) were not confident that authorities will generally uncover wrongdoing by people in public office;*
- v. *most respondents (58%) were confident that the media will generally uncover wrongdoing by people in public office;*
- vi. *most respondents (63%) were not confident that people in public office caught doing wrong would be punished;*
- vii. *a consistent pattern emerged across several variables measuring different aspects of satisfaction with Britain's political system. Those who were positive about the system also gave more positive answers about standards of conduct in public life, suggesting an association between attitudes towards the political system in general and perceptions of standards of conduct in public life.*

Pages 22 to 24 of the Annual Report look at 'Local Government Standards' in particular. The CSPL has previously stated that it would keep a watching brief on local government standards:

- *... the effectiveness of the sanctions regime is still a concern. The Committee continues to receive correspondence both from members of the public, Councils and councillors on this issue. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall. Members of the Committee participated in a roundtable event in Parliament in January with representatives from local government to test the level of ethical risk.*
- *We are also aware that some local councils are taking action to strengthen their own arrangements where the behaviour of local councillors falls below a standard that voters have a right to expect. Examples quoted in the*

Report include giving local voters the opportunity to recall their local councillor if they fail to meet a set of clearly defined standards, and amending a Code of Conduct to extend the range of sanctions to include restriction of access to the council premises and council resources for a period of up to six months and partial or full suspension from the council for up to six months;

- *... For the public to have confidence requires those in positions of leadership in local government– both political and managerial – to demonstrate they have listened, learned and improved. The use of regular and credible external challenge has great potential to strengthen the behaviour and personal responsibility of individuals, but is not enough by itself. Those individuals need to be supported by the culture of the organisation of which they are a part. It is the leaders of every council who are responsible for setting an appropriate tone and promoting the right culture.*
- *We continue to liaise with the relevant stakeholders on the way in which ethical standards can effectively be embedded in all parts of local government.*

In terms of the CSPL's Forward Plan, in addition to the items already highlighted which the CSPL will monitor going forwards, it will also:

- *... undertake a review in the second half of 2015 running into early 2016. The central focus would be to review how a selection of regulatory bodies currently manage ethical issues and the extent (if any) to which the particular characteristics of regulators demand any specifically-tailored ethical standards...*
- *... The Chair intends to write to party leaders after the election inviting them to re-convene discussion on party funding particularly in the light of public dissatisfaction with the political process as evidenced by the Hansard Audit.*

and in relation to local government standards in particular:

- *Once new councillors have been in post for some time and any induction and training will have been completed, we will consider if there is merit in repeating the survey of local authorities undertaken for the Ethics in Practice report on approaches to induction and*

training and the profile of standards, conduct and ethical behaviour within those programmes.

- ... the Committee has offered to work with the Society of Local Government Chief Executives on the development of their code of ethics for chief officers for those in senior management roles in local public services led by locally elected politicians...
- .. the Committee will continue to monitor local government standards issues.

More information about the work of the CSPL and its reports is available from:

<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

Members will be kept informed of developments.

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) unless a Member holds a position/office within the body for profit or gain.

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 <http://www.northyorks.gov.uk/article/23630/Councillors-code-of-conduct>)

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 NOTE: a Member commits a **criminal offence** if, without reasonable excuse, s/he —

- fails to:
 - ❖ register disclosable pecuniary interests
 - ❖ disclose an interest to a meeting where required
 - ❖ notify the Monitoring Officer of an interest disclosed to a meeting
- participates in any discussion or vote where prohibited
- an individual Member decision taker takes any steps in relation to a matter where prohibited

A Member also commits a **criminal offence** if, in relation to the registration/disclosure of interests, s/he provides information that is false or misleading and —

CASES

- knows that the information is false or misleading, or
- is reckless as to whether the information is true and not misleading.

A court may also disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

Please therefore keep your interests form under review to ensure it is up to date. 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 2015 – 14 September 2015, the Council has received one complaint that a Member may have breached the Members' Code of Conduct.

The complaint concerned alleged defamatory comments about the complainant made by the subject Member at a parish council meeting. The matter was resolved informally by the subject Member providing a written apology to the complainant.

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

In the last Standards Bulletin, Members were briefed regarding criminal proceedings 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).

This case was also the subject of a presentation to Members by the Monitoring Officer at the Members' Seminar on 13 May 2015 regarding conflicts of interest.

It was alleged that whilst the subject Member was leader of the authority he:

- failed to declare his interest in a property company, for which he was a non-executive director;
- failed to disclose his interest in social housing company, for which he was a non-executive director and for which he received an annual allowance, before a meeting of the authority at which its Core Strategy for the provision of social housing was discussed and at which the subject Member participated and voted.

The subject Member claimed his involvement with the social housing company was not relevant to the debate at the meeting.

However the Court found that although the subject Member did not gain personally from the decision, he should not have participated or voted at the meeting on the core strategy, as the company could have benefitted from the strategy. The company had also written to the authority to support the strategy. The subject Member had failed to declare a DPI, failed to take advice, failed to obtain dispensation and had taken part and voted on the matter.

The subject Member was given a six-month conditional discharge and ordered to pay £930 costs. He also now has a criminal record.

The maximum fine for interests' offences is £5000 and removal from office.

Interests' issues are ultimately Members' responsibility. If you are in any doubt as to your

position, please contact the Monitoring Officer or any of his team in order to discuss the situation.

Contributors:

MOIRA BEIGHTON

North Yorkshire Legal & Democratic Services

Resources

Localism Act 2011 and subordinate legislation.

www.gov.uk/government/organisations/the-committee-on-standards-in-public-life

Local Government Lawyer case reports

www.bbc.co.uk