

Agenda

Meeting: Standards Committee

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

Date: Wednesday 18 April 2018 at 2.00pm

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<http://democracy.northyorks.gov.uk/>

Business

1. **Minutes of the Meeting held on 15 September 2017.** (Pages 5 to 11)
2. **Declaration of Interests.**
3. **Public Questions or Statements.**

Members of the public may ask questions or make statements at this meeting if they have given notice to Steve Loach (contact details below) by midday Tuesday 7 March 2017. 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.

4. **Local Ethical Framework developments** – Report of the Monitoring Officer.
(Pages 12 to 20)
5. **Members' attendance monitoring** – Report of the Assistant Chief Executive (Legal and Democratic Services)
(Pages 21 to 42)
6. **Dispensation Granted** - Report of the Monitoring Officer
(Pages 43 to 44)
7. **Registration/declaration of sensitive issues** – Report of the Monitoring Officer
(Pages 45 to 46)
8. **Complaints update** – Report of the Monitoring Officer.
(Pages 47 to 48)
9. **Standards Bulletin** – Report of the Monitoring Officer.
(Page 49 to 55)
10. **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

NOTES:

Emergency Procedures for Meetings

Fire

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

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

Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

STANDARDS COMMITTEE

1. Membership

County Councillors (5)						
	<i>Councillors Names</i>				<i>Political Party</i>	
1	BLACKIE, John				NY Independent	
2	PARASKOS, Andy				Conservative	
3	PATMORE, Caroline (Chairman)				Conservative	
4	SOWRAY, Peter				Conservative	
5	TROTTER, Cliff (Vice-Chairman)				Conservative	
Total Membership – (5)				Quorum – (3)		
Con	Lib Dem	NY Ind	Labour	Ind	Total	
4	0	1	0	0	5	

2. Substitute Members

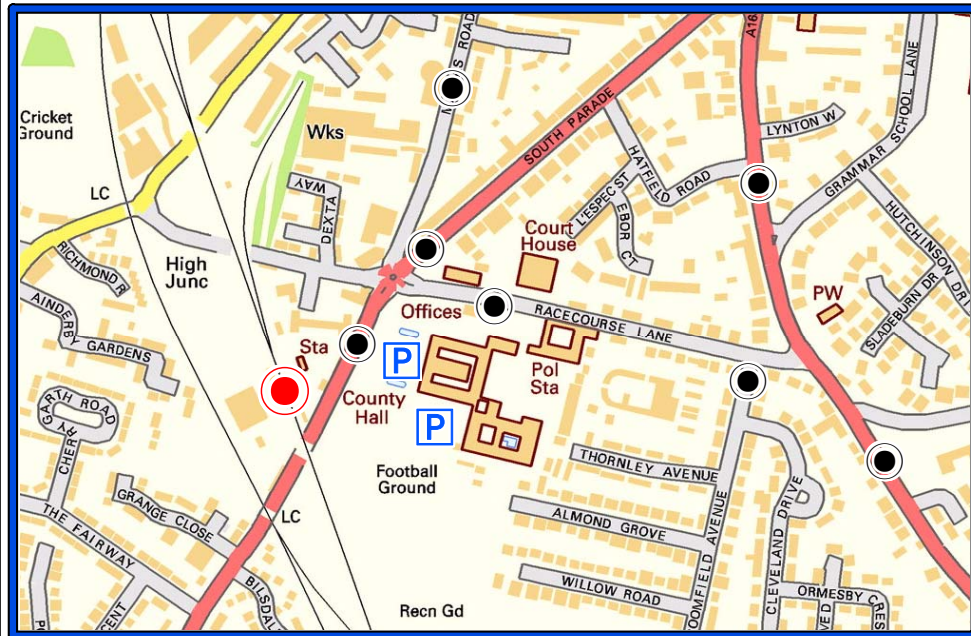
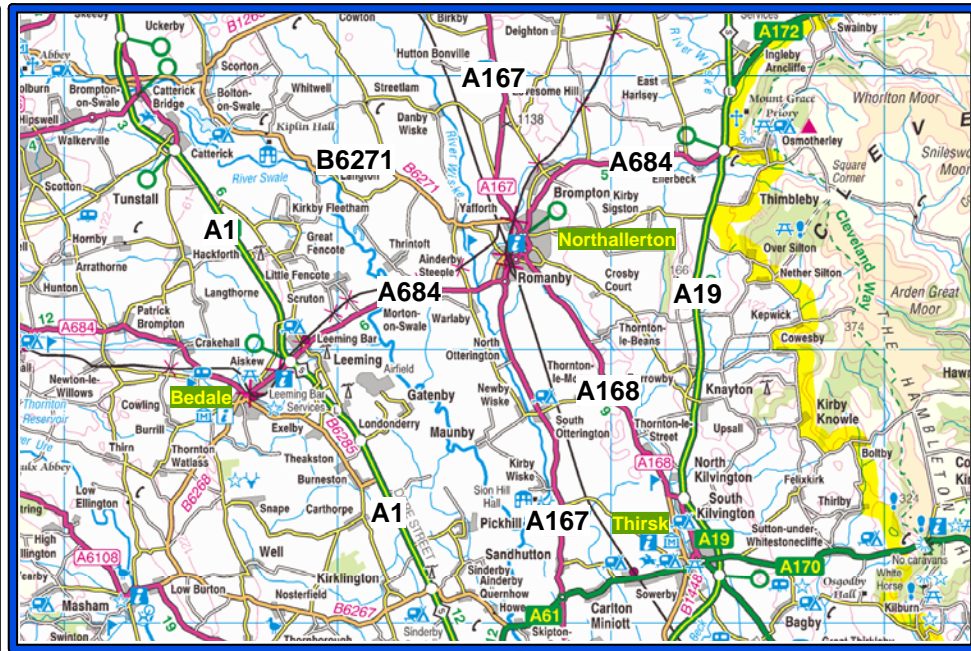
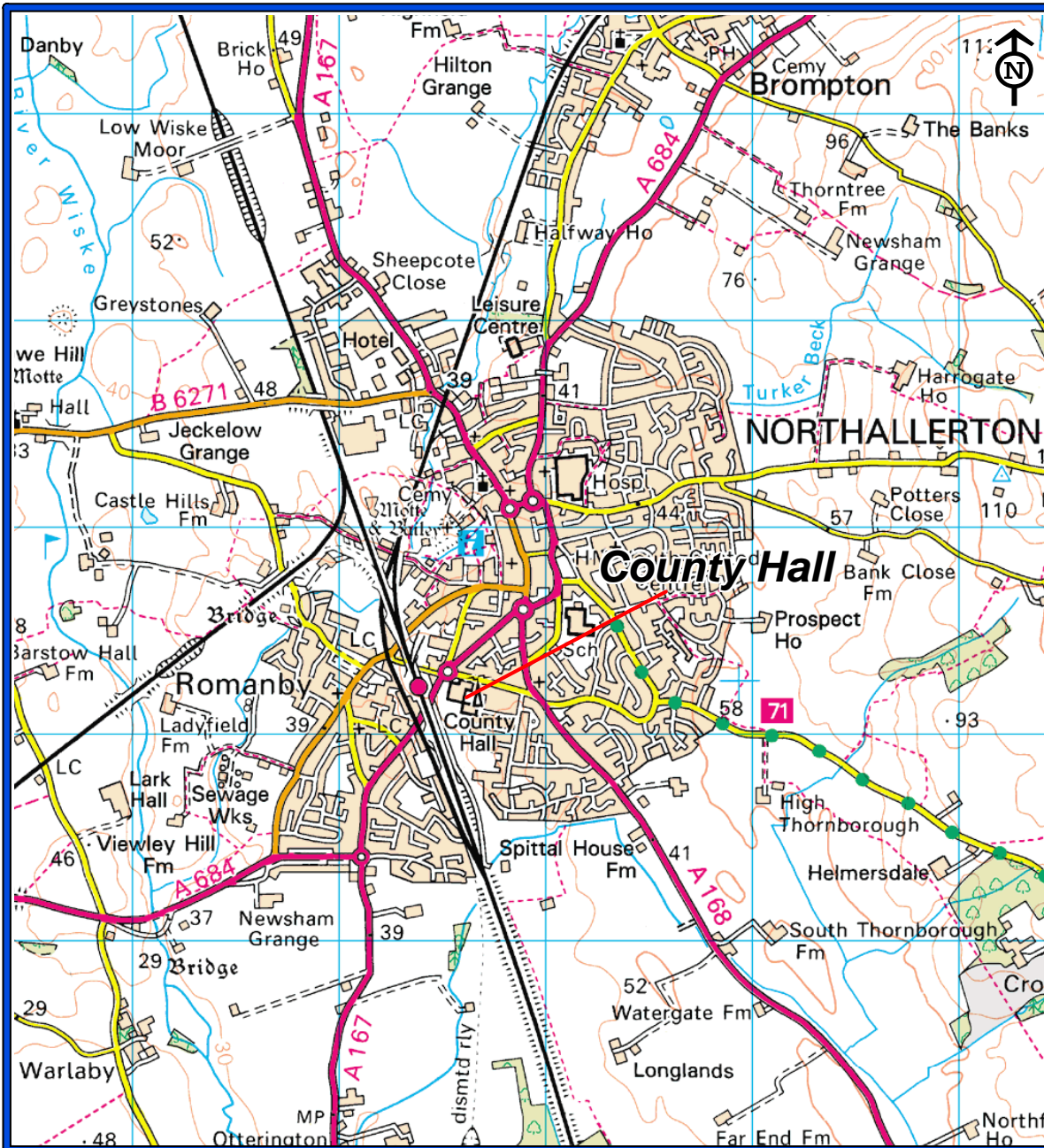
Conservative		Liberal Democrat	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	BAKER, Robert	1	
2	ENNIS, John	2	
3	WINDASS, Robert	3	
4		4	
5		5	
NY Independent		Labour	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1		1	
2		2	
3		3	
4		4	
5		5	

Note:

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

TERMS OF REFERENCE

As set out in Article 9.03 of the Constitution



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County Hall

Northallerton
North Yorkshire
DL7 8AD

Tel : 0845 8 72 73 74



North Yorkshire County Council

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on Friday 15 September 2017 at 10.00 am at County Hall, Northallerton.

Present:-

County Councillors John Blackie, Andy Paraskos, Caroline Patmore, David Jeffels (as substitute for Peter Sowray) and Cliff Trotter; together with Independent Persons for Standards Hilary Gilbertson MBE and Louise Holroyd.

1. Appointment of Chairman

Resolved -

That the County Councillor Caroline Patmore be appointed Chairman of the Standards Committee until the County Council elections in 2021.

County Councillor Caroline Patmore in the Chair

Copies of all documents considered are in the Minute Book

2. Minutes

Resolved –

That the Minutes of the meeting held on 10 March 2017, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

3. Appointment of Vice-Chairman

Resolved -

That County Councillor Cliff Trotter be appointed Vice-Chairman of the Standards Committee until the County Council elections, in 2021.

4. Declarations of Interest

There were no declarations of interest from Members at this stage of the meeting.

5. Public Questions or Statements

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

6. Training

Senior Lawyer (Governance) Moira Beighton, together with the Monitoring Officer, Barry Khan, provided the Committee with refresher training relating to Members' Code of Conduct and the Ethical Framework.

The training session highlighted the following:-

- ◆ The Governance Team.
- ◆ The Authority's Ethical Statement.
- ◆ Details of the Ethical Framework.
- ◆ The legal framework.
- ◆ North Yorkshire County Council's Ethical Framework - highlights.
- ◆ The Members' Code of Conduct.
- ◆ The Standards Committee.
- ◆ The register of Members' interests.
- ◆ Disclosable pecuniary interests.
- ◆ Other interests.
- ◆ General information on interests.
- ◆ Disclosure of interests.
- ◆ Sensitive interests.
- ◆ Complaint handling arrangements.
- ◆ Dispensations.
- ◆ Offences.
- ◆ Bias and pre-determination.

A discussion took place following the training session and a number of issues and points were highlighted as follows:-

- ◆ Clarification was sought around participating in the consideration of planning applications through other bodies, such as parish councils, and how that was viewed in terms of pre-determination. It was explained as to how Members could take part in initial consideration at these meetings and then at the final decision-making body, in respect of such issues. It was considered that the issues outlined in relation to this matter would be a useful topic for a Members' Seminar, to provide greater clarity to Members on this.
- ◆ Issues around the weighting given to public perception were discussed and it was noted that this was still paramount in terms of ethical standards. How standards were maintained and the role of the Standards Committee in that, were discussed. The role of the Independent Persons in maintaining ethical standards within the County Council was highlighted.
- ◆ Issues relating to the Localism Act, how that had altered the standards regime and developments that had taken place subsequently were discussed.
- ◆ The Whistleblowing Policy for the County Council, and how that was implemented was highlighted.
- ◆ Issues around ethical standards and how they were implemented for other local bodies, for example parish councils, were discussed.

Resolved -

That a forthcoming Members' Seminar be utilised to focus on the Ethical Framework for North Yorkshire County Council, with particular reference to pre-determination and bias.

7. 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 following matters were highlighted within the report:-

- ◆ Equality and Human Rights Commission.
- ◆ Voluntary principle on Standards for Political Discourse.
- ◆ The Committee on Standards in Public Life (CSPL).
- ◆ Ethical Standards for Providers of Public Services follow-up.
- ◆ CSPL Review - Members' outside interests.
- ◆ CSPL Review of Intimidation of Parliamentary Candidates.
- ◆ CSPL Review of Local Government Standards.
- ◆ Regional meeting of Standards Committee Chairs, Vice Chairs and Independent Persons.

The following issues and points were raised in relation to the report:-

- ◆ The role of the CSPL was explained.
- ◆ It was noted that the Independent Persons, the Chairman and the Senior Lawyer (Governance) had attended the regional meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons at North Tyneside Council on Monday 3 April 2017. It was stated that these events were of great value in enabling inter-authority discussion on standards issues.
- ◆ A Member suggested that a useful topic for the seminar, highlighted earlier in the meeting, would be the use, by County Councillors, of social media, particularly how to separate the use of this in terms of their private life and public life. Members agreed that this would be a particularly useful topic to cover within the seminar.

Resolved -

- (i) That the issue of Members use of social media be included within the issues to be considered at a forthcoming Members' Seminar; and
- (ii) That the contents of the report be noted.

8. Annual Report of the Standards Committee

Considered -

The report of the Monitoring Officer presenting Members with a draft annual report of the work of the Standards Committee for the period 1 April 2016 to 31 March 2017.

A draft copy of the annual report for Members' consideration and approval was attached as an Appendix to the report.

Resolved -

That the annual report be approved and submitted for consideration to a forthcoming meeting of the County Council.

9. Dispensation Issues

Considered -

The report of the Monitoring Officer:-

- (i) informing the Committee about a dispensation granted to a County Councillor by the Monitoring Officer under delegated powers; and
- (ii) presenting to the Committee, for determination, a request from a County Councillor for a dispensation from the Standards Committee.

Dispensation granted by Monitoring Officer

The Monitoring Officer provided details of the granting of a dispensation, to County Councillor David Chance, under delegated powers, on 4 July 2017 enabling him to speak, vote and be included within the quorum of meetings of the Yorkshire Coast and Moors County Area Committee when it was considering business relating to the Whitby Park and Ride Scheme and parking zone arrangements for Whitby. It was noted that the dispensation did not allow the councillor to vote on the matter at the Executive as a decision-making body. The report provided details of why the dispensation was granted under delegated powers, at that time and when the dispensation was considered appropriate. It was noted that the dispensation would last until the date of the local government elections in 2021.

Dispensation request to the Committee - County Councillor Patrick Mulligan

Details of a request for a dispensation, submitted by County Councillor Patrick Mulligan were provided. The interest related to the role of his wife as the Police and Crime Commissioner for North Yorkshire, that being declared in the "for gain" in his registration of interests and, as such, as a disclosable pecuniary interest, in any matter to be considered or being considered at a meeting of the Council, Executive, Committee or Sub-Committee affecting the Police or the Office of the Police and Crime Commissioner.

His application explained that, since February 2013, he had been granted successive dispensations to allow him to fully participate in business relating to the Police and Police and Crime Commissioner where the business would not bring any personal advantage or disadvantage to him or his wife. He noted the current circumstances in relation to the proposal for the Police and Crime Commissioner to assume responsibility for the governance of the North Yorkshire Fire and Rescue Authority and consideration of that by the County Council's relevant Scrutiny Committee and Executive, and, in light of this, was seeking a dispensation in relation to Police issues only. He provided details of the dispensation he was seeking, how that would relate to his service on meetings and asked for that to be in place until the local government elections in 2021. He considered that without the dispensation he would be unable to represent the views of the constituents within his Division on issues relating to Police matters.

Members considered the dispensation request and the following issues and points were raised:-

- ◆ A Member suggested that the issue relating to the Police and Crime Commissioner's submission in respect of the governance of the North Yorkshire Fire and Rescue Authority was a complicating factor in respect of the application. He considered it difficult, in terms of public perception, for Police issues and Police and Crime Commissioner issues to be fully separated, in terms of the Member's involvement, particularly as the Police and Crime Commissioner was such a close relation to the Member. He noted that the request for the dispensation was to ensure that local constituents of the County Councillor were not disenfranchised by him being unable to take part in discussions on issues relating to policing, however, he noted that the position of the County Councillor was not unique and where Members had been unable to take part in the discussion of issues previously, due to conflicts of interest, they had appointed, or briefed, a representative to undertake those discussions on their behalf. He suggested that the Member concerned could make similar arrangements for his own particular circumstances.
- ◆ In view of the public perception, the Member suggested that until the issue relating to the Police and Crime Commissioner and the North Yorkshire Fire and Rescue Authority had been resolved the dispensation request should be deferred, and re-submitted, following a resolution to that issue.
- ◆ A Member agreed that it was difficult to distinguish between the two issues in terms of police and Police and Crime Commissioner's responsibilities, in the public perception, and also considered that the current situation regarding the North Yorkshire Fire and Rescue Authority gave an added complication to the matter.
- ◆ The Monitoring Officer provided clarification of the role of the Police and Crime Commissioner and how that was separated from the role of the Chief Constable. He also clarified the position regarding the dispensation request of the Member, in terms of his participation in meetings in respect of issues relating to the police and the Police and Crime Commissioner.
- ◆ A Member noted the non-granting of the dispensation would restrict the County Councillor from taking part in discussions on policing matters and issues relating to the Police and Crime Commissioner at all levels, including addressing matters for local parish councils and considered the need to balance the public perception against the ability to raise the views of the County Councillor's local constituents on those matters.
- ◆ The Independent Persons considered the issue to be complicated. They suggested that there was a need to ensure that those that voted for the County Councillor could have their views fully represented on all issues, but at the same time, a balance had to be struck in respect of how the public perceived the conflicts of interest of the Councillor in relation to his relationship with the Police and Crime Commissioner and his representations on policing matters.
- ◆ The Chairman stated that she also considered this a challenging, finely balanced issued. She also considered the matter was further complicated by the issue relating to the Fire Authority. She noted that the Member was able to represent his constituents on all other issues and would be able to appoint

a representative to take account on issues relating to policing matters, should the dispensation not be granted.

- ◆ A Member considered that the County Councillor had been elected to represent his constituents on all issues and noted that he had previously been given a dispensation in relation to this matter. Other Members, however, considered the circumstances were different on this occasion due to the issue relating to the Police and Crime Commissioner seeking to assume responsibility for the governance of the North Yorkshire Fire and Rescue Authority.
- ◆ It was noted that representations had been made by a member of the public regarding the public perception of the granting of the dispensation in these circumstances and was not in favour of this being provided.

Resolved -

- (i) That the dispensation granted by the Monitoring Officer, under delegated powers, to County Councillor David Chance, on 4 July 2017, be noted;
- (ii) That the application for a dispensation submitted by County Councillor Patrick Mulligan be deferred until a resolution has been established in relation to the Police and Crime Commissioner seeking to assume responsibility for the governance of the North Yorkshire Fire and Rescue Authority, with the Member requested to re-submit the dispensation application for re-consideration by the Standards Committee once that had been resolved; and
- (iii) That the updated proforma dispensation application form, set out in an Appendix to the report, and as used by County Councillor Mulligan in his application, be approved.

10. Complaints Update

Considered -

The report of the Monitoring Officer updating the Committee regarding Ethical Framework complaint activity since the Committee's last meeting on 10 March 2017.

The report highlighted the following:-

New Complaints

NYCC/SC/60 - details of a complaint against a County Councillor were provided by the Monitoring Officer. The complaint had been assessed by the Monitoring Officer in consultation with an Independent Person for Standards and the complaint had been found to be out of the jurisdiction of the Standards Committee, therefore, no action was required.

Existing Complaints

Updates were provided on existing complaints NYCC/SC/58 and NYCC/SC/59. It was considered that these matters had been resolved appropriately and could now be closed down.

Statistics

For the year 1 April 2016 to 31 March 2017 the Council had received three complaints, as detailed above.

Resolved -

That the current position on complaints be received.

11. Standards Bulletin

Considered -

The report of the Monitoring Officer presenting to the Committee, for consideration, the latest draft of the Standards Bulletin.

The latest draft of the bulletin was attached as an Appendix to the report and Members were requested to consider the contents of the bulletin with a view to its subsequent circulation.

The following issues were raised:-

- ◆ It was suggested that it would be helpful to circulate the bulletin more widely, with, possibly, parish councils being included within that circulation. The Monitoring Officer stated that he would consider utilising the parish portal to circulate the bulletin more widely.
- ◆ The Independent Persons for Standards asked that, for the subsequent meeting of the Committee, the issue of sensitive issues within the register of interests be placed on the agenda. They noted issues that had been raised regarding the publication of personal addresses for County Councillors and suggested that there were alternative methods of contact now available without having to publish home addresses. The Monitoring Officer noted that the publication of a home address was a legal requirement within the register of interests, however, the published interests could be redacted, where the information provided was considered to be sensitive. The request for this issue to be discussed further at a subsequent meeting was considered to be appropriate and, therefore, would be the subject of a future agenda item.

Resolved -

- (i) That the issues raised be noted and action undertaken where appropriate; and
- (ii) That the bulletin, as detailed in Appendix 1 to the report, be approved and circulated accordingly.

The meeting concluded at 11.55 am.

SL/JR

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 March 2018

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 REVIEW OF LOCAL GOVERNMENT STANDARDS

- 3.1 The Committee was informed at its last meeting that the Committee on Standards in Public Life (CSPL) intended to consult in early 2018 on its review of local government standards, with a view to making findings and publishing recommendations later in 2018.

- 3.2 The CSPL maintains a watching brief on the local government standards regime. In its 2013 report "Standards Matter" the CSPL outlined its concerns regarding possible issues re the local government standards framework under the Localism Act of 2011:

'The new, slimmed down arrangements have yet to prove themselves sufficient for their purpose. We have considerable doubt that they will succeed in doing so and intend to monitor the situation closely.'

- 3.3 The CSPL has now commenced its review. As part of it, the CSPL is holding a public stakeholder consultation which opened on 29 January 2018 and closes at 17:00 on Friday 18 May 2018. A copy of the consultation document is attached at **Appendix 1** and is published online:

<https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>

- 3.4 The terms of reference for the review are to:
1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
 2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
 3. Make any recommendations for how they can be improved; and

4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.
- 3.5 The consultation is open to all to respond but is particularly aimed at certain stakeholders including local authorities and their standards committees. Submissions can relate to as many or few of the consultation questions as stakeholders wish to address.
- 3.6 Members may in particular wish to consider:
 - a) Whether they feel a departure from a model code of conduct for members and model complaint procedures was helpful or whether the current variances between local codes and standards processes is unhelpful for dual or triple hatted Members;
 - b) Whether the range of sanctions currently available for breaches of the Code of Conduct is sufficient and effective.
- 3.7 **The Committee is requested to consider the consultation questions set out in Appendix 1 and determine the nature of any responses to the consultation it would wish the Monitoring Officer to make on its behalf.**

4.0 CSPL REVIEW OF INTIMIDATION OF PARLIAMENTARY CANDIDATES

- 4.1 At its last meeting, the Committee was informed that the Government has asked the CSPL to conduct a short review of intimidation of Parliamentary candidates and the broader implications of this for other public office holders.
- 4.2 The CSPL's seventeenth report, 'Intimidation in public life: A Review by the Committee on Standards in Public Life', was published in December 2017:
<https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>
- 4.3 It has also published the notes from its meetings with social media companies:
<https://www.gov.uk/government/publications/intimidation-of-parliamentary-candidates-evidence-from-facebook-google-and-twitter>
- 4.4 The CSPL has made recommendations for action to the Government, social media companies, political parties, the police, broadcast and print media, and MPs and Parliamentary candidates themselves, calling for the Government to bring forward legislation to 'shift the liability of illegal content online towards social media companies.'
- 4.5 Key findings from the report include:
 - a) While intimidation in public life is nothing new, the scale and intensity of intimidation is now shaping public life in ways which are a serious issue.
 - b) Those in public life must ... take steps to ensure that their behaviour does not open the door for intimidation and work to build public trust in public life. They should uphold high ethical standards, and should never themselves engage in, incite or encourage derogatory or dehumanising political debate,

- c) The widespread use of social media has been the most significant factor accelerating and enabling intimidatory behaviour in recent years. Although social media helps to promote widespread access to ideas and engagement in debate, it also creates an intensely hostile online environment.
- d) Government should bring forward legislation to shift the liability of illegal content online towards social media companies.
- e) Social media companies must develop and implement automated techniques to identify intimidatory content posted on their platforms. They should use this technology to ensure intimidatory content is taken down as soon as possible.
- f) Those in positions of leadership within political parties must set an appropriate tone during election campaigns, and make clear that any intimidatory behaviour is unacceptable. They should challenge poor behaviour wherever it occurs.
- g) Political parties should set clear expectations about the behaviour expected of their members, both offline and online through a code of conduct for members which specifically prohibits any intimidatory behaviour. Parties should ensure that members are familiar with the code. The consequences of any breach of the code should be clear and unambiguous.
- h) Political parties must offer more support and training to candidates on their use of social media. This training should include: managing social media profiles, block and mute features, reporting content, and recognising when behaviour should be reported directly to the police.
- i) The government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count.
- j) Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011.
- k) The National Police Chiefs Council should ensure that local police forces have sufficient training to enable them to effectively investigate offences committed through social media. Local police forces should be able to access advice and guidance on the context in which MPs and Parliamentary candidates work.
- l) Those in public life should seek to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and help prevent a decline in public trust in political institutions through their own conduct.
- m) Those in public life should not engage in highly personalised attacks, nor portray policy disagreements or questions of professional competence as breaches of ethical standards.

4.6 In light of these recommendations from the CSPL, the Government issued a press release on 6 February 2018 announcing it will consult on plans to remove the requirement for candidates standing as councillors in local elections to have their addresses published on ballot papers, in time for local elections in May 2019; and a new electoral law offence of intimidating parliamentary candidates and their

campaigners (the current offence of electoral intimidation relates to undue influence on voters).

<https://www.gov.uk/government/news/new-electoral-laws-proposed-to-combat-intimidation-in-public-life>

4.7 Members will be kept informed of developments.

5.0 CONSULTATION ON COUNCILLOR DISQUALIFICATION REFORM

5.1 Members were previously briefed about the DCLG consultation document regarding proposals for updating the disqualification criteria for councillors and mayors, to strengthen the rules to prevent anyone found guilty of serious crimes from serving on local councils:

<https://www.gov.uk/government/consultations/disqualification-criteria-for-councillors-and-mayors>

the aim being to ensure those who represent their communities are held to the highest possible standards.

5.2 The current disqualification criteria are set out in section 80 of the Local Government Act 1972. One of the provisions prevents individuals standing, or holding office, as a local authority member, London Assembly member or directly-elected mayor if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.

5.3 The Government sought views on its proposals to update the disqualifying criteria, to reflect modern sentencing practices, so that individuals are disqualified if they are subject to:

- The notification requirements set out in the Sexual Offences Act 2003, commonly referred to as "being on the sex offenders register".
- A civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (ABCPA 2014) (Anti Social Behaviour Injunction).
- A Criminal Behaviour Order made under section 22 of the ABCPA 2014.

The proposals in this consultation would not apply retrospectively.

5.4 The proposals would mean that anyone convicted of a serious crime, regardless of whether it carries a custodial sentence, would not be able to hold office as a councillor. The changes would also better reflect rules governing standards of MPs, where members face suspension from the House for anything that contravenes the parliamentary code of conduct.

5.5 The consultation closed on 8 December 2017. Members will be kept informed of developments.

6.0 NEW MINISTERIAL CODE

6.1 In January 2018 the Cabinet Office issued a new Ministerial Code, setting out the standards of conduct expected of ministers, to sit alongside Ministers' overarching duty

to comply with the law, protect the integrity of public life and comply with the Seven Principles of Public Life:

<https://www.gov.uk/government/publications/ministerial-code>

- 6.2 On comparing the Ministerial Code with the Council's Code of Conduct for Members, it can be seen that there are similar provisions covering areas such as:
- a) General conduct provisions eg maintaining high standards of behaviour and upholding the highest standards of propriety, being professional and treating others with respect, with no harassing, bullying or other inappropriate or discriminating behaviour;
 - b) Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests.
 - c) Ministers should not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation.
 - d) Ministers must not use government resources for Party political purposes.
 - e) Ministers must uphold the political impartiality of the Civil Service.
- 6.3 Members will be kept informed of all developments in the national ethical framework.

7.0 RECOMMENDATIONS

7.1 That the Committee notes the contents of this report.

7.2 That the Committee determines the nature of the response to the Committee on Standards in Public Life's consultation on local government standards that it would like the Monitoring Officer to make on its behalf.

BARRY KHAN

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

Background Papers:

None

County Hall
NORTHALLERTON

21 February 2018

Review of Local Government Ethical Standards: Stakeholder Consultation

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

Terms of reference

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

Consultation questions

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole.

Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
 - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
 - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
 - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
 - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
 - i. What measures could be put in place to prevent and address this intimidation?

Who can respond?

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: public@public-standards.gov.uk
2. Via post to:
Review of Local Government Ethical Standards
Committee on Standards in Public Life
GC:07
1 Horse Guards Road
London
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email (public@public-standards.gov.uk) or phone (0207 271 2948).

North Yorkshire County Council

Standards Committee

2 March 2018

Members' Attendance at Committees

1.0 Purpose of the report

- 1.1 To report the record of attendance of Members of the County Council at meetings of the County Council and its Committees for the period 1 April 2016 until 31 March 2017.

2.0 Background

- 2.1 Previously, the Committee had received information as to the attendance of County Councillors at meetings of the County Council and its Committees and it was agreed that this practice should continue.

In the past the Committee has subsequently forwarded this information to the Leaders of each political group represented on the County Council.

3.0 Members' Attendance statistics

- 3.1 A copy of the attendance statistics for the period 1 April 2016 until 31 March 2017 is attached as an Appendix.
- 3.2 Although this information reflects a large proportion of the Members' attendance it does not include Members attendance at meetings of:-

National Park Authorities
The North Yorkshire Fire and Rescue Authority
Scrutiny Best Value Reviews and other Working Groups
Attendance at site visits
Chairs and Group Spokespersons Briefings
Other miscellaneous meetings.
Meetings of various Outside Bodies such as Charities, School Governors etc

4.0 Recommendation

- 4.1 Subject to Members' comments the report be noted.
- 4.2 That copies of the statistics be circulated to the Leaders of the Political Groups of the County Council.

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

County Hall
NORTHALLERTON

February 2018
SML/JN

Background papers: None

County Councillor Attendance Record
County Councillors Total
Appeals Shown Seperately

COUNTY COUNCILLORS TOTAL	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017	SUBSTITUTE MEMBER	% POSS / ACC	PARTY
ARNOLD V	27	22		81.48%	Conservative
ATKINSON M	16	13	2	81.25%	Conservative
BACKHOUSE A	17	9		52.94%	Conservative
BAKER R	17	8		47.06%	Conservative
BARKER A	25	22	1	88.00%	Conservative
BARRETT P	13	9		69.23%	NY Independent
BASTIMAN D	13	10		76.92%	Conservative
BATEMAN B A	19	13	2	68.42%	Conservative
BILLING D	13	12		92.31%	Labour
BLACKBURN J	13	9	1	69.23%	Conservative
BLACKIE J	23	15	2	65.22%	NY Independent
BLADES D	16	15		93.75%	Conservative
BROADBENT E	16	15	3	93.75%	Labour
BURR L	13	7		53.85%	Liberal Democrat
BUTTERFIELD J	12	5		41.67%	Conservative
CASLING E	16	9		56.25%	Conservative
CHANCE D	28	22		78.57%	Conservative
CLARK Jim	21	18		85.71%	Conservative
CLARK John	16	16		100.00%	Liberal
COOPER R	7	3		42.86%	Conservative
CROSS S	13	9		69.23%	UKIP
DADD G	26	23		88.46%	Conservative
DE COURCEY-BAYLEY M A	19	19		100.00%	Liberal Democrat
ENNIS J	16	10		62.50%	Conservative
FORT W J	12	8		66.67%	Conservative
GOSS A	14	12		85.71%	NY Independent
GRANT H	20	15	1	75.00%	NY Independent
GRIFFITHS B	13	10	1	76.92%	Liberal Democrat
DICKINSON C	12	10	1	83.33%	Conservative
HARRISON M	7	7		100.00%	Conservative
HARRISON-TOPHAM R	15	15		100.00%	Conservative
HESELTINE M (Deceased)	8	8	1	100.00%	Conservative
HESELTINE R	20	14		70.00%	Independent
HORTON P	11	11		100.00%	NY Independent
HOULT B	22	20	1	90.91%	Liberal Democrat
IRETON D	21	20	1	95.24%	Conservative
JEFFELS D	20	17		85.00%	Conservative
JEFFERSON J	13	11	1	84.62%	NY Independent
JONES A	7	2		28.57%	Liberal Democrat
JORDAN M	21	19		90.48%	Conservative
LEE A	21	18		85.71%	Conservative
LES C	33	32		96.97%	Conservative
LUNN C	26	24		92.31%	Conservative
MACKENZIE D	22	21		95.45%	Conservative
MARSDEN P	12	9		75.00%	Conservative
MARSHALL B	12	11		91.67%	Labour
MARSHALL S	13	6		46.15%	Conservative
McCARTNEY J	20	15		75.00%	NY Independent
METCALFE C	24	14		58.33%	Conservative
MOORHOUSE H	17	16		94.12%	Conservative
MULLIGAN P	19	15	1	78.95%	Conservative
PACKHAM R	20	16	1	80.00%	Labour
PARSONS S	9	7		77.78%	NY Independent
PATMORE C	11	9	2	81.82%	Conservative
PEARSON C	17	15	3	88.24%	Conservative
PLANT J	13	8		61.54%	Conservative
RANDERSON A	14	9		64.29%	Labour
RITCHIE J	13	11		84.62%	Labour
SANDERSON J	30	28	1	93.33%	Conservative
SAVAGE J	11	7		63.64%	Liberal
SHAW-WRIGHT S	20	13		65.00%	Labour
SHIELDS E	13	12		92.31%	Liberal Democrat

County Councillor Attendance Record
County Councillors Total
Appeals Shown Separately

SIMISTER D	12	10		83.33%	UKIP
SOLLOWAY A	12	11		91.67%	Independent
SOWRAY P	19	18		94.74%	Conservative
SWALES T	17	14		82.35%	Conservative
SWIERS H	15	15		100.00%	Conservative
TROTTER C	25	17		68.00%	Conservative
WEIGHELL J	18	17		94.44%	Conservative
WELCH R	12	10		83.33%	Conservative
WINDASS R	19	18	2	94.74%	Conservative
WOOD C	29	27		93.10%	Conservative

North Yorkshire County Council Record of Attendance

COUNTY COUNCIL	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
ARNOLD V	4	4
ATKINSON M	4	3
BACKHOUSE A	4	4
BAKER R	4	3
BARKER A	4	3
BARRETT P	4	2
BASTIMAN D	4	3
BATEMAN B	4	3
BILLING D	4	4
BLACKBURN J	4	3
BLACKIE J	4	4
BLADES D	4	4
BROADBENT E	4	4
BURR L	4	3
BUTTERFIELD J	4	2
CASLING E	4	2
CHANCE D	4	4
CLARK Jim	4	4
CLARK John	4	4
COOPER R	4	1
CROSS S	4	4
DADD G	4	4
DE COURCEY-BAYLEY M A	4	4
ENNIS J	4	3
FORT J	4	2
GOSS A	4	4
GRANT H	4	2
GRIFFITHS B	4	4
DICKINSON C	3	3
HARRISON M	4	4
HARRISON-TOPHAM R	4	4
HESELTINE M (Deceased)	3	3
HESELTINE R	4	3
HORTON P	4	4
HOULT B	4	4
IRETON D	4	4
JEFFELS D	4	4
JEFFERSON J	4	4
JONES A	4	2
JORDAN M	4	4
LEE A	4	3
LES C	4	4
LUNN C	4	4
MACKENZIE D	4	4
MARSDEN P	4	2
MARSHALL B	4	4
MARSHALL S	4	3
McCARTNEY J	4	3
METCALFE C	4	3
MOORHOUSE H	4	4
MULLIGAN P	4	3
PACKHAM R	4	4
PARSONS S	4	3
PATMORE C	4	4
PEARSON C	4	3
PLANT J	4	2
RANDERSON A	4	3
RITCHIE J	4	3
SANDERSON J	4	4
SAVAGE J	4	3
SHAW-WRIGHT S	4	2
SHIELDS E	4	4

North Yorkshire County Council Record of Attendance

SIMISTER D	4	4
SOLLOWAY A	4	3
SOWRAY P	4	4
SWALES T	4	3
SWIERS H	4	4
TROTTER C	4	4
WEIGHELL J	4	4
WELCH R	4	3
WINDASS R	4	4
WOOD C	4	4

North Yorkshire County Council Record of Attendance

AUDIT COMMITTEE	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
ATKINSON M	5	5
BAKER R	5	3
BLACKIE	5	0
BROADBENT E	5	5
CLARK Jim	5	4
FORT J	5	3
GRANT H	5	3
JORDAN M	5	5

SUBSTITUTES	
BATEMAN B	1
IRETON D	1

North Yorkshire County Council Record of Attendance

CHIEF OFFICERS APPOINTMENTS	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
BLACKIE J	1	1
BROADBENT E	1	1
CLARK John	1	1
DADD G	1	0
LES C	1	1
METCALFE C	1	0
WEIGHELL J	1	1
WOOD C	1	1

SUBSTITUTES	
BARKER A	1
SANDERSON J	1

North Yorkshire County Council Record of Attendance

CHIEF OFFICERS APPOINTMENTS SUB	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
BARKER A	2	2
BLACKIE J	2	1
BROADBENT E	2	2
CLARK J	2	2
DADD G	2	2
LES C	2	2
SANDERSON J	2	2
WEIGHELL J	2	2

SUBSTITUTES	
JEFFERSON J	1

North Yorkshire County Council Record of Attendance

EXECUTIVE	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
BARKER A	15	14
CHANCE D	15	13
DADD G	15	15
LES C	15	14
MACKENZIE D	15	14
METCALFE C	15	10
SANDERSON J	15	14
WOOD C	15	13

North Yorkshire County Council Record of Attendance

HEALTH & WELLBEING BOARD	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
CHANCE D	5	3
SANDERSON J	5	5
WOOD C	5	5

North Yorkshire County Council Record of Attendance

PENSION FUND	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
BATEMAN B	7	6
BLACKIE J	7	6
DE COURCEY-BAYLEY M A	7	7
HARRISON-TOPHAM R	7	7
MULLIGAN P	7	5
SWIERS H	7	7
WEIGHELL J	7	7

SUBSTITUTES	

North Yorkshire County Council Record of Attendance

PENSION BOARD	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
JORDAN M	4	4

North Yorkshire County Council Record of Attendance

PLANNING & REGULATORY FUNCTIONS	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
BLADES D	8	7
HESELTINE R	8	4
HOULT B	8	8
IRETON D	8	7
LEE A	8	7
LUNN C	8	8
McCARTNEY J	8	7
PACKHAM R	8	7
SOWRAY P	8	8
TROTTER C	8	6
WINDASS R	8	8

SUBSTITUTES	
BLACKIE J	1
PEARSON C	2
BROADBENT E	1

North Yorkshire County Council Record of Attendance

POLICE & CRIME PANEL	POSS	ACT
	01/04/2016	01/04/2016
	31/03/2017	31/03/2017
LES C	7	7
SHAW-WRIGHT S	7	6

North Yorkshire County Council Record of Attendance

STANDARDS	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
GOSS A	2	1
GRANT H	3	3
JEFFELS D	3	2
PATMORE C	3	3
SOWRAY P	3	3
RANDERSON	1	1

SUBSTITUTES	

North Yorkshire County Council Record of Attendance

CRAVEN	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
BARRETT P	4	3
HESELTINE R	4	3
IRETON D	4	4
MARSHALL S	4	1
MULLIGAN P	4	3
WELCH R	4	3
SOLLOWAY A	4	4

HAMBLETON	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
BAKER B	4	1
BARKER A	4	3
BLADES D	4	4
DADD G	4	2
GRIFFITHS B	4	2
DICKINSON C	4	3
MOORHOUSE H	4	3
PATMORE C	4	2
SOWRAY P	4	3
SWALES T	4	3
WEIGHELL J	4	3

HARROGATE	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
ATKINSON M	3	2
BATEMAN B	3	2
BUTTERFIELD J	3	1
CLARK Jim	3	2
COOPER R	3	2
DE COURCEY-BAYLEY M A	3	3
ENNIS J	3	2
FORT J	3	3
GOSS A	3	3
HARRISON M	3	3
HORTON P	3	3
HOULT B	3	3
JONES A	3	0
MACKENZIE D	3	3
SAVAGE J	3	0
SIMISTER	3	3
TROTTER C	3	2
WINDASS R	3	3

RICHMONDSHIRE	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
BLACKIE J	4	3
GRANT H	4	4
HARRISON-TOPHAM R	4	4
HESELTINE M (Deceased)	2	2
LES C	4	4
PARSONS S	4	4

RYEDALE	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
ARNOLD V	4	4
BURR L	4	2
CLARK J	4	4
SANDERSON J	4	3
SHIELDS E	4	4
WOOD C	4	4

YORKSHIRE COAST AND MOORS	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
BACKHOUSE A	4	1
BASTIMAN D	4	3
BILLING D	4	4
BLACKBURN J	4	3
BROADBENT E	4	3
CHANCE D	4	2
CROSS S	4	2
JEFFELS D	4	3
JEFFERSON J	4	2
MARSDEN P	4	3
PLANT J	4	2
RANDERSON T	4	3
RITCHIE J	4	4
SWIERS H	4	4

SELBY	POSS	ACT
	01/04/2016 31/03/2017	01/04/2016 31/03/2017
CASLING E	4	2
JORDAN M	4	3
LEE A	4	4
LUNN C	4	3
MCCARTNEY J	4	1
MARSHALL B	4	3
METCALFE C	4	1
PACKHAM R	4	2
PEARSON C	4	4
SHAW-WRIGHT S	4	1

North Yorkshire County Council Record of Attendance

CARE & INDEPENDENCE OVERVIEW & SCRUTINY	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
ARNOLD V	4	4
CLARK Jim	4	4
ENNIS J	4	3
GRANT H	4	3
HOULT B	4	2
JORDAN M	4	3
McCARTNEY J	4	4
MARSHALL B	4	4
MOORHOUSE H	4	4
MULLIGAN P	4	4
PEARSON C	4	3
SAVAGE J	4	4
SWALES T	4	3

SUBSTITUTES	
ATKINSON M	1
GRIFFITHS B	1

North Yorkshire County Council Record of Attendance

CORPORATE & PARTNERSHIPS OVERVIEW & SCRUTINY	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
ARNOLD V	5	5
BASTIMAN D	5	4
BATEMAN B	5	2
BLACKBURN J	5	3
BUTTERFIELD J	5	2
CROSS S	5	3
GOSS A	4	3
GRIFFITHS B	5	4
LEE A	5	4
LUNN C	5	5
PARSONS S	1	0
RANDERSON A	5	2
SHAW-WRIGHT S	5	4
SWALES T	5	5

SUBSTITUTES	
GRANT H	1
ATKINGSON M	1
PACKHAM B	1
BLACKIE J	1

North Yorkshire County Council Record of Attendance

SCRUTINY OF HEALTH	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
ARNOLD V	5	2
BARRETT P	5	4
BILLING D	5	4
CASLING E	3	1
CLARK Jim	5	4
CLARK John	5	5
DE COURCEY-BAYLEY MA	5	5
ENNIS J	5	2
MARSHALL S	5	2
MOORHOUSE H	5	5
PEARSON C	5	5
SIMISTER D	5	3
TROTTER C	5	1
DICKINSON C	2	2

SUBSTITUTES	
HESELTINE M	1
PATMORE C	1
BROADBENT E	1
DICKINSON C	1
BATEMAN B	1
MULLIGAN P	1

North Yorkshire County Council Record of Attendance

TRANSPORT ECONOMY & ENVIRONMENT OVERVIEW & SCRUTINY	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
ATKINSON M	4	3
BACKHOUSE A	4	4
BAKER R	4	1
GOSS A	1	1
HESELTINE M (Deceased)	3	3
HESELTINE R	4	4
HORTON P	4	4
HOULT B	3	3
JEFFELS D	4	4
MARSDEN P	4	4
PACKHAM R	4	3
SOLLOWAY A	4	4
WELCH R	4	4
WINDASS R	4	3

SUBSTITUTES	
BLACKBURN J	1
PEARSON C	1
PATMORE C	1

North Yorkshire County Council Record of Attendance

YOUNG PEOPLE OVERVIEW & SCRUTINY	POSS 01/04/2016 31/03/2017	ACT 01/04/2016 31/03/2017
ARNOLD V	5	3
BACKHOUSE A	5	0
BURR L	5	2
CASLING E	5	4
DICKINSON C	3	2
IRETON D	5	5
JEFFELS D	5	4
JEFFERSON J	5	5
LUNN C	5	4
PLANT J	5	4
RITCHIE J	5	4
SHIELDS E	5	4
TROTTER C	5	4

SUBSTITUTES	
BROADBENT E	1
HOULT B	1
WINDASS R	2

North Yorkshire County Council Record of Attendance

APPEALS	ACT
	01/04/2016 31/03/2017
IRETON D	15
MARSHALL B	13
SWIERS H	15
WINDASS R	15
SUBSTITUTES	
BLACKBURN J	1
BROADBENT E	1
PEARSON C	1
SWALES T	1
DICKINSON C	2

EMPLOYMENT APPEALS	
BLACKBURN J	1
BLACKIE J	1
PATMORE C	1
RANDERSON A	1

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 March 2018

Dispensation Granted**1.0 PURPOSE OF REPORT**

- 1.1 To inform the Committee about a dispensation granted to a County Councillor by the Monitoring Officer under delegated powers.

2.0 BACKGROUND

- 2.1 The Monitoring Officer was designated by the County Council as Proper Officer to receive written requests by Members/voting Co-opted Members for a dispensation under section 33 Localism Act 2011 relieving them from either or both of the restrictions on participating in the discussion and vote on a matter where they have a disclosable pecuniary interest (DPI).
- 2.2 The power to grant dispensations to Members and voting Co-opted Members under the new ethical framework was delegated by the Council to this Committee, after consultation with the Independent Persons.
- 2.3 Power was also delegated to the Monitoring Officer to grant dispensations (after consultation with the Independent Persons) where the timescales are such that a Standards Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards Committee, all of whom consent to the granting of the dispensation.

3.0 DISPENSATION GRANTED BY MONITORING OFFICER

- 3.1 On 6 December 2017, a dispensation was granted by the Monitoring Officer, under delegated powers, to County Councillor Paul Haslam, to enable him to speak at meetings of the County Area Committee for the Harrogate District when the Committee is considering business relating to the Harrogate Relief Road Review” until the date of the next local elections in 2021. The dispensation does not permit County Councillor Haslam to vote on such items of business.
- 3.2 The matter could not await the next scheduled meeting of the Standards Committee as there was an item on the agenda of the Area Committee’s meeting the following day, 7 December 2017, regarding the Harrogate Relief Road project, which updated the Committee on the project and sought the Committee’s views on the approach to the consultation.
- 3.3 Councillor Haslam has a disclosable pecuniary interest in items relating to the review as his home address is registered as a disclosable pecuniary interest (DPI) on his interests form and he would therefore have a DPI in the agenda item being considered at the meeting as certain of the options would involve the lane where he resides.
- 3.4 After consultation with the available members of the Standards Committee and Independent Persons, the Monitoring Officer granted the dispensation to speak as the dispensation is in the interests of persons living in the authority’s area, the public

interest may favour local member participation and it is appropriate to grant the dispensation. The dispensation will last until the date of the local government elections in 2021.

4.0 RECOMMENDATIONS

- 4.1 That the Committee notes the dispensation granted by the Monitoring Officer under delegated powers to County Councillor Haslam on 6 December 2017.

BARRY KHAN

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

Background Papers:

None

County Hall
NORTHALLERTON

21 February 2018

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 March 2018

Registration and declaration of sensitive interests**1.0 PURPOSE OF REPORT**

- 1.1 To inform the Committee of the rules around the registration and declaration of sensitive interests.

2.0 BACKGROUND

- 2.1 At the Committee's last meeting, Members requested that a report be brought to a future meeting regarding the registration of sensitive interests within the Register of Members' Interests, particularly the publication of personal addresses for County Councillors given that alternative methods of contact are now available.

3.0 LEGISLATIVE REQUIREMENTS

- 3.1 By law, there are certain categories of interest which must be registered in the Register of Members' Interests (and declared at meetings where required); these are known as 'disclosable pecuniary interests' (DPIs). Authorities may choose to include other categories of interest to be registered. The County Council's Register records the statutorily prescribed DPIs and, following national advice from DCLG, trade union/professional association memberships.
- 3.2 The categories of DPIs required to be registered include land and property interests (including licences and tenancies), which would cover a councillor's home address. The Register must be available for inspection at all reasonable hours and be published on the Council's website.

4.0 SENSITIVE INTERESTS

- 4.1 The law does allow for the exemption from registration and declaration of interests which are agreed between the Monitoring Officer and the Member to be sensitive under the Code of Conduct.
- 4.2 The law defines a sensitive interest for these purposes as an interest (whether or not a DPI) where the Member and Monitoring Officer consider that disclosure of the details could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
- 4.3 If the interest is entered in the Register, copies of the Register which are available for inspection and published on the website must not include details of the interest (but may state that the Member has an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- 4.4 If the Member needs to declare a sensitive interest to a meeting (and the interest is not registered in the Register), s/he need only disclose the fact that s/he has a disclosable pecuniary interest in the matter concerned (not the sensitive details).

- 4.5 Members will note from other reports to the Committee's meeting, that the issue of publication of councillors' home addresses generally has been the subject of discussion in the context of the CSPL's review of intimidation of Parliamentary candidates and the broader implications of this for other public office holders.
- 4.6 In light of the CSPL's recommendations, the Government has just announced it will consult on plans to remove the requirement for candidates standing as councillors in local elections to have their addresses published on ballot papers, in time for local elections in May 2019 and on a new electoral law offence of intimidating parliamentary candidates and their campaigners (the current offence of electoral intimidation relates to undue influence on voters).
- 4.7 Members may wish to consider whether they would wish to make any representations regarding the DPI categories in this context – this could be done as part of the current local government standards regime review by the CSPL - or whether they feel the provisions around sensitive interests adequately cover any concerns.

5.0 RECOMMENDATIONS

- 5.1 That Members consider the provisions around sensitive interests and determine whether they would wish to make any representations around the requirements for publication of Members' addresses.

BARRY KHAN

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

Background Papers:

- The Localism Act 2011 and subordinate legislation

County Hall
NORTHALLERTON

21 February 2018

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 March 2018

Complaints Update**1.0 PURPOSE OF REPORT**

- 1.1 To update the Committee regarding ethical framework complaint activity since the Committee's last meeting on 15 September 2017.

2.0 COMPLAINTS UPDATE**New complaints**

- 2.1 One new formal complaint has been received since the last meeting of the Committee.

NYCC/SC/61

This complaint arose in the context of alleged threatening behaviour and comments by the subject Member towards the Complainant. The complaint was considered to be outside the jurisdiction of the Standards Committee, as although the complaint was made against a named Member of the Authority who was in office at the time of the alleged conduct and the Code of Conduct was in force at the time, it was not considered, however, that the allegations, if proven, would be a potential breach of the Code of Conduct under which the subject Member was operating at the time of the alleged misconduct, as the subject Member was not acting in his/her official capacity as a county councillor. The Monitoring Officer liaised further with the Subject Member as the matter did serve to emphasise the importance of those in public office conducting themselves in a professional and suitable manner both in their private and official capacities.

Statistics

- 2.2 For the year 1 April 2017 to date, the Council has received one formal standards complaint (referred to above).
- 2.3 Members will be kept informed of developments.

3.0 RECOMMENDATIONS

- 3.1 That the Committee notes the current position on complaints received.

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

Background Documents:

None

County Hall
NORTHALLERTON

22 February 2018

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 March 2018

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 and relevant Officers 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 to Members and Officers. The Bulletin is also now circulated to neighbouring authorities via the Monitoring Officer Group, parish councils and certain other authorities at their request.

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 approved for circulation.

BARRY KHAN

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

Background Papers:

- The Localism Act 2011

County Hall
NORTHALLERTON

21 February 2018



North

Yorkshire County Council

STANDARDS BULLETIN

INTRODUCTION

The Committee on Standards in Public Life has always maintained 'a watching brief' of the standards regimes in local government and the changes resulting from The Localism Act 2011. Its work programme promised a review of local government standards, upon which the CSPL is now consulting, with a view to making findings and publishing recommendations later in 2018.

The CSPL has also published its report re intimidation of Parliamentary candidates and the broader implications of this for other public office holders. Details 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

THE STANDARDS COMMITTEE

The Members of the Standards Committee:

- **County Councillor John Blackie**
- **County Councillor Andy Paraskos**
- **County Councillor Caroline Patmore**
- **County Councillor Peter Sowray**
- **County Councillor Cliff Trotter**

Also invited to meetings of the Committee are:

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

If in doubt, please seek advice from the following:

Barry Khan

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Tel: 01609 532173
(barry.khan@northyorks.gov.uk)

Stephen Loach

Principal Democratic Services Officer
Tel: 01609 532216
(stephen.loach@northyorks.gov.uk)

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IN THIS ISSUE:

- CSPL Review of Local Government Standards
- CSPL Review of Intimidation of Parliamentary Candidates
- Consultation on Councillor Disqualification Reform
- Ministerial Code
- Interests' regime
- Members' Gifts and Hospitality
- Complaint statistics
- Standards cases

CSPL Review of Local Government Standards

The last Bulletin explained that the Committee on Standards in Public Life (CSPL) intended to consult in early 2018 on its review of local government standards, with a view to making findings and publishing recommendations later in 2018.

The CSPL has now commenced its review. As part of it, the CSPL is holding a public stakeholder consultation which opened on 29 January 2018 and closes at 17:00 on Friday 18 May 2018. A copy of the consultation document is published online:

<https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The consultation is open to all to respond but is particularly aimed at certain stakeholders including local authorities and their standards committees. Submissions can relate to as

many or few of the consultation questions as stakeholders wish to address.

The Standards Committee will consider the consultation document to determine any response it may wish to make. Should you wish to respond direct to the consultation here are the contact details:

Email to: public@public-standards.gov.uk

Write to:

Local government ethical standards review
GC.07
1 Horse Guards Road
London
SW1A 2HQ

Members will be kept informed of developments.

CSPL Review of Intimidation of Parliamentary Candidates

The last Bulletin explained that the Government had asked the CSPL to conduct a short review of intimidation of Parliamentary candidates and the broader implications of this for other public office holders.

The CSPL's seventeenth report, 'Intimidation in public life: A Review by the Committee on Standards in Public Life', was published in December 2017:

<https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>

It has also published the notes from its meetings with social media companies:

<https://www.gov.uk/government/publications/intimidation-of-parliamentary-candidates-evidence-from-facebook-google-and-twitter>

The CSPL has made recommendations for action to the Government, social media companies, political parties, the police, broadcast and print media, and MPs and Parliamentary candidates themselves, calling for the Government to bring forward legislation

to 'shift the liability of illegal content online towards social media companies.'

Key findings from the report include:

- a) While intimidation in public life is nothing new, the scale and intensity of intimidation is now shaping public life in ways which are a serious issue.
- b) Those in public life must ... take steps to ensure that their behaviour does not open the door for intimidation and work to build public trust in public life. They should uphold high ethical standards, and should never themselves engage in, incite or encourage derogatory or dehumanising political debate,
- c) The widespread use of social media has been the most significant factor accelerating and enabling intimidatory behaviour in recent years. Although social media helps to promote widespread access to ideas and engagement in debate, it also creates an intensely hostile online environment.
- d) Government should bring forward legislation to shift the liability of illegal content online towards social media companies.
- e) Social media companies must develop and implement automated techniques to identify intimidatory content posted on their platforms. They should use this technology to ensure intimidatory content is taken down as soon as possible.
- f) Those in positions of leadership within political parties must set an appropriate tone during election campaigns, and make clear that any intimidatory behaviour is unacceptable. They should challenge poor behaviour wherever it occurs.
- g) Political parties should set clear expectations about the behaviour expected of their members, both offline and online through a code of conduct for members which specifically prohibits any intimidatory behaviour. Parties should ensure that members are familiar with the code. The consequences of any breach of the code should be clear and unambiguous.
- h) Political parties must offer more support and training to candidates on their use of social media. This training should include: managing social media profiles, block and mute features, reporting content, and recognising when behaviour should be reported directly to the police.
- i) The government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count.
- j) Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011.
- k) The National Police Chiefs Council should ensure that local police forces have sufficient training to enable them to effectively investigate offences committed through social media. Local police forces should be able to access advice and guidance on the context in which MPs and Parliamentary candidates work.
- l) Those in public life should seek to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and help prevent a decline in public trust in political institutions through their own conduct.
- m) Those in public life should not engage in highly personalised attacks, nor portray policy disagreements or questions of professional competence as breaches of ethical standards.

In light of these recommendations from the CSPL, the Government issued a press release on 6 February 2018 announcing it will consult on plans to remove the requirement for candidates standing as councillors in local elections to have their addresses published on ballot papers, in time for local elections in May 2019; and on a new electoral law offence of intimidating parliamentary candidates and their campaigners (the current offence of electoral intimidation relates to undue influence on voters):

<https://www.gov.uk/government/news/new-electoral-laws-proposed-to-combat-intimidation-in-public-life>

Members will be kept informed of developments.

Consultation on Councillor Disqualification Reform

DCLG published a consultation document regarding proposals for updating the disqualification criteria for councillors and mayors, to strengthen the rules to prevent anyone found guilty of serious crimes from serving on local councils:

<https://www.gov.uk/government/consultations/disqualification-criteria-for-councillors-and-mayors>

the aim being to ensure those who represent their communities are held to the highest possible standards.

The current disqualification criteria are set out in section 80 of the Local Government Act 1972. One of the provisions prevents individuals standing, or holding office, as a local authority member, London Assembly member or directly-elected mayor if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.

The Government sought views on its proposals to update the disqualifying criteria, to reflect modern sentencing practices, so that individuals are disqualified if they are subject to:

- The notification requirements set out in the Sexual Offences Act 2003, commonly referred to as "being on the sex offenders register".
- A civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (ABCPA 2014) (Anti Social Behaviour Injunction).

- A Criminal Behaviour Order made under section 22 of the ABCPA 2014.

The proposals in this consultation would not apply retrospectively.

The proposals would mean that anyone convicted of a serious crime, regardless of whether it carries a custodial sentence, would not be able to hold office as a councillor. The changes would also better reflect rules governing standards of MPs, where members face suspension from the House for anything that contravenes the parliamentary code of conduct.

The consultation closed on 8 December 2017. Members will be kept informed of developments.

Ministerial Code

In January 2018 the Cabinet Office issued a new Ministerial Code, setting out the standards of conduct expected of ministers, to sit alongside Ministers' overarching duty to comply with the law, protect the integrity of public life and comply with the Seven Principles of Public Life:

<https://www.gov.uk/government/publications/ministerial-code>

On comparing the Ministerial Code with the Council's Code of Conduct for Members, it can be seen that there are similar provisions covering areas such as:

- a) General conduct provisions eg maintaining high standards of behaviour and upholding the highest standards of propriety, being professional and treating others with respect, with no harassing, bullying or other inappropriate or discriminating behaviour;
- b) Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests.
- c) Ministers should not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation.
- d) Ministers must not use government resources for Party political purposes.

- e) Ministers must uphold the political impartiality of the Civil Service.

Members will be kept informed of all developments in the national ethical framework.

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.

If a **dispensation** is granted to a Member with a DPI, the Member must still **declare** the interest and the fact they are relying on the dispensation to the meeting.

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://democracy.northyorks.gov.uk/Committees.aspx?councillors=1>

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 —

- 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.

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.

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 2017 to date, the Council has received one complaint that a Member may have breached the Members' Code of Conduct. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and found to be out of the Standards Committee's jurisdiction and consequently no action was required. Members will be kept informed of statistical information in relation to standards complaints received by the Authority.

CASES

The Local Government Lawyer publication recently published reports on the following cases:

1. The last Bulletin informed Members about a case whereby a councillor was alleged to have been involved in transactions procuring the sale of council assets to family friends at substantial undervalue and have used his senior position within the authority to have parking tickets issued to his family withdrawn.

The standards investigation was stayed pending the outcome of the councillor's judicial review of the investigation process. The judicial review claim was dismissed and the stay on the standards investigation lifted.

The authority's standards sub-committee found that the councillor had breached the Code of Conduct 12 times, bringing his office and authority into disrepute, compromising officers' impartiality and giving an unfair advantage to friends and family.

A further hearing will be held to consider sanctions.

2. The Adjudication Panel for Wales has disqualified a former chair from being or becoming a member of any relevant authority for 18 months.

He breached the Code through insulting, offensive and humiliating conduct towards an officer (speculating on his/her mental health), insulting another officer (by alleging s/he had fabricated evidence re the councillor's allegation of them being found "in flagrante" with a third party), insulting a head teacher (by calling them a psychopath) and disclosing confidential medical information about the first officer.

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

Information published on www.gov.uk

Local Government Lawyer case reports