

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on Wednesday 18 April 2018 at 2 pm at County Hall, Northallerton.

Present:-

County Councillors Caroline Patmore (Chairman), Andy Paraskos, Peter Sowray and Cliff Trotter; together with Independent Persons for Standards Hilary Gilbertson MBE and Louise Holroyd.

Copies of all documents considered are in the Minute Book

12. Chief Executive - Annual Address

The Chief Executive of North Yorkshire County Council, Richard Flinton, attended the meeting as part of the regular attendance of leading figures within the County Council at Standards Committee. He outlined the following:-

- ◆ The important work undertaken by the Standards Committee - he thanked the Members and Independent Persons in respect of this.
- ◆ He considered standards at the County Council to be in a good position and that conduct generally was very good.
- ◆ He noted that the County Council had a strong reputation in terms of good standards and that the Committee assisted in maintaining that.
- ◆ He also noted that the Standards Committee was strong in taking action when issues arose, occasionally.
- ◆ He noted that Members were committed to a high standard of ethical performance and that conduct, in the main, was very good.

The Chairman thanked the Chief Executive for attending and for his praise of the ethical regime in place for North Yorkshire County Council.

Resolved -

That the attendance and address of the Chief Executive be welcomed and noted.

13. Minutes

Resolved –

That the Minutes of the meeting held on 15 September 2017, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

14. Declarations of Interest

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

15. Public Questions or Statements

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

16. Local Ethical Framework Developments

Considered -

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

The report outlined the following issues:-

- ◆ Review of Local Government Standards.
- ◆ Committee on Standards in Public Life (CSPL) Review of Intimidation of Parliamentary Candidates.
- ◆ Consultation on Councillor Disqualification Reform.
- ◆ New Ministerial Code.

The Monitoring Officer stated that the two main issues for Members to consider were as follows:-

Whether a departure from a Model Code of Conduct for Members and Model Complaints Procedures was helpful or whether the current variances between local codes and standards processes was unhelpful for dual or triple hatted Members;

Whether the range of sanctions currently available for breaches of the Code of Conduct were sufficient and effective.

Model Code v Local Code

The Monitoring Officer highlighted how, prior to the Localism Act 2011, Local Authorities operated to a standard, model Code with an overarching effect. With the revision of the Standards regime in 2011 each authority was able to adopt a code suited to its own needs. This was designed to simplify the process and allow authorities to develop appropriate ethical regimes. Issues had arisen, subsequently, in that Members serving on more than one body were required to sign up to a number of Codes and were faced with the situation whereby transgression of a Code for one authority did not necessarily mean that this was the case for another authority.

The opinion of Members of the Standards Committee was sought in relation to this and the following issues and points were raised:-

- ◆ A number of Members considered that it would be helpful and appropriate to have one standard Code of Conduct that all Local Authorities worked to, avoiding confusion. Members considered that it would be beneficial in their role as dual, triple and, on occasions, quadruple hatted Members.
- ◆ An Independent Person accepted that there may be some merits in having a National Code of Conduct, however, she emphasised that the Code for North Yorkshire County Council currently worked well and suggested that, "if it was not broken then why fix it". The other Independent Person acknowledged the

issue raised, but considered that Members could use the different Codes as an excuse to not comply with the variety of Codes of Conduct and also felt that the move to a standard Code would be of benefit.

In response to the issues raised by Members the Monitoring Officer agreed that the current Code of Conduct was working well for North Yorkshire County Council, however, he considered that an overall Code of Conduct, which related to all Local Authorities, would be beneficial, particularly in terms of public perception and interpretation of standards.

Members agreed, unanimously, that reverting to a single Code for all Local Authorities would be beneficial and more effective in terms of maintaining ethical standards.

Sanctions

The Monitoring Officer outlined how, following the 2011 review, the sanction regime in relation to breaches of the Code of Conduct changed significantly. After 2011 a breach of the Code was now either dealt with through the Police, where the breach was recognised as a transgression of the law, or a public letter was issued to the Councillor warning them of their conduct.

Members were now being asked as to whether the power for additional sanctions should be re-introduced allowing Standards Committees to have more powers in dealing with breaches of the Code of Conduct.

In discussion of this issue Members raised the following issues:

- ◆ It was considered that when a complaint was made against a Councillor, by the public, that action would be taken in relation to that, and, currently, this consisted of a letter sent to that Councillor. It was suggested that it would be appropriate for additional powers to be made available, allowing appropriate action to be taken dependent upon the severity of the breach and the complaint raised. The general public perception of the Standards regime would be enhanced by this.
- ◆ The Independent Persons agreed that it would be appropriate to enable stronger sanctions to be imposed by Standards Committee in relation to breaches of the Code and complaints.
- ◆ All agreed that it would be more effective to allow appropriate action to be undertaken when a complaint had been made and a Councillor had been found to be in breach of the Code.

It was agreed, therefore, that a response to the consultation was that Standards Committees should be provided with greater sanction powers.

Review of Intimidation of Parliamentary Candidates

The Monitoring Officer highlighted the CPSL review that was taking place in relation to this matter and considered that this should also be applied to local Council candidates. He noted that the public attitude towards elected representatives, and candidates, at elections, had changed in recent times, particularly in view of an increased access through social media. It appeared that the public were much more willing to be argumentative and abusive towards public figures and he noted that the Code of Conduct did not indicate how Members should react in relation to this provocation. He suggested that Members required appropriate development to

advise them how to react in such situations and also to ensure that appropriate security was in place in terms of their safety from possible personal attack.

Members concurred with the view of the Monitoring Officer and suggested that training in social media would be appropriate for County Councillors in view of the issues that were now arising through that medium.

In relation to this it was also noted that home addresses were currently published on ballot papers and a discussion took place as to whether that was appropriate, in view of potential safety concerns. The Monitoring Officer noted that, currently, it was a requirement that the full postal address of any candidate was printed on a ballot paper and this could only be changed by approaching the Government and legislation being altered.

It was noted that the home address of County Councillors was currently published on the County Council's website, unless, for security reasons, it was agreed that this be not provided. Members suggested that, in view of safety concerns it may no longer be advisable to publish home addresses on the website, particularly bearing in mind that email addresses and telephone numbers were provided there, offering sufficient contact for the general public who wished to speak to their local County Councillor.

The Independent Persons agreed that it should be sufficient to provide the email and telephone numbers of County Councillors on the website, rather than identifying where they live. It was suggested that, should a member of the public need to know the address of a County Councillor then that could be provided, without this being published.

Consultation on Councillor Disqualification Reform

The Monitoring Officer noted that the Government were seeking views on its proposals to update the disqualifying criteria for Councillors and Mayors, to reflect modern sentencing practices so that individuals were disqualified if they were subject to:

- ◆ the notification requirement 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.

It was noted that the proposals in the consultation would not apply retrospectively.

The proposals meant that anyone convicted of a serious crime, regardless of whether it carried a custodial sentence, would not be able to hold the office as a Councillor. The consultation had closed and Members would be kept informed of the developments.

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

- ◆ An Independent Person highlighted their concern that the powers would not be applied retrospectively.
- ◆ It was queried as to whether County Councillors were still subject to DBS checks when elected. Members considered that they were only required to undertake such checks when their duties involved their likely contact with

children and young people. The Monitoring Officer stated that he thought that Members were automatically subject to a DBS check and would make enquiries in relation to this as circumstances could be raised, within those checks, which could disqualify Members from being elected. It was also noted that, through their normal duties, County Councillors could come into contact with young people at any stage and, therefore, it would be appropriate for an automatic DBS check to be in place.

New Ministerial Code

The Monitoring Officer outlined a new Code of Conduct that had been introduced for MPs and comparisons were made to the Code of Conduct currently in place for County Council Members.

Resolved -

- (i) That the Committee notes the contents of the report;
- (ii) That the response of the Committee to the review of Local Government Standards by the Committee on Standards in Public Life indicate that:
 - (a) a model Code of Conduct for all authorities would be helpful
 - (b) that additional sanctions be made available to Standards Committees in terms of breaches of the Code of Conduct;
- (iii) That suitable training be provided to Members on the use of social media;
- (iv) That consideration be given to all Members receiving DBS checks when elected, if this was not already in place;
- (v) That the Standards Committee respond to the Government's consultation in relation to the removal of the address of candidates standing in local elections, stating that they would wish to see this removed.

17. Members Attendance Monitoring

Considered -

The report of the Monitoring Officer reporting 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 to 31 March 2017. It was noted that Group Leaders were presented with a copy of the details for them to consider with individual Members. Should a Member's attendance fall below 40% then Group Leaders would be informed by the Standards Committee of that attendance record.

It was considered that, overall, Members had a good percentage attendance of meetings.

An Independent Person suggested that, where a Member had not attended any of the scheduled meetings, it would be appropriate to consider replacing that Member with someone who could attend those meetings. It was noted that a substitute scheme was in place at the County Council and, where Members could not attend, they could allocate a substitute to attend in their place. In terms of replacing Members on Committees, that was a matter for Group Leaders.

It was noted that the attendance figures for 2017/18 would be submitted to the next meeting of the Standards Committee.

Resolved -

- (i) That the report be noted;
- (ii) That copies of the statistics be circulated to the Leaders of the Political Groups of the County Council.

18. Dispensation Granted

Considered -

The report of the Monitoring Officer informing the Committee about a dispensation granted to County Councillor Paul Haslam, enabling him to speak at meetings of the County Area Committee for the Harrogate District when the Committee was considering business relating to the Harrogate Relief Road Review until the date of the next elections in 2021. The dispensation did not permit County Councillor Haslam to vote on such items of business.

Resolved -

That the dispensation granted by the Monitoring Officer, under delegated powers, to County Councillor Haslam on 6 December 2017, be noted.

19. Registration and Declaration of Sensitive Interests

Considered -

The report of the Monitoring Officer informing the Committee of the rules around the registration and declaration of sensitive interests.

The Monitoring Officer outlined how there were certain categories of interests which must be registered in the Register of Members' Interests including those known as disclosable pecuniary interests (DPIs) these included land and property interests which would cover a Councillor's home address. The Register had to be available for inspection at all reasonable hours and on the County Council's website.

He explained that the law allowed for the exemption from registration and declaration of interests issues, agreed between the Monitoring Officer and the Member, to be sensitive under the Code of Conduct. The law defined a sensitive interest as one that could lead to a Member, or person connected with a Member, being subject to violence or intimidation, if disclosed. In these cases the Member need only disclose the fact that they had a disclosable pecuniary interest in the matter concerned but could omit the sensitive details. Members were able to apply to the Monitoring Officer in such circumstances.

A Member suggested that it was alarming that so many details were available in relation to a County Councillors' personal life, particularly where this could lead to members of the public being able to approach them, or members of their family, at various locations. The Monitoring Officer outlined the details required in relation to disclosable pecuniary interests and noted the concerns of the Member.

It was asked how, when so many details were available, identity theft could be protected against. The Monitoring Officer acknowledged that this was an issue, particularly for people in public life, as many of their details were readily available to the general public. He emphasised the need to protect information as much as possible and to have safeguards in place to ensure that this could not be used to access personal matters such as bank accounts, etc.

It was suggested that training also be provided in relation to protecting against identity theft when the training on social media was delivered. The Monitoring Officer stated that details would be included in a subsequent edition of the Standards Bulletin and consideration would be given to providing the training during a Members' Seminar.

Resolved -

That the provision around sensitive interests be noted.

20. Complaints Update

Considered -

The report of the Monitoring Officer updating the Committee regarding ethical framework complaint activity since the Committee's last meeting on 15 September 2017.

The report highlighted one new formal complaint that had been received since the last meeting of the Committee. The Monitoring Officer had considered the complaint and had deemed that the subject member was not acting in his/her official capacity, as a County Councillor, during the time of the alleged misconduct, but, subsequently, had liaised further with the subject member to emphasise the importance of those in public office conducting themselves in a professional suitable manner in both their private and official capacities.

The Monitoring Officer noted that, following the publication of the report, a further complaint had been submitted and he would be liaising with one of the Independent Persons in relation to that complaint at the conclusion of the meeting. Details of the complaint would be submitted to the next meeting.

A Member referred to accusations of corruption emanating from members of the public, in relation to the activities of local councillors, and wondered what was the best way of dealing with these. In response the Monitoring Officer stated that issues of corruption emanated from the actions of a small number of local councillors in various parts of the country in previous years, particularly in relation to planning matters. He noted that where such an accusation was made this should be referred to the Police and to the Monitoring Officer.

Resolved -

That the current position on complaints received be noted.

21. Standards Bulletin

Considered -

The report of the Monitoring Officer presenting for the Committee to consider a draft copy of the forthcoming Standards Bulletin.

Members asked whether the bulletin would be updated with issues raised at today's meeting, including the response to consultations, the registration/declaration of sensitive issues and the use of social media. The Monitoring Officer stated that he would prepare a programme of details in relation to those matters and include in the next edition of the bulletin.

Following on from the visit of the Chief Executive at today's meeting it was suggested that the Leader of the Council be invited to attend the next meeting of the Standards Committee on 21 September 2018.

Resolved -

- (i) That the bulletin, as submitted, be approved for circulation;
- (ii) That the details outlined at today's meeting be included in the next bulletin;
- (iii) That the Leader of the Council be invited to attend the next meeting of the Standards Committee.

The meeting concluded at 3.20 pm

SL/JR