

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

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 September 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 has previously considered the Committee on Standards in Public Life (CSPL) review of local government standards. The consultation is now closed and responses are being analysed. The CSPL intends to publish its report by the end of the year.

- 3.2 The CSPL held roundtable discussions with Monitoring Officers, Clerks, Independent Persons and others on local government ethical standards on 18 April and 24 April 2018. Notes of the discussions are published online at: <https://www.gov.uk/government/publications/local-government-ethical-standards-roundtable-transcript-and-summary-note> and highlight many of the issues previously raised by this Committee:

- *high level of variation in local authority codes*
- *Participants highlighted an inconsistency with an approach of being able to set a code but not enforce it. Participants strongly felt that a lack of stronger sanctions undermines the system and erodes public confidence*
- *Investigations are currently disproportionately expensive to sanctions available.*
- *Most councillors go into local government to make a difference, conduct themselves well, and would find any sanction very sobering. More sanctions are needed for the small minority of councillors who show poor conduct*

- 3.3 Dr Jane Martin of the CSPL gave a speech indicating the lessons learned so far during the review, which reflect the recurring themes listed above and other issues: https://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=35337%3Astandards-matter&catid=59&Itemid=27

- 3.4 Members will be kept informed of developments.

4.0 CSPL REPORT “THE CONTINUING IMPORTANCE OF ETHICAL STANDARDS FOR PUBLIC SERVICE PROVIDERS”

- 4.1 The CSPL published the above report on 8 May 2018. It can be accessed online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705884/20180510_PSP2_Final_PDF.pdf

4.2 The report looks at the landscape within which the delivery of public services operates, including the impact of the proposed withdrawal from the European Union. Key findings from the report are:

- (a) *The public want services to be delivered responsibly and ethically, regardless of provider.... And the public expects that when service delivery fails, there will be a direct line of accountability to the public authority responsible.*
- (b) *... As the United Kingdom establishes new public sector bodies and regulatory approaches, there will need to be a continued, consistent and rigorous application of the Seven Principles of Public Life to public service delivery.*
- (c) *...that the government has made some improvements in how it manages the ethical conduct of contractors as part of a broader maturing of outsourcing practices...but .. otherwise made little progress in adopting the Committee's recommendations; limited progress on introducing formal measures to reinforce the application of ethical standards; ...*
- (d) *The Committee remains of the view that more must be done to encourage strong and robust cultures of ethical behaviour in those delivering public services. To that end, the Committee reaffirms the recommendations made in its 2014 report and has made a further set of more detailed, follow-up recommendations to address particular issues of concern.*

4.3 The Government has written to the CSPL indicating it will consider the recommendations and respond in due course:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709203/MFC1308_response.pdf

4.4 Members will be kept informed of developments.

5.0 CSPL ANNUAL REPORT 2017-18

5.1 The CSPL has published its Annual Report for 2017-18:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/725871/20180711_FINAL_Version_9_CSPL_Annual_Report_.pdf

5.2 The CSPL states that during 2018/19, it will, in particular:

- keep a particular watching brief on “developments in Westminster with regard to alleged bullying and harassment of staff.”
- monitoring responses to the recommendations in the CSPL ‘Intimidation in Public Life’ report
- Continuing its review of local government ethical standards;

5.3 Members will be kept informed of developments.

6.0 RECOMMENDATIONS

6.1 That the Committee notes the contents of this report.

BARRY KHAN

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

Background Papers:

None

County Hall
NORTHALLERTON

11 September 2018

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 September 2018

Annual Report of Standards Committee**1.0 PURPOSE OF REPORT**

- 1.1 To present Members with a draft Annual Report of the work of the Standards Committee for the period 1 April 2017 to 31 March 2018.

2.0 BACKGROUND

- 2.1 The Committee has previously agreed that it would be helpful to publish an Annual Report on its work to the Authority in order to raise the profile of the Committee and strengthen awareness of its work and ethical standards generally. An Annual Report also assists in discharging the Authority's statutory duty to promote and maintain high standards of conduct and also ensures that the Authority has an overview of work undertaken by the Committee in discharging the Authority's standards responsibilities.
- 2.2 The Committee previously resolved that each Annual Report should be 'light touch' and as brief as possible

3.0 DRAFT ANNUAL REPORT

- 3.1 A draft Annual Report of the Committee, for the period 1 April 2017 to 31 March 2018 is attached for Members' consideration and approval at **Appendix 1**. The Report, if approved by the Committee, will be presented to a future meeting of the Authority.
- 3.2 Members' views are welcomed.

4.0 RECOMMENDATIONS

- 4.1 Subject to any comments Members may have, the Committee is asked to approve the draft Annual Report for presentation to a future meeting of the Authority.

BARRY KHAN

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

Background Papers:

- The Localism Act 2011
- Minutes of NYCC Standards Committee meetings

County Hall
NORTHALLERTON

11 September 2018

NORTH YORKSHIRE COUNTY COUNCIL

14 November 2018

Annual Report of the Standards Committee**1.0 PURPOSE OF REPORT**

- 1.1 To provide the Authority with an Annual Report on the work of the Standards Committee from 1 April 2017 to 31 March 2018.

2.0 BACKGROUND

- 2.1 The Standards Committee was established in 2012 as part of the ethical framework for local government introduced by the Localism Act 2011.
- 2.2 The Committee has previously agreed that it would be helpful to publish an Annual Report on its work to the Authority in order to raise the profile of the Committee and strengthen awareness of its work and ethical standards generally. An Annual Report also assists in discharging the Authority's statutory duty to promote and maintain high standards of conduct and also ensures that the Authority has an overview of work undertaken by the Committee in discharging the Authority's standards responsibilities.

3.0 THE ETHICAL FRAMEWORK

- 3.1 The ethical framework introduced under the 2011 Act includes:
- (a) **The Standards Committee:** The Committee usually meets twice per annum. During the period in question, the Committee met on 15 September 2017 and 18 April 2018 (rescheduled from 2 March 2018). The Committee is responsible for standards and standards complaints handling issues, the granting of dispensations and also has a role in relation to issues raised by or in relation to persistent and/or vexatious complainants.
 - (b) **Independent Persons for Standards:** Each relevant authority must appoint at least one "Independent Person". In 2012, the Authority approved the appointments of Mrs Hilary Gilbertson MBE and Mrs Louise Holroyd as Independent Persons for the Authority. The Independent Persons are invited to all meetings of the Standards Committee and are consulted on all key standards matters.
 - (c) **A statutory duty to promote and maintain high standards of conduct**
 - (d) **Members' Code of Conduct**
 - (e) **Register of Members' Interests** (hard copy and online)
 - (f) **Complaint Handling**
 - (g) **Ethical Statements**
 - (h) **Standards Bulletin**
- 3.2 The **Monitoring Officer** supports the Committee in its work, including maintaining the Register of Members' Interests and dealing with any complaints made against Members under the local standards regime.

4.0 WORK UNDERTAKEN BY THE COMMITTEE

- 4.1 The work undertaken by the Standards Committee between the period 1 April 2017 to 31 March 2018 is set out below:

- (a) Review of ethical framework developments: the Committee has considered developments in the national standards regime and provided guidance to Members, for example in relation to:
- i. documents published by the Committee on Standards in Public Life, for example its Ethical Standards for Providers of Public Services Follow Up, its review of MPs' outside interests, its review of Intimidation of Parliamentary Candidates, its review of Local Government Standards;
 - ii. the Equality and Human Rights Commission Voluntary Principles on Standards for Political Discourse;
 - iii. the DCLG consultation on Councillor Disqualification Reform;
 - iv. the new Cabinet Office Ministerial Code.
- (b) Members' attendance at Committees: the Committee considered and noted statistical information relating to Members' attendance at meetings of the County Council and its Committees. It agreed that the matter of addressing attendance issues should be left in the hands of the relevant Group Leaders.
- (c) Dispensations: the Committee considered and granted various dispensation requests.
- (d) Training: The Committee ensures that Members receive appropriate training to maintain their awareness of ethical standards. Training during 2017/8 included refresher standards training to the Standards Committee on 15 September 2017.
- (e) Register of Members' Interests: The Register of Members' Interests is also published on the Authority's website. The Committee monitors the operation of the Register. During the period in question, the Committee also considered issues around the registration of sensitive interests.
- (f) Standards Bulletin: The Committee has issued two Standards Bulletins during the period covered by this Report, aimed at keeping Members and Officers apprised of developments in the ethical regime. Copies of the Bulletin have also been requested by, and circulated to, other authorities.
- (g) Complaints: The Committee receives a Complaints Update report at each meeting. During the period covered by this Report, there were two complaints received that Members may have breached the Authority's Members' Code of Conduct. Regarding the two complaints, no action was required in either case.
- (h) Liaison with neighbouring authorities: The Monitoring Officer has continued to liaise with the neighbouring authority Heads of Legal/Monitoring Officers' Group and attend meetings of the Group.
- (i) Standards Committee Annual Report: an Annual Report of the Committee covering the period 1 April 2016 to 31 March 2017 was presented to full Council on 8 November 2017.
- (j) Attendance by the Chair of the Committee and Independent Persons at the Regional Meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons on 3 April 2017 at North Tyneside.

4.2 The Committee will continue its work in the promotion of high ethical standards and further involvement in training of officers and Members at an appropriate stage.

5.0 RECOMMENDATION

5.1 That the Authority receives and notes the Annual Report of the Standards Committee.

CAROLINE PATMORE
Chair of NYCC Standards Committee

Background Papers:
Minutes of and reports to the Standards Committee

11 September 2018

North Yorkshire County Council

Standards Committee

21 September 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 2017 until 31 March 2018.

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 2017 until 31 March 2018 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

September 2018
 SML/JN

Background papers: None

County Councillor Attendance Record

County Councillors Total
Appeals Shown Separately

COUNTY COUNCILLORS TOTAL	POSS 17/05/2017 31/03/2018	ACT 17/05/2017 31/03/2018	SUBSTITUTE MEMBER	% POSS / ACC	PARTY
ARNOLD VAL	25	22	1	88.00%	
ARTHUR KARL	12	11		91.67%	
ATKINSON MARGARET	20	18		90.00%	
BACKHOUSE ANDREW	8	4		50.00%	
BAKER BOB	12	11		91.67%	
BARRETT PHIL	15	9		60.00%	
BASTIMAN DEREK	13	11		84.62%	
BLACKIE JOHN	14	12		85.71%	
BLADES DAVID	14	14		100.00%	
BROADBANK PHILIP	12	12	1	100.00%	
BROADBENT ERIC	18	16	1	88.89%	
BURR LINDSAY	13	9		69.23%	
CHAMBERS MIKE	23	20		86.96%	
CHANCE DAVID	22	22		100.00%	
CLARK JIM	15	15		100.00%	
COLLING LIZ	12	8		66.67%	
COOPER RICHARD	9	8		88.89%	
DADD GARETH	22	22		100.00%	
DICKINSON CAROLINE	22	21		95.45%	
DUCKETT STEPH	12	11	3	91.67%	
DUNCAN KEANE	13	13		100.00%	
ENNIS JOHN	16	14		87.50%	
GOODRICK CAROLINE	18	17	2	94.44%	
GRANT HELEN	14	12		85.71%	
GRIFFITHS BRYN	13	11		84.62%	
HARRISON MICHAEL	26	23		88.46%	
HASLAM PAUL	16	10		62.50%	
HESELTINE ROBERT	17	16		94.12%	
HOBSON MEL	22	18		81.82%	
HUGILL DAVID	18	14		77.78%	
IRETON DAVID	8	7	1	87.50%	
JEFFELS DAVID	15	13	1	86.67%	
JEFFERSON JANET	12	12		100.00%	
JENKINSON ANDREW	12	9		75.00%	
JORDAN MIKE	20	18	1	90.00%	
LEE ANDREW	22	22		100.00%	
LES CARL	28	26		92.86%	
LUMLEY STANLEY	15	14		93.33%	
LUNN CLIFF	18	17	2	94.44%	
MACKAY DON	15	14		93.33%	
MACKENZIE DON	22	20		90.91%	
MANN JOHN	18	16		88.89%	
MARTIN STUART	16	11		68.75%	
McCARTNEY JOHN	17	12		70.59%	
METCALFE ZOE	22	17		77.27%	
MOORHOUSE HEATHER	12	12		100.00%	
MULLIGAN PATRICK	27	24		88.89%	
MUSGRAVE RICHARD	22	15		68.18%	
PARASKOS ANDY	17	17	1	100.00%	
PARSONS STUART	13	8		61.54%	
PATMORE CAROLINE	12	9	2	75.00%	
PEARSON CHRIS	18	18	1	100.00%	
PEARSON CLIVE	17	17		100.00%	
PLANT JOE	12	11	1	91.67%	
QUINN GILL	14	14		100.00%	
RANDERSON TONY	13	10		76.92%	
SANDERSON JANET	27	25		92.59%	
SEDGWICK KARIN	12	11		91.67%	
SOLLOWAY ANDY	17	14		82.35%	
SOWRAY PETER	15	11		73.33%	
SWIERS HELEN	13	11		84.62%	
SWIERS ROBERTA	15	13		86.67%	

County Councillor Attendance Record

County Councillors Total

Appeals Shown Separately

THOMPSON ANGUS	15	12	1	80.00%	
TROTTER CLIFF	14	10		71.43%	
WALSH CALLAM	11	6		54.55%	
WEBBER GEOFF	12	9	2	75.00%	
WEIGHELL J	13	11		84.62%	
WELCH R	11	10		90.91%	
WHITE G	23	22		95.65%	
WILKINSON ANNABEL	17	16		94.12%	
WILSON NICOLA	17	11		64.71%	
WINDASS ROBERT	12	12	1	100.00%	

North Yorkshire County Council Record of Attendance

COUNTY COUNCIL	POSS	ACT
	17/05/2017 30/03/2018	17/05/2017 30/03/2018
ARNOLD VAL	4	4
ARTHUR KARL	4	4
ATKINSON MARGARET	4	3
BACKHOUSE ANDREW	4	3
BAKER BOB	4	4
BARRETT PHIL	4	2
BASTIMAN DEREK	4	3
BLACKIE JOHN	4	4
BLADES DAVID	4	4
BROADBANK PHILIP	4	4
BROADBENT ERIC	4	3
BURR LINDSAY	4	3
CHAMBERS MIKE	4	4
CHANCE DAVID	4	4
CLARK JIM	4	4
COLLING LIZ	4	3
COOPER RICHARD	4	4
DADD GARETH	4	4
DICKINSON CAROLINE	4	4
DUCKETT STEPH	4	4
DUNCAN KEANE	4	4
ENNIS JOHN	4	4
GOODRICK CAROLINE	4	4
GRANT HELEN	4	4
GRIFFITHS BRYN	4	3
HARRISON MICHAEL	4	4
HASLAM PAUL	4	4
HESELTINE ROBERT	4	4
HOBSON MEL	4	3
HUGILL DAVID	4	2
IRETON DAVID	4	3
JEFFELS DAVID	4	4
JEFFERSON JANET	4	4
JENKINSON ANDREW	4	3
JORDAN MIKE	4	4
LEE ANDREW	4	4
LES CARL	4	4
LUMLEY STANLEY	4	4
LUNN CLIFF	4	4
MACKAY DON	4	3
MACKENZIE DON	4	4
MANN JOHN	4	3
MARTIN STUART	4	3
McCARTNEY JOHN	4	3
METCALFE ZOE	4	4
MOORHOUSE HEATHER	4	4
MULLIGAN PATRICK	4	4
MUSGRAVE RICHARD	4	3
PARASKOS ANDY	4	4
PARSONS STUART	4	3
PATMORE CAROLINE	4	4
PEARSON CHRIS	4	4
PEARSON CLIVE	4	4
PLANT JOE	4	3
QUINN GILL	4	4
RANDERSON TONY	4	4
SANDERSON JANET	4	4
SEDGWICK KARIN	4	4
SOLLOWAY ANDY	4	3
SOWRAY PETER	4	4
SWIERS HELEN	4	4
SWIERS ROBERTA	4	4

North Yorkshire County Council Record of Attendance

THOMPSON ANGUS	4	4
TROTTER CLIFF	4	3
WALSH CALLAM	4	4
WEBBER GEOFF	4	3
WEIGHELL J	4	4
WELCH R	4	4
WHITE G	4	4
WILKINSON ANNABEL	4	4
WILSON NICOLA	4	3
WINDASS ROBERT	4	4

North Yorkshire County Council Record of Attendance

EXECUTIVE	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
CHANCE D	14	14
DADD G	14	14
DICKINSON C	14	13
HARRISON M	14	12
LEE A	14	14
LES C	14	14
MACKENZIE D	14	13
MULLIGAN P	14	12
SANDERSON J	14	12
WHITE G	14	14

North Yorkshire County Council Record of Attendance

CRAVEN	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
BARRETT P	4	4
HESELTINE R G	4	3
IRETON D	4	4
MULLIGAN P	4	4
QUINN G	4	4
SOLLOWAY A	4	4
WELCH R	4	4

HAMBLETON	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
BAKER B	4	4
BLADES D	4	4
DADD G	4	4
DICKINSON C	4	4
GRIFFITHS B	4	4
HUGILL D	4	4
MOORHOUSE H	4	4
PATMORE C	4	3
SOWRAY P	4	1
WEIGHHELL J	4	2
WILKINSON A	4	4

HARROGATE	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
ATKINSON M	4	4
BROADBANK P	4	4
CHAMBERS M	4	4
CLARK J	4	4
COOPER R	4	3
ENNIS J	4	2
HARRISON M	4	3
HASLAM P	4	4
LUMLEY S	4	4
MACKENZIE D	4	3
MANN J	4	4
MARTIN S	4	3
METCALFE Z	4	3
PARASKOS A	4	4
TROTTER C	4	4
WEBBER G	4	3
WILSON N	4	3
WINDASS R	4	4

RICHMONDSHIRE	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
BLACKIE J	4	3
GRANT H	4	4
LES C	4	3
PARSONS S	4	3
SEDGWICK K	4	4
THOMPSON A	4	3

RYEDALE	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
ARNOLD V	5	5
BURR L	5	4
DUNCAN K	5	5
GOODRICK C	5	5
SANDERSON J	5	5
WHITE G	5	4

YORKSHIRE COAST AND MOORS	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
BACKHOUSE A	4	1
BASTIMAN D	4	3
BROADBENT E	4	4
CHANCE D	4	4
COLLING L	4	2
JEFFELS D	4	3
JEFFERSON J	4	4
JENKINSON A	4	3
PEARSON Clive	4	4
PLANT J	4	4
RANDERSON T	4	3
SWIERS H	4	2
SWIERS R	4	3
WALSH C	4	1

SELBY 01/04/2016 31/03/2017	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
ARTHUR K	4	4
DUCKETT S	4	3
HOBSON M	4	3
JORDAN M	4	4
LEE A	4	4
LUNN C	4	3
McCARTNEY J	4	2
MACKAY D	4	4
MUSGRAVE R	4	3
PEARSON Chris	4	4

North Yorkshire County Council Record of Attendance

CARE & INDEPENDENCE OVERVIEW & SCRUTINY	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
BROADBANK P	4	4
BROADBENT E	4	4
CHAMBERS M	4	3
ENNIS J	4	4
GOODRICK C	4	4
GRANT H	4	3
JEFFELS D	4	3
JENKINSON A	4	3
LUMLEY S	4	3
MANN J	4	4
MARTIN S	4	2
SEDGWICK K	4	3
WILSON N	4	2

SUBSTITUTES	
PEARSON Chris	1
ARNOLD V	1

North Yorkshire County Council Record of Attendance

CORPORATE & PARTNERSHIPS OVERVIEW & SCRUTINY	POSS	ACT
	17/05/2017 30/03/2018	17/05/2017 30/03/2018
ATKINSON M	5	4
BASTIMAN D	5	5
GOODRICK C	5	4
GRIFFITHS B	5	4
HASLAM P	5	1
MUSGRAVE R	5	4
PARASKOS A	5	5
PARSONS S	5	2
RANDERSON T	5	3
TROTTER C	5	2
WALSH C	3	1
WILKINSON A	5	4
WILSON N	5	3
ARNOLD V	2	1

SUBSTITUTES	
JORDAN M	1
BROADBENT E	1
PATMORE C	2
PLANT J	1
DUCKETT S	3
WEBBER G	2
WINDASS R	1
LUNN C	1

North Yorkshire County Council Record of Attendance

SCRUTINY OF HEALTH	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
ARNOLD V	4	3
BARRETT P	4	3
CLARK J	4	4
COLLING L	4	3
ENNIS J	4	4
HOBSON M	4	4
MANN J	4	4
METCALFE Z	4	2
MOORHOUSE H	4	4
PEARSON Chris	4	4
SOLLOWAY A	4	4
SWIERS R	4	4
WINDASS R	4	4

SUBSTITUTES	
PARASKOS A	1

North Yorkshire County Council Record of Attendance

TRANSPORT ECONOMY & ENVIRONMENT OVERVIEW & SCRUTINY	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
ATKINSON M	3	3
HASLAM P	3	1
HESELTINE R	3	3
JEFFELS D	3	3
JORDAN M	3	3
LUMLEY S	3	3
MACKAY D	3	3
McCARTNEY J	3	3
PARASKOS A	3	3
PATMORE C	3	1
PEARSON Clive	3	3
SWIERS R	3	2
WELCH R	3	2

SUBSTITUTES	
GOODRICK C	1
THOMPSON A	1

North Yorkshire County Council Record of Attendance

YOUNG PEOPLE OVERVIEW & SCRUTINY	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
ARNOLD V	4	3
BURR L	4	2
DUCKETT S	4	4
DUNCAN K	4	4
HOBSON M	4	2
JEFFERSON J	4	4
LUNN C	4	4
MARTIN S	4	3
METCALFE Z	4	3
PLANT J	4	4
QUINN G	4	4
THOMPSON A	2	2
WILKINSON A	4	4
MANN J	2	1

SUBSTITUTES	

North Yorkshire County Council Record of Attendance

AUDIT COMMITTEE	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
ARTHUR K	4	3
ATKINSON M	4	4
BAKER R	4	3
CLARK J	3	3
HUGILL D	4	3
LUNN C	4	4
MACKAY D	4	4
WEBBER G	4	3
COOPER R	1	1

SUBSTITUTES	
BROADBANK P	1

North Yorkshire County Council Record of Attendance

HEALTH & WELLBEING BOARD	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
DICKINSON C	4	4
HARRISON M	4	4
SANDERSON J	4	4
QUINN G	2	2

North Yorkshire County Council Record of Attendance

PENSION BOARD	POSS	ACT
	17/05/2017 30/03/2018	17/05/2017 30/03/2018
JORDAN M	3	1

North Yorkshire County Council Record of Attendance

PENSION FUND	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
BLACKIE J	5	4
CHAMBERS M	5	5
MULLIGAN P	5	4
MUSGRAVE R	3	0
SOLLOWAY A	5	3
SWIERS H	5	5
THOMPSON A	5	3
WEIGHILL J	5	5
LUNN C	2	2

SUBSTITUTES	
LUNN C	1

North Yorkshire County Council Record of Attendance

PLANNING & REGULATORY FUNCTIONS	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
BLADES D	6	6
BROADBENT E	6	5
HESELTINE R	6	6
HUGILL D	6	5
JORDAN M	6	6
McCARTNEY J	6	4
METCALFE Z	6	5
MUSGRAVE R	6	5
PEARSON Chris	6	6
PEARSON Clive	6	6
SOWRAY P	6	6

SUBSTITUTES	
IRETON D	1
GOODRICK C	1

North Yorkshire County Council Record of Attendance

POLICE & CRIME PANEL	POSS	ACT
	17/05/2017 30/03/2018	17/05/2017 30/03/2018
ARNOLD V	6	6
CHAMBERS M	6	4
BARRETT P	3	0
GRANT H	2	1
HOBSON M	6	6
LES C	6	5

North Yorkshire County Council Record of Attendance

STANDARDS	POSS 17/05/2017 30/03/2018	ACT 17/05/2017 30/03/2018
BLACKIE J	1	1
PARASKOS A	1	1
PATMORE C	1	1
SOWRAY P	1	0
TROTTER C	1	1

SUBSTITUTES	
JEFFELS D	1

North Yorkshire County Council Record of Attendance

APPEALS	ACT 17/05/2017 30/03/2018
ARNOLD V	10
DUCKETT S	8
IRETON D	10
WINDASS R	9
SUBSTITUTES	
GOODRICK C	1
BROADBENT E	1

EMPLOYMENT APPEALS	
	0
	0
	0
	0

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 September 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 18 April 2018.

2.0 COMPLAINTS UPDATE**New complaints**

- 2.1 Five new formal complaints have been received since the last Complaints Update report to the Committee.

NYCC/SC/62

This complaint arose in the context of ongoing communications between the Council and the Complainant and alleged that the subject Member had compromised officers' impartiality, not responded to certain communications, disclosed confidential information, and used his position improperly. The complaint was assessed by the Monitoring Officer in consultation with the Independent Persons for Standards when it was concluded that no action was required.

NYCC/SC/63

This complaint arose in the context of alleged comments made by the subject Member at a local residents' association meeting, which the Complainant alleged to be sexist and therefore in breach of paragraphs 1, 2 and 7 of the Members' Code of Conduct. The complaint was assessed by the Monitoring Officer in consultation with the Independent Persons for Standards when it was concluded that no action was required.

NYCC/SC/64

This complaint is currently under consideration by the Monitoring Officer. Further details will be reported to the Committee at its next meeting.

NYCC/SC/65

This complaint is currently under consideration by the Monitoring Officer. Further details will be reported to the Committee at its next meeting.

NYCC/SC/66

This complaint is currently under consideration by the Monitoring Officer. Further details will be reported to the Committee at its next meeting.

Statistics

- 2.2 For the year 1 April 2018 to date, the Council has received four formal standards complaints.
- 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

12 September 2018

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 September 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

13 September 2018



North

Yorkshire County Council

STANDARDS BULLETIN

INTRODUCTION

The Committee on Standards in Public Life's review of local government standards continues and it will hopefully be publishing its recommendations in the near future.

Members will be kept informed of all ethical framework 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

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

Stephen Loach

Principal Democratic Services Officer
Tel: 01609 532216
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Moira Beighton

Senior Lawyer (Governance)
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(moira.beighton@northyorks.gov.uk)

IN THIS ISSUE:

- CSPL Review of Local Government Standards
- CSPL report "The Continuing Importance Of Ethical Standards For Public Service Providers"
- CSPL Annual Report 2017-18
- Interests' regime
- Members' Gifts and Hospitality
- Complaint statistics
- Standards cases

CSPL Review of Local Government Standards

The Committee on Standards in Public Life (CSPL) review of local government standards continues. The consultation has now closed and responses are being analysed. The CSPL intends to publish its report by the end of the year.

The CSPL held roundtable discussions with Monitoring Officers, Clerks, Independent Persons and others on local government ethical standards on 18 April and 24 April 2018. Notes of the discussions are published online at:

<https://www.gov.uk/government/publications/local-government-ethical-standards-roundtable-transcript-and-summary-note> and echo many of the issues previously highlighted by the Standards Committee:

- *high level of variation in local authority codes*
- *Participants highlighted an inconsistency with an approach of being able to set a code but not enforce it. Participants strongly felt that a lack of stronger sanctions undermines the system and erodes public confidence*
- *Investigations are currently disproportionately expensive to sanctions available.*
- *Most councillors go into local government to make a difference, conduct themselves well, and would find any sanction very sobering. More sanctions are needed for the small minority of councillors who show poor conduct*

Dr Jane Martin of the CSPL gave a speech indicating the lessons learned so far during the review, which reflect the recurring themes listed above and other issues:

https://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=35337%3Astandards-matter&catid=59&Itemid=27

Members will be kept informed of developments.

CSPL report “The Continuing Importance of Ethical Standards for Public Service Providers”

The CSPL published the above report on 8 May 2018. It can be accessed online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705884/20180510_PSP2_Final_PDF.pdf

The report looks at the landscape within which the delivery of public services operates, including the impact of the proposed withdrawal from the European Union. Key findings from the report are:

- The public want services to be delivered responsibly and ethically, regardless of provider.... And the public expects that when service delivery fails, there will be a direct line of accountability to the public authority responsible.*
- ... As the United Kingdom establishes new public sector bodies and regulatory approaches, there will need to be a continued, consistent and rigorous application of the Seven Principles of Public Life to public service delivery.*
- ...that the government has made some improvements in how it manages the ethical conduct of contractors as part of a broader maturing of outsourcing practices...but .. otherwise made little progress in adopting the Committee’s recommendations; limited progress on introducing formal measures to reinforce the application of ethical standards; ...*
- The Committee remains of the view that more must be done to encourage strong and robust cultures of ethical behaviour in those delivering public services. To that end, the Committee reaffirms the recommendations made in its 2014 report and has made a further set of more*

detailed, follow-up recommendations to address particular issues of concern.

The Government has written to the CSPL indicating it will consider the recommendations and respond in due course:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709203/MFC1308_response.pdf

Members will be kept informed of developments.

CSPL Annual Report 2017-18

The CSPL has published its Annual Report for 2017-18:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/725871/20180711_FINAL_Version_9_CSPL_Annual_Report_.pdf

The CSPL states that during 2018/19, it will, in particular:

- keep a particular watching brief on “developments in Westminster with regard to alleged bullying and harassment of staff.”
- monitoring responses to the recommendations in the CSPL ‘Intimidation in Public Life’ report;
- Continuing its review of local government ethical standards.

Members will be kept informed of developments.

Interests’ Regime

Members must register and disclose ‘**disclosable pecuniary interests**’ as set out in regulations and detailed in the Members’ Code of Conduct, and **membership of any trade unions or professional associations** (as ‘interests other than a disclosable pecuniary interests’), but generally no wider, non-pecuniary, interests (eg membership of public and charitable bodies) unless a Member

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

A pecuniary interest is a disclosable pecuniary interest (“DPI”) if it is of a description specified in regulations ie

- Employment, office, trade, profession or vacation (for profit or gain)
- Sponsorship
- Contracts
- Land
- Licenses
- Corporate tenancies
- Securities

(please see the Code for the detailed descriptions

-

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

AND either:

(a) it is the Member’s interest or

(b) an interest of—

- the Member’s spouse or civil partner
- a person with whom the Member is living as husband and wife, or
- a person with whom the Member is living as if they were civil partners

AND the Member is aware of the interest.

A Member with a DPI may not participate in the discussion of, or vote on, Council business (unless a dispensation is granted) and must withdraw from the meeting room.

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 2018 to date, the Council has received four complaints that a Member may have breached the Members' Code of Conduct.

Of those four complaints, three are awaiting assessment by the Monitoring Officer in consultation with the Independent Person for Standards.

The other complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and no action was required to be taken.

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

CASES

Ledbury case

Members have previously been informed of this case, whereby a Town Council imposed sanctions on a councillor under its grievance procedure, rather than its standards arrangements, following complaints of bullying and harassment.

The councillor's position was that the council should have dealt with the matter under its standards arrangements under the Localism Act 2011.

The High Court held that complaints about Member conduct must be dealt with under an authority's standards regime: the authority cannot deal with them under a grievance procedure instead or alongside a standards process.

The town council's decision to impose sanctions under its grievance procedure was therefore held to be ultra vires and the subject Member was entitled to declaratory relief.

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

1. Regarding information rights, the First Tier Tribunal has recently ruled that an authority was not required to disclose advice given by an Independent Person for Standards in a standards complaint case, which had not been upheld.

The Tribunal ruled that details of unsubstantiated standards complaints should not generally be disclosed to the general public under the Freedom of Information Act and would be exempt under section 40(2), as the information was the personal information of the councillor and it would be unfair to disclose it in those circumstances.

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