

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on Friday 8 March 2019 at 10 am in County Hall, Northallerton.

Present:-

County Councillors Caroline Patmore (Chairman), Peter Sowray and Cliff Trotter, together with Independent Person for Standards Hilary Gilbertson MBE.

Apologies:-

County Councillors John Blackie and Andy Paraskos; together with Independent Person for Standards Louise Holroyd.

There were two members of the public in attendance.

Copies of all documents considered are in the Minute Book

34. Minutes

Resolved -

That the Minutes of the meeting held on 3 January 2019, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

35. Declarations of Interest

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

36. Public Questions or Statements

Mr and Mrs Hornsby attended the meeting to outline a question/statement to the Committee.

Initially they requested clarification around the September Minutes of the Standards Committee, which they considered to be incorrect, and, therefore objected to the signing off of those Minutes. The Chairman indicated that the Minutes of 3 January 2019 highlighted amendments that had been made to the September Minutes and, therefore, she considered that the issues had been addressed accordingly. She also noted that the Minutes of 3 January 2019 had been agreed by Members as a correct record and she was fully satisfied that these were correct.

Mr Hornsby put his questions/statements to the Standards Committee as follows:-

1. Can you tell us when County Councillors adopted an approved policy of not replying to communications? We were informed that if a County Councillor did not want to reply there was no obligation to do so. The policy has been implemented by three senior County Councillors and latterly by the five County Councillors on the Standards Committee.

2. The Monitoring Officer has stated previously that the only way to complain about a County Councillor is not to vote for them. This was repeated at the January meeting by County Councillor Patmore. What is the point of having rules for County Councillors and the framework for raising a complaint if that is the basic rule?
3. North Yorkshire County Council and County Councillors were considered by the Local Government Ombudsman as one of the worst Councils in the country for dealing with complaints. Do you agree that it is particularly annoying to residents and ratepayers to be told, if they are not satisfied with procedure, to take the matter to the Local Government Ombudsman? This brush-off is very frequently used.
4. A member of the public has to provide text in advance to speak at the County Council Annual General Meeting. The audio recording is described as the only true record and a copy provided. There is a limited time of question and answer, and the member of the public is allowed no further part.

The County Councillor responding is allowed to drastically alter their response and force that through for the written minutes. Using "Knowles" this was presented and accepted at the next County Council meeting, both actions were declared "legal". E-mails released under a DP Act request showed the member of staff was pressured to accept this as opposed to transcribing the audio version. A member of staff accepted this practice at the time and has since left North Yorkshire County Council. At a later date it was declared that they endorsed it as "legal". Do the Standards Committee agree with this procedure?

In view of the fact it is 40 working days with no correspondence from the Standards Committee, since the 3 January meeting, we feel that you should be obliged to give a written answer to the above questions.

In response the Chairman stated that the Monitoring Officer would be responding to the issues raised, in writing, but she would outline the basis of that response at the meeting to ensure that all Members were fully informed of that. The Chairman outlined the following:-

- ◆ County Councillors had not adopted a policy of not replying to issues raised with them. Should a County Councillor decide not to respond directly to an issue this was not a breach of the Code of Conduct.
- ◆ The formal complaints procedure against County Councillors could only be implemented should a County Councillor have breached the Code of Conduct. If a complaint was not found to have breached the Code, for example the complaint related to a decision having been made that the complainant did not agree with, then the only course of action open to the complainant was to not vote for the County Councillor through the democratic process. No action could be taken against a County Councillor where a breach of the Code of Conduct had not occurred.
- ◆ It was contested that the Local Government Ombudsman had declared the County Council to be one of the worst in the country, however, it was acknowledged that findings against the County Council had been made by the Ombudsman. The County Council welcomed the input of the Ombudsman when an issue was unresolved. The findings of the Ombudsman in such cases would be analysed by the County Council, with a

view to ensuring, where maladministration had been found to have occurred, that the issues were addressed appropriately.

- ◆ In terms of minute writing it was noted that these provided a review of the information outlined at a meeting. In terms of the issues raised it was noted that the officer had requested the notes of the Councillor in terms of what had been stated and had taken an independent review of what should be included in relation to that. It was noted that the meeting had been recorded, therefore, full details of what had been said could be obtained from that. It was stated that the County Council was looking at the possibility of recording more meetings in future to make minutes more accessible. It was emphasised that nothing untoward had taken place in terms of the written minutes and how these were agreed.
- ◆ The issues addressed in response, would be provided in writing, in full, to the questioners immediately following the meeting.

Following the initial question/statement and response a number of issues were raised in exchanges between the questioners, Members and officers, and the following issues were highlighted:-

- ◆ It was noted that elected Members could not instruct officers on how to operate, but could request on behalf of local residents. It was for officers to implement the County Council's policies and undertake work in accordance with that. Mr Hornsby highlighted the issue around him requesting a site visit on behalf of a 190 people Community Group formed to consider highways in their local area. He considered that the matter had been ignored by the Executive Member, for 18 months, and by the relevant Highways Officers. It was noted that extensive discussions had been held in relation to this matter at a meeting between Mr and Mrs Hornsby and the Standards Committee held in January 2019.
- ◆ Mr Hornsby repeated his statement in relation to the Local Government Ombudsman referring to North Yorkshire County Council as being one of the worst performing in the country and also being advised to approach the Ombudsman if they were not happy with the responses to the issues they had raised. In response the Monitoring Officer highlighted the process undertaken in involving the Local Government Ombudsman. He considered that there were different processes and procedures in terms of complaints to the County Council, dependent upon whom was to be complained against. He recognised that the processes and procedures could be difficult for members of the public to understand and that this appeared to have been the case in terms of Mr and Mrs Hornsby. He noted that when a complaint had been raised, and investigated, in relation to services offered by the Council, and the complainant was unhappy with the outcome of the investigation, they would be advised to approach the Local Government Ombudsman. He emphasised that the Ombudsman was independent and would review complaints in such circumstances, giving the public confidence that their issues could be considered at another level, when they did not believe that their complaint had received an independent or satisfactory response. He emphasised that this was not the County Council refusing to acknowledge the concerns of the public, but was ensuring that the matters could be reviewed independently. He noted that sometimes cases were considered to be maladministration and recommendations would be produced for action to be taken in relation to that. He emphasised that the Ombudsman was outside the influence of the Council and, therefore, the public could be satisfied that their complaint was being considered independently.

- ◆ Issues around a complaint against a County Councillor were discussed and the Chairman noted that when such complaints were submitted these were investigated by the Monitoring Officer and an Independent Person from the Standards Committee to determine whether a breach of the Code of Conduct had taken place. She indicated that in relation to the Hornsby's complaint it was determined that no breach had taken place. The Independent Person present at the meeting, Hilary Gilbertson MBE, commented on the issue. She highlighted the process that took place and emphasised that she considered carefully the details provided in relation to the complaint from an independent viewpoint. She stated that she was very experienced in these matters which should give confidence to the public that issues were being dealt with appropriately. She acknowledged that it could be difficult for members of the public to accept the response provided in relation to an investigation into a complaint, particularly when it did not conclude in the manner that they wanted. She noted that all complaints were subject to the same process and were carried out in accordance with the appropriate policies and regulations related to how complaints against councillors should be determined. In relation to the process Mr Hornsby considered that this relied on a "secret meeting" that he was unable to attend and was provided with a decision, with no right of appeal to that, and considered that to be flawed. In response the Monitoring Officer emphasised that the correct procedure was being utilised and that the procedure would be used countrywide to review complaints against councillors. He noted that it was a private meeting, but should the complaint be upheld then the decision would be made public. The process required the meeting between the Monitoring Officer and the Independent Person, at the investigation stage, to determine whether a breach of the Code of Conduct had taken place, and, as this had not been found, the matter was not made public. It was again emphasised that the Independent Person was utilised in such cases to ensure that a non-County Council view was provided in relation to the complaint.

- ◆ Mr Hornsby stated that he considered that the complaint against the councillor, that he had lodged, could have been progressed further. It was reiterated that as the County Councillor had not been found to be acting in breach of the Code of Conduct, then no further action could be taken. The Independent Person emphasised that had she found reason to challenge the decision, she would have done so at that time. It was recognised that Mr and Mrs Hornsby were dis-satisfied with the decision, however, due process had been followed. Mr Hornsby again raised the issue regarding being told that if they were not satisfied with the situation then the course of action was not to vote for that particular County Councillor, however, he emphasised that the County Councillor they complained against did not represent them, as he did not cover their Electoral Division. He wondered, therefore, how he was able to register his concerns against that County Councillor, given the circumstances. The Monitoring Officer again emphasised that the due process had been followed and, the advice given to Mr and Mrs Hornsby was correct in that the only course of action open to them was not to vote for a County Councillor with whom they had concerns.

- ◆ Mr Hornsby raised issues in relation to remuneration of councillors for attending the Standards Committee meeting, the issue or how the Minutes had been approved in relation to the County Council meeting of which they had spoken and also whether the suggestion of an automated response to emails sent in had been progressed. In response Members refuted the figures quoted in relation to their remuneration for attendance at the Committee, it was considered that the issues around the Minutes had been dealt with in previous responses and the issue around the automatic email

response had been passed onto the appropriate County Council section, for consideration.

The Chairman thanked Mr and Mrs Hornsby for their attendance at the meeting and advised them that a written response to their questions would be provided immediately following the meeting.

37. Local Ethical Framework Developments (Focus on CSPL Review of Local Government Ethical Standards Report)

Considered -

The report of the Monitoring Officer updating Members on the development of the Ethical Framework under the Localism Act 2011.

The Monitoring Officer noted that the Committee had previously considered the Committee on Standards in Public Life (CSPL) Review of Local Government Standards and an extensive report had been published on 30 January 2019 a copy of which was sent to Members of the Standards Committee. The report made a number of recommendations which were not legally binding, to the Government, regarding the Ethical Framework which would require changes to legislation and the regulatory framework, if accepted. It also made various best practice recommendations which local authorities could choose to implement immediately should they so wish.

He highlighted the CSPL recommendations (a) to (t) (set out in full in the report).

The recommendations were not legally binding and the Government's response was awaited. The Government usually responded to recommendations within a three month period and Members would be kept informed of developments.

He also set out the CSPL best practice recommendations which were set out to local authorities with the aim of improving Local Government Standards. The CSPL considered that the best practice recommendations, should be considered a benchmark of good ethical practice, which were expected to be implemented by all local authorities.

He highlighted recommendations (a) to (m) (set out in full in the report).

The Committee was requested to consider the CSPL best practice recommendations and to determine whether there were any steps they would wish to take or recommendation to Council in terms of the Council's standards regime at this stage. It was noted that the CSPL intended to review the implementation of its best practice recommendations in 2020 and Members would be kept informed of developments.

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

- ◆ Members agreed with a move towards councillors' responses on social media being classed as responses under their public duties, rather than being seen as them expressing an opinion in their personal life, thereby not contravening the Code of Conduct.
- ◆ Members also welcomed a move towards a more all-encompassing single Code of Conduct, rather than individual Codes of Conduct for each Authority. They recognised, however, that there were also specific local issues that should continue to be addressed alongside a single Code, through local variation.

- ◆ The possibility of introducing Independent Members to Standards Committees, alongside Independent Persons, was outlined.
- ◆ In terms of Independent Persons the Monitoring Officer noted the suggestion that Independent Members/Persons should be appointed for a limited time period and disagreed with that proposal in terms of it being very difficult to find persons who were willing to put themselves forward for the role and who also had the necessary expertise to undertake the role. He suggested that when in place, and operating as the current Independent Persons do for the Standards Committee, then every effort should be made to retain them.
- ◆ It was noted that recommendations were being made to enable local authorities to have more effective powers in terms of imposing sanctions for Members who had breached the Code of Conduct, and that was welcomed by Members of the Committee.
- ◆ It was noted that, as had been previously discussed at a meeting of the Committee, it was being recommended that those standing for election would no longer have to publish their address within the election nomination papers, and this would also be welcomed by Members.
- ◆ In relation to the best practice recommendations it was noted that North Yorkshire County Council's standards regime already had compliance with the majority of those and it would be ensured that the others were met, going forward.
- ◆ It was noted that a further report on the recommendations and compliance with the best value recommendations would be provided to subsequent meetings of the Committee, when the Government had responded to the issues raised.

Resolved -

That the contents of the report be noted and further reports be submitted to the Committee in relation to any subsequent recommendations in relation to the CSPL's best practice recommendations.

38. Complaints Update

Considered -

The report of the Monitoring Officer updating the Committee regarding Ethical Framework complaint activity.

It was noted that there had been no new complaints received since the last complaints update report to the Committee on 21 September 2018.

Updates were provided on existing complaints where the outcome had not previously been reported. Details of the complaints and any action required were set out in the report.

Members suggested that, as the current County Council was approximately halfway through, it would be an appropriate opportunity to undertake some refresher training on the Ethical Framework and the Code of Conduct for County Councillors. The Monitoring Officer agreed and stated that appropriate plans would be put in place for this to be undertaken. It was suggested that these details be provided within the

forthcoming Standards Bulletin (next item on the agenda) before circulating to Members.

Within the report it was noted that for the year 1 April 2018 to date the Council had received four formal Standards complaints and, of these, three cases required no action to be taken whilst the other was dealt with under informal resolution, with the Member apologising and undertaking diversity training.

Resolved -

That the current position on complaints received be noted.

39. Standards Bulletin

Considered -

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

The latest draft of the bulletin was attached at Appendix 1 to the report and it was noted that the style had been changed slightly to ensure that it complied with corporate guidelines re communications. The Committee was requested to consider whether any alterations were required to the bulletin before this was circulated. It was noted that the bulletin was now circulated to neighbouring authorities via the Monitoring Officer Group, Parish Councils and certain other authorities, at their request.

It was noted that, further to the previous item, details of refresher training on the Ethical Framework should be included within the bulletin.

District Council Elections would be taking place in May 2019 and it was suggested that issues around Purdah and how this affected Members should be included within the bulletin by way of information.

Resolved -

That, subject to the issues highlighted above, for inclusion, the bulletin be updated as necessary and approved for circulation.

The meeting concluded at 11.10 am.

SL/JR

North Yorkshire County Council

Standards Committee

20 September 2019

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 2018 until 31 March 2019.

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 2018 until 31 March 2019 is attached at **Appendix 1**.
- 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 former 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 2019
 SML/HG

Background papers: None

County Councillor Attendance Record

Appendix 1

County Councillors Total
Appeals Shown Separately

COUNTY COUNCILLORS TOTAL	POSS 01/04/2018 31/03/2019	ACT 01/04/2018 31/03/2019	SUBSTITUTE MEMBER	% POSS / ACC	PARTY
ARNOLD VAL	30	23		76.67%	Conservative
ARTHUR KARL	13	11		84.62%	Conservative
ATKINSON MARGARET	18	16		88.89%	Conservative
BACKHOUSE ANDREW	8	4		50.00%	Conservative
BAKER BOB	13	8		61.54%	Conservative
BARRETT PHIL	14	8		57.14%	NY Independent
BASTIMAN DEREK	12	9		75.00%	Conservative
BLACKIE JOHN	21	12		57.14%	NY Independent
BLADES DAVID	14	13		92.86%	Conservative
BROADBANK PHILIP	12	10	1	83.33%	Liberal Democrat
BROADBENT ERIC	16	13		81.25%	Labour
BURR LINDSAY	12	9		75.00%	NY Independent
CHAMBERS MIKE	26	23		88.46%	Conservative
CHANCE DAVID	22	20		90.91%	Conservative
CLARK JIM	19	18		94.74%	Conservative
COLLING LIZ	14	12		85.71%	Labour
COOPER RICHARD	8	6		75.00%	Conservative
DADD GARETH	25	23		92.00%	Conservative
DICKINSON CAROLINE	23	22		95.65%	Conservative
DUCKETT STEPH	12	6		50.00%	Labour
DUNCAN KEANE	12	11		91.67%	Conservative
ENNIS JOHN	17	10	1	58.82%	Conservative
GOODE DAVID	4	4		100.00%	Liberal Democrat
GOODRICK CAROLINE	15	12		80.00%	Conservative
GRANT HELEN	12	7		58.33%	NY Independent
GRIFFITHS BRYN	13	10		76.92%	Liberal Democrat
HARRISON MICHAEL	27	23		85.19%	Conservative
HASLAM PAUL	12	11		91.67%	Conservative
HESELTINE ROBERT	17	16		94.12%	Independent
HOBSON MEL	26	9		34.62%	Conservative
HUGILL DAVID	19	13		68.42%	Conservative
IRETON DAVID	8	6		75.00%	Conservative
JEFFELS DAVID	15	10	2	66.67%	Conservative
JEFFERSON JANET	12	12		100.00%	NY Independent
JENKINSON ANDREW	11	9		81.82%	Conservative
JORDAN MIKE	21	15		71.43%	Conservative
LEE ANDREW	22	19		86.36%	Conservative
LES CARL	34	32		94.12%	Conservative
LUMLEY STANLEY	15	14		93.33%	Conservative
LUNN CLIFF	24	21	1	87.50%	Conservative
MACKAY DON	17	10		58.82%	NY Independent
MACKENZIE DON	24	23		95.83%	Conservative
MANN JOHN	18	14		77.78%	Conservative
MARTIN STUART	15	13		86.67%	Conservative
McCARTNEY JOHN	17	10		58.82%	NY Independent
METCALFE ZOE	23	20		86.96%	Conservative
MOORHOUSE HEATHER	15	13		86.67%	Conservative
MULLIGAN PATRICK	29	26		89.66%	Conservative
MUSGRAVE RICHARD	17	10		58.82%	Conservative
PARASKOS ANDY	20	12		60.00%	Conservative
PARSONS STUART	13	5		38.46%	NY Independent
PATMORE CAROLINE	16	12		75.00%	Conservative
PEARSON CHRIS	19	12		63.16%	Conservative
PEARSON CLIVE	17	17		100.00%	Conservative
PLANT JOE	12	6		50.00%	Conservative
QUINN GILL	15	14		93.33%	Conservative
RANDERSON TONY	13	11		84.62%	Labour

County Councillor Attendance Record
County Councillors Total
Appeals Shown Separately

SANDERSON JANET	23	19		82.61%	Conservative
SEDGWICK KARIN	12	8		66.67%	Conservative
SOLLOWAY ANDY	21	9		42.86%	Independent
SOWRAY PETER	17	16		94.12%	Conservative
SWIERS HELEN	15	14		93.33%	Conservative
SWIERS ROBERTA	22	13		59.09%	Conservative
THOMPSON ANGUS	20	14		70.00%	Conservative
TROTTER CLIFF	20	15	4	75.00%	Conservative
WALSH CALLAM	8	3		37.50%	Conservative
WEBBER GEOFF	13	13		100.00%	Liberal Democrat
WEIGHELL J	17	15		88.24%	Conservative
WELCH R	12	11		91.67%	Conservative
WHITE G	22	21		95.45%	Conservative
WILKINSON ANNABEL	17	16		94.12%	Conservative
WILSON NICOLA (RESIGNED)	6	0		0.00%	Conservative
WINDASS ROBERT	18	11		61.11%	Conservative

North Yorkshire County Council Record of Attendance

COUNTY COUNCIL	POSS	ACT
	03/04/2018 29/03/2019	03/04/2018 29/03/2019
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	4
BLACKIE JOHN	4	4
BLADES DAVID	4	3
BROADBANK PHILIP	4	4
BROADBENT ERIC	4	4
BURR LINDSAY	4	3
CHAMBERS MIKE	4	4
CHANCE DAVID	4	4
CLARK JIM	4	4
COLLING LIZ	4	3
COOPER RICHARD	4	2
DADD GARETH	4	4
DICKINSON CAROLINE	4	4
DUCKETT STEPH	4	3
DUNCAN KEANE	4	4
ENNIS JOHN	4	4
GOODE DAVID	2	2
GOODRICK CAROLINE	4	3
GRANT HELEN	4	3
GRIFFITHS BRYN	4	3
HARRISON MICHAEL	4	4
HASLAM PAUL	4	4
HESELTINE ROBERT	4	4
HOBSON MEL	4	3
HUGILL DAVID	4	3
IRETON DAVID	4	4
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	3
LUNN CLIFF	4	2
MACKAY DON	4	4
MACKENZIE DON	4	4
MANN JOHN	4	2
MARTIN STUART	4	3
McCARTNEY JOHN	4	3
METCALFE ZOE	4	3
MOORHOUSE HEATHER	4	4
MULLIGAN PATRICK	4	4
MUSGRAVE RICHARD	4	4
PARASKOS ANDY	4	3
PARSONS STUART	4	3
PATMORE CAROLINE	4	4
PEARSON CHRIS	4	4
PEARSON CLIVE	4	4
PLANT JOE	4	2
QUINN GILL	4	4

North Yorkshire County Council Record of Attendance

RANDERSON TONY	4	4
SANDERSON JANET	4	2
SEDGWICK KARIN	4	3
SOLLOWAY ANDY	4	2
SOWRAY PETER	4	4
SWIERS HELEN	4	4
SWIERS ROBERTA	4	3
THOMPSON ANGUS	4	3
TROTTER CLIFF	4	4
WALSH CALLAM	4	2
WEBBER GEOFF	4	4
WEIGHELL J	4	4
WELCH R	4	4
WHITE G	4	4
WILKINSON ANNABEL	4	4
WILSON NICOLA	2	0
WINDASS ROBERT	4	4

North Yorkshire County Council Record of Attendance

APPEALS	ACT 03/04/2018 29/03/2019
ARNOLD V	12
BLADES D	10
DUCKETT S	9
GOODRICK C	2
HUGILL D	1
IRETON D	6
SWIERS H	1
WINDASS R	1

SUBSTITUTES	
BROADBENT	1
GOODRICK C	1

EMPLOYMENT APPEALS	
	0
	0
	0
	0

North Yorkshire County Council Record of Attendance

SKIPTON & RIPON	POSS 03/04/2018 - 29/03/2019	ACT 03/04/2018 - 29/03/2019
ATKINSON M	4	4
BARRETT P	4	2
CHAMBERS M	4	3
HARRISON M	4	2
HESELTINE R G	4	4
IRETON D	4	2
LUMLEY S	4	4
MARTIN S	4	4
MULLIGAN P	4	3
QUINN G	4	3
SOLLOWAY A	4	4
WELCH R	4	4
WINDASS R	4	1

RICHMOND (YORKS)	POSS 03/04/2018 - 29/03/2019	ACT 03/04/2018 - 29/03/2019
BLACKIE J	5	1
BLADES D	5	5
DICKINSON C	5	5
GRANT H	5	2
GRIFFITHS B	5	4
HUGILL D	5	2
LES C	5	4
MOORHOUSE H	5	5
PARSONS S	5	0
SEDGWICK K	5	4
THOMPSON A	5	4
WEIGHELL J	5	4
WILKINSON A	5	5

HARROGATE & KNARESBOROUGH	POSS 03/04/2018 - 29/03/2019	ACT 03/04/2018 - 29/03/2019
BROADBANK P	4	4
CLARK J	4	4
COOPER R	4	4
ENNIS J	4	2
GOODE D	2	2
HARRISON M	4	4
HASLAM P	4	4
MACKENZIE D	4	4
MANN J	4	4
METCALFE Z	4	4
TROTTER C	4	3
WEBBER G	4	4
WILSON N	2	0
WINDASS R	4	4

THIRSK & MALTON	POSS 03/04/2018 - 29/03/2019	ACT 03/04/2018 - 29/03/2019
ARNOLD V	5	1
BAKER R	5	5
BURR L	5	5
DADD G	5	2
DUNCAN K	5	4
GOODRICK C	5	2
PATMORE C	5	4
SANDERSON J	5	5
SOWRAY P	5	0
SWIERS H	5	4
SWIERS R	5	4
WHITE G	5	4

SCARBOROUGH & WHITBY	POSS 03/04/2018 - 29/03/2019	ACT 03/04/2018 - 29/03/2019
BACKHOUSE A	4	1
BASTIMAN D	4	2
BROADBENT E	4	3
CHANCE D	4	4
COLLING L	4	3
JEFFELS D	4	1
JEFFERSON J	4	4
JENKINSON A	4	4
PEARSON Clive	4	4
PLANT J	4	4
RANDERSON T	4	3
SWIERS R	4	3
WALSH C	4	1

SELBY & AINSTY	POSS 03/04/2018 - 29/03/2019	ACT 03/04/2018 - 29/03/2019
ARTHUR K	4	2
DUCKETT S	4	4
HOBSON M	4	1
JORDAN M	4	3
LEE A	4	3
LUNN C	4	4
MACKAY D	4	3
McCARTNEY J	4	1
MUSGRAVE R	4	4
PARASKOS A	4	3
PEARSON Chris	4	4
TROTTER C	4	4

North Yorkshire County Council Record of Attendance

AUDIT COMMITTEE	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
ARTHUR K	5	5
ATKINSON M	5	5
BAKER R	5	3
CLARK J	5	5
HUGILL D	5	5
LUNN C	5	5
MACKAY D	5	3
WEBBER G	5	5

SUBSTITUTES	

North Yorkshire County Council Record of Attendance

CARE & INDEPENDENCE OVERVIEW & SCRUTINY	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
BROADBANK P	3	2
BROADBENT E	3	3
CHAMBERS M	3	3
ENNIS J	3	2
GOODRICK C	3	3
GRANT H	3	2
JEFFELS D	3	2
JENKINSON A	3	2
LUMLEY S	3	3
MANN J	3	0
MARTIN S	3	3
SEDGWICK K	3	1
WILSON N	1	0

SUBSTITUTES	
LUNN C	1
TROTTER C	2

North Yorkshire County Council Record of Attendance

CORPORATE & PARTNERSHIPS OVERVIEW & SCRUTINY	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
ARNOLD V	4	3
ATKINSON M	4	3
BASTIMAN D	4	3
GOODRICK C	4	2
GRIFFITHS B	4	3
MUSGRAVE R	4	2
PARASKOS A	4	3
PARSONS S	4	2
RANDERSON T	4	4
THOMPSON A	4	3
TROTTER C	4	4
WILKINSON A	4	4
WILSON N	1	0

SUBSTITUTES	
BROADBANK P	1

North Yorkshire County Council Record of Attendance

EXECUTIVE	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
CHANCE D	14	12
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	14
WHITE G	14	13

North Yorkshire County Council Record of Attendance

HEALTH & WELLBEING BOARD	POSS	ACT
	03/04/2018 29/03/2019	03/04/2018 29/03/2019
DICKINSON C	5	4
HARRISON M	5	5
SANDERSON J	5	5
QUINN G	3	3

North Yorkshire County Council Record of Attendance

PENSION BOARD	POSS	ACT
	03/04/2018 29/03/2019	03/04/2018 29/03/2019
JORDAN M	4	2

North Yorkshire County Council Record of Attendance

PENSION FUND	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
BLACKIE J	7	5
CHAMBERS M	7	6
LUNN C	7	6
MULLIGAN P	7	7
SOLLOWAY A	7	2
SWIERS H	7	7
THOMPSON A	7	4
WEIGHELL J	7	7

SUBSTITUTES	

North Yorkshire County Council Record of Attendance

PLANNING & REGULATORY FUNCTIONS	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
BLADES D	5	5
BROADBENT E	5	3
HESELTINE R	5	4
HUGILL D	5	3
JORDAN M	5	3
McCARTNEY J	5	4
METCALFE Z	5	4
MUSGRAVE R	5	4
PEARSON Chris	5	4
PEARSON Clive	5	5
SOWRAY P	5	5

SUBSTITUTES	

North Yorkshire County Council Record of Attendance

POLICE & CRIME PANEL	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
ARNOLD V	8	8
CHAMBERS M	8	7
HOBSON M	8	2
LES C	8	7

North Yorkshire County Council Record of Attendance

SCRUTINY OF HEALTH	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
ARNOLD V	6	4
BARRETT P	6	4
CLARK J	6	5
COLLING L	6	5
ENNIS J	6	2
HOBSON M	6	1
MANN J	6	4
METCALFE Z	6	5
MOORHOUSE H	6	4
PEARSON Chris	6	4
SOLLOWAY A	6	1
SWIERS R	6	2
WINDASS R	6	2

SUBSTITUTES	
TROTTER C	2

North Yorkshire County Council Record of Attendance

STANDARDS	POSS	ACT
	03/04/2018 29/03/2019	03/04/2018 29/03/2019
BLACKIE J	4	1
PARASKOS A	4	3
PATMORE C	4	4
SOWRAY P	4	4
TROTTER C	4	4

SUBSTITUTES	

North Yorkshire County Council Record of Attendance

TRANSPORT ECONOMY & ENVIRONMENT OVERVIEW & SCRUTINY	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
ATKINSON M	1	1
HASLAM P	4	3
HESELTINE R	4	4
JEFFELS D	4	3
JORDAN M	4	2
LUMLEY S	4	4
MACKAY D	4	3
McCARTNEY J	4	3
PARASKOS A	4	3
PATMORE C	4	3
PEARSON Clive	4	4
SWIERS R	4	3
WELCH R	4	3
ARTHUR K	3	3

SUBSTITUTES	
ENNIS J	1

North Yorkshire County Council Record of Attendance

YOUNG PEOPLE OVERVIEW & SCRUTINY	POSS 03/04/2018 29/03/2019	ACT 03/04/2018 29/03/2019
ARNOLD V	4	3
BURR L	4	2
DUCKETT S	4	2
DUNCAN K	4	3
HOBSON M	4	0
JEFFERSON J	4	4
LUNN C	4	4
MANN J	4	4
MARTIN S	4	3
METCALFE Z	4	4
PLANT J	4	0
QUINN G	4	4
WILKINSON A	4	3

SUBSTITUTES	
JEFFELS D	2

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

20 September 2019

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 COMMITTEE ON STANDARDS IN PUBLIC LIFE REVIEW – AI AND PUBLIC STANDARDS

- 3.1 The Committee on Standards in Public Life (CSPL) has recently launched a review on artificial intelligence and its impact on standards across the public sector, to examine “whether the existing frameworks and regulations are sufficient to ensure that high standards of conduct are upheld as technologically assisted decision-making is adopted more widely across the public sector”. More information can be found at:

<https://www.gov.uk/government/publications/ai-and-public-standards-terms-of-reference>

- 3.2 The CSPL intends to publish a report early next year.

4.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE ANNUAL REPORT 2018-19

- 4.1 The CSPL has recently published its Annual Report for 2018-19. The Report is published online at:

<https://www.gov.uk/government/publications/annual-report-2018-19>

and describes the work undertaken by the CSPL in relation to its priority areas during the period July 2018 – June 2019:

- Local government and ethical standards
- AI and public standards
- Intimidation in public life
- MP’s outside interests
- Bullying and harassment in Westminster

- 4.2 The CSPL confirms its vision “to reinforce clear expectations across public life of high standards of conduct”.

5.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT RE INTIMIDATION IN PUBLIC LIFE

5.1 The Standards Committee has previously been informed about the CSPL's report regarding Intimidation in Public Life, which is published at:

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

and which made a number of recommendations to government, social media companies, political parties, the police, broadcast and print media, MPs and Parliamentary candidates.

5.2 The CSPL has recently published correspondence from the Government in relation to the Committee's report:

<https://www.gov.uk/government/publications/intimidation-in-public-life-letter-from-the-minister-for-the-constitution>

which outlines the steps which have been taken in response to the report, including:

- laying a written Ministerial Statement to update Parliament on Government's progress in implementing the CSPL's recommendations since the Government's response was published in May 2018;
- undertaking a public consultation entitled 'Protecting the Debate: Intimidation, Influence and Information', seeking views on, amongst other matters, a proposed new electoral offence of intimidation of candidates and campaigners;
- holding discussions with the social media companies and the Electoral Commission;

5.3 Members will be kept informed of all 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 2019

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

20 September 2019

Complaints Update**1.0 PURPOSE OF REPORT**

- 1.1 To update the Committee regarding ethical framework complaint activity.

2.0 COMPLAINTS UPDATE**New complaints**

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

NYCC/SC/67, 68, 69, 71

This complaint arose in the context of the same complaint by different complainants about an alleged racist Facebook post by the subject Member. The complaint was assessed by the Monitoring Officer in consultation with the Independent Persons for Standards when it was concluded that the complaints should be dealt with by local settlement under informal resolution: namely that the subject Member should issue a formal apology, undergo suitable diversity training as directed by the Monitoring Officer and that the assessment record should be published on the Council website.

NYCC/SC/70

The Complainant alleged a lack of communication and attendance at parish council meetings by the subject Member and an allegation that the subject Member was not performing the role s/he was elected to undertake. 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/72

This complaint arose in the context of the Subject Member's communications with the Complainant and the Subject Member's alleged conduct whilst attending meetings of a Parish Council. An oral update regarding this matter will be given at the Committee's meeting.

Statistics

- 2.2 For the year 1 April 2019 to date, the Council has received six formal standards complaints. Four of those complaints were in relation to same subject Member and matter (see above) when it was concluded that the complaints should be dealt with by local settlement under informal resolution: namely that the subject Member should issue a formal apology, undergo suitable diversity training as directed by the Monitoring Officer and that the assessment record should be published on the Council website.
- 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

11 September 2019

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

20 September 2019

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 2018 to 31 March 2019.

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 2018 to 31 March 2019 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 2019

NORTH YORKSHIRE COUNTY COUNCIL

13 November 2019

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 2018 to 31 March 2019.

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 21 September 2018, 3 January 2019 and 8 March 2019. 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 2018 to 31 March 2019 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 report on 'The Continuing Importance of Ethical standards for Public Service Providers, its Annual Report 2017-18 and its review of Local Government Standards.
- (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.
- (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 2018/9 included training for Members at a Member seminar session re Predetermination and Social Media.
- (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 four complaints received that Members may have breached the Authority's Members' Code of Conduct. Of those four complaints, in three cases no action was required to be taken. The other case was dealt with under informal resolution whereby the Member further apologised and undertook diversity training.
- (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 2017 to 31 March 2018 was presented to full Council on 14 November 2018.

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 2019

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

20 September 2019

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. Members will see that the style has changed slightly to ensure that it complies with corporate guidelines re communications.

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

11 September 2019



Standards Bulletin

Introduction

This October edition of the Standards Bulletin sets out the latest developments in the national standards regime.

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:

- **Vacancy**
- **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
(stephen.loach@northyorks.gov.uk)

Moira Beighton

Senior Lawyer (Governance)
Tel: 01609 532458
(moira.beighton@northyorks.gov.uk)

In this issue:

- CSPL Review – AI and public standards
- CSPL Annual Report 2018-19
- CSPL Report re Intimidation in Public Life
- Members' expenses
- Interests' regime
- Sensitive Interests
- Bias, Predetermination, Predisposition
- Members' Gifts and Hospitality
- Complaint statistics
- Standards cases

CSPL Review – AI and public standards

The Committee on Standards in Public Life (CSPL) has recently launched a review on artificial intelligence and its impact on standards across the public sector, to examine “whether the existing frameworks and regulations are sufficient to ensure that high standards of conduct are upheld as technologically assisted decision-making is adopted more widely across the public sector”.

More information can be found at:

<https://www.gov.uk/government/publications/ai-and-public-standards-terms-of-reference>

The CSPL intends to publish a report early next year.

CSPL Annual Report 2018-19

The CSPL has recently published its Annual Report for 2018-19. The Report is published online at:

<https://www.gov.uk/government/publications/annual-report-2018-19>

and describes the work undertaken by the CSPL in relation to its priority areas during the period July 2018 – June 2019:

- Local government and ethical standards
- AI and public standards
- Intimidation in public life
- MP's outside interests
- Bullying and harassment in Westminster

The CSPL confirms its vision “to reinforce clear expectations across public life of high standards of conduct”.

CSPL Report re Intimidation in Public Life

The Standards Committee has previously considered the CSPL's report regarding

Intimidation in Public Life, which is published at:

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

and which made a number of recommendations to government, social media companies, political parties, the police, broadcast and print media, MPs and Parliamentary candidates.

The CSPL has recently published correspondence from the Government in relation to the Committee's report:

<https://www.gov.uk/government/publications/intimidation-in-public-life-letter-from-the-minister-for-the-constitution>

which outlines the steps which have been taken in response to the report, including:

- laying a written Ministerial Statement to update Parliament on Government's progress in implementing the CSPL's recommendations since the Government's response was published in May 2018;
- undertaking a public consultation entitled 'Protecting the Debate: Intimidation, Influence and Information', seeking views on, amongst other matters, a proposed new electoral offence of intimidation of candidates and campaigners;
- holding discussions with the social media companies and the Electoral Commission;

Members' Expenses

Members are reminded to include sufficient details in their expense claims and to submit them in a timely manner to avoid submitting multiple claims at the same time where possible.

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.

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.

Sensitive Interests

You do not need to register or declare the details of an interest which you and the Monitoring Officer have agreed is sensitive.

A "sensitive interest" is any interest (whether or not a disclosable pecuniary interest) where **disclosure of the details could lead to you, or a person connected with you, being subject to violence or intimidation.**

The existence of an interest must still be registered/declared but not any detail in relation to it.

Should you feel that any of your interests are sensitive given any prevailing circumstances, please contact the Monitoring Officer immediately to discuss.

Bias, Predetermination, Predisposition

Members involved in making a decision on particular business must always bear in mind the rules relating to **bias and predetermination** and must not participate in, or seek to influence, Council business where their interests may prejudice, or appear to prejudice, their views.

Predetermination occurs *where a fair minded and well informed observer, looking objectively at all the circumstances, considers there is a real risk that a decision maker has refused to consider a relevant argument or would refuse.*

Possible examples of bias or predetermination are:

- connection with someone affected by a decision;
- improper involvement of someone with an interest in the outcome;
- prior involvement in a matter;

- commenting before a decision is made.

However, the Localism Act 2011 makes it clear that a Member is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because they had previously done anything that directly or indirectly indicated what view they took, or would or might take, in relation to a matter; this would amount to **predisposition** to a view and is acceptable. This ensures that Members can freely discuss issues, including expressing a view and/or campaigning on an issue, and then later speak or vote on those issues.

Unless there is positive evidence of a closed mind, prior observations or apparent favouring of a particular decision is unlikely to suffice as predetermination

Members are entitled to have and express their own views, as long as they are prepared to reconsider their position in the light of all the evidence and arguments. They must not give the impression that their mind is closed.

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, for filing in the Register of Gifts and Hospitality, by completing the appropriate form and returning it to the Monitoring Officer.

The current ethical framework does not stipulate a financial threshold over which gifts and hospitality should be registered (previously, under the old regime, the threshold was £25). The Standards Committee is currently considering guidance to Members in this respect.

Should you have any queries in relation to the registration 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 2019 to date, the Council has received six formal standards complaints. Four of those complaints were in relation to same subject Member and matter and were dealt with together, when it was concluded that the complaints should be dealt with by local settlement under informal resolution: namely that the subject Member should issue a formal apology, undergo suitable diversity training as directed by the Monitoring Officer and that the assessment record should be published on the Council website.

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

Cases

The Local Government Lawyer reported on the following cases:

- A case where Facebook posts by a councillor calling for Theresa May to be hanged for treason, were the subject of a standards investigation. The councillor was held not to have breached the code of conduct as he was not acting in an official capacity when he made the statements.

The councillor was convicted of four offences under the Communications Act and sentenced to a six-month curfew between 7pm and 7am, which prevented him attending council meetings, so leaving him liable to disqualification for non-attendance. The councillor applied to the council for a dispensation to avoid this, which was refused by the council.

The councillor resigned.

- In another case, three councillors were found to have brought their authority into disrepute, after information about another councillor's affair with a staff member was leaked from the council's email system to a national newspaper.

One of the councillors was also found to have misled officers and was removed from the standards committee.

Two of the councillors were found to have intimidated and misled officers, and one was found to have bullied an officer, for which they received a censure.

It was not suggested that the subject Members had leaked the information but the standards committee was dissatisfied with their attitude towards the investigation.

In a separate standards hearing one of the councillors was found to have shouted at a member, gesticulated with his spectacles and acted "in such a manner as to cause alarm and distress to another member of the public" during a parish meeting.

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