

## Agenda

**Meeting: Standards Committee**

**Venue: Meeting Room 2, Ground Floor, 1  
Racecourse Lane, Northallerton, DL7  
8QZ**

**Date: Friday 6 March 2020 at 10am**

**PLEASE NOTE:** The Brierley Building (main County Hall building) is closed now until Autumn 2020. All Committee meetings will be held in either No. 1 or No. 3 Racecourse Lane, Northallerton, DL7 8QZ. Please note the venue above for the location of this meeting. Visitors please report to main reception which is located in No. 3 Racecourse Lane and you will be guided to the venue.

Recording is allowed at County Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted under the direction of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available to download below. Anyone wishing to record must contact, prior to the start of the meeting, the Officer whose details are at the foot of the first page of the Agenda. Any recording must be clearly visible to anyone at the meeting and be non-disruptive.  
<http://democracy.northyorks.gov.uk/>

### Business

1. Minutes of the Meeting held on 20 September 2019.
2. Declaration of Interests.

(Pages 4 to 7)

### 3. Public Questions or Statements.

Members of the public may ask questions or make statements at this meeting if they have given notice to Steve Loach (contact details below) by midday Monday 2 March 2020. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

### 4. Local Ethical Framework developments – Report of the Monitoring Officer.

(Pages 8 to 12)

### 5. Dispensations granted - Report of the Monitoring Officer.

(Pages 13 to 15)

### 6. Complaints update – Report of the Monitoring Officer.

(Pages 16 to 17)

### 7. Standards Bulletin – Report of the Monitoring Officer.

(Page 18 to 25)

### 8. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
Northallerton

February 2020

#### NOTES:

##### Emergency Procedures for Meetings

##### Fire

The fire evacuation alarm is a continuous Klaxon. On hearing this you should leave the building by the nearest safe fire exit. Once outside the building please proceed to the fire assembly point outside the main entrance

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

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

##### Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

# STANDARDS COMMITTEE

## 1. Membership

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

## 2. Substitute Members

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

Note:

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

## TERMS OF REFERENCE

As set out in Article 9.03 of the Constitution

## North Yorkshire County Council

### Standards Committee

Minutes of the meeting held on Friday 20 September 2019 at 10 am in County Hall, Northallerton.

#### **Present:-**

County Councillors Caroline Patmore (Chairman), Andy Paraskos, Peter Sowray and Cliff Trotter, together with

#### **Apologies:-**

Apologies for absence were submitted by Independent Persons for Standards Hilary Gilbertson MBE and Louise Holroyd.

There were two members of the public in attendance.

The Chair referred to the death of serving Standards Committee member, County Councillor John Blackie, who had passed away since the last meeting of the Committee. Members stood in silence in tribute to his service to the Committee.

---

**Copies of all documents considered are in the Minute Book**

---

#### **40. Minutes**

##### **Resolved -**

That the Minutes of the meeting held on 8 March 2019, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

#### **41. Declarations of Interest**

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

#### **42. Public Questions or Statements**

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

#### **43. Members' Attendance monitoring**

##### **Considered -**

The report of the Monitoring Officer outlining 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.

The Monitoring Officer outlined that the report provided attendance details for County Councillors in respect of County Council meetings only, and did not account for other meetings outside of the County Council's remit. He noted that in the case of low attendance, previously lower than 60%, Members were contacted with a view to them

providing any mitigating details for this and requesting that some of their allowance be returned, should the mitigation be unacceptable. It was emphasised that there were often genuine reasons behind non-attendance, and these were fully taken account of.

It was explained that the figures were derived from the official attendance sheet circulated at meetings, therefore, it was imperative that Members ensured that they signed this. It was suggested that a separate section be provided on the attendance sheet for Members acting as substitutes.

Members noted that there were some discrepancies with the figures in the published report, therefore, it was suggested that the details be circulated to all Members to allow them to check for accuracy.

**RESOLVED:-**

- (i) That the details provided be noted;
- (ii) That the figures be circulated to all Members to allow them to check for accuracy;
- (iii) That the report be circulated to Group Leaders for information;
- (iv) That the Monitoring Officer undertake the action outlined above, when the figures had been verified and mitigating circumstances had been taken account of, for those members with less than 60% attendance.

**44. 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 Monitoring Officer noted that there had been little development on the Committee on Standards in Public Life's (CSPL) Review of Local Government Standards since the Standards Committee had last met, with correspondence currently with Government in relation to that.

The report also provided a summary of the following, with links to the full reports provided:-

- Committee on Standards in Public Life Review – Artificial Intelligence and Public Standards
- Committee on Standards in Public Life – Annual Report 2018-19
- Committee on Standards in Public Life – Report re Intimidation in Public life

**Resolved -**

That the contents of the report be noted.

**45. Complaints Update**

Considered -

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

It was noted that there had been six new complaints received since the last complaints update report to the Committee in March 2019.

Details of the complaints were provided including the results of the assessments undertaken. It was noted that four of the complaints had arisen from the same issue, relating to a post on social media, with an allegation of this being of a racist nature. The complaint was dealt with via informal resolution, with the Member issuing a formal apology and undertaking suitable diversity training. The assessment record was published on the Council's website.

A discussion took place on the use of social media by Members and it was noted that numerous briefings had been provided in relation to this. It was noted that, on occasions, Members may not be aware that the phrases they are using could cause offence, or that they were inadvertently sharing material that could be considered to be offensive. The Monitoring Officer recognised this position, and while he considered that Members would become more aware of this, and act accordingly, as the use of social media became more prevalent, he would continue to provide appropriate training and advice. One option would be for Members to undertake the Council's on-line equality and diversity training.

The issue of private social media accounts, and their usage by County Councillors, was discussed and the Monitoring Officer emphasised that it was difficult to distinguish between comments made in a public and private capacity, particularly when the position of Members was known within the local community. He noted that it was being recommended by the CSPL that statements by Members on publically accessible social media should be presumed to be made in their official capacity, however, this had yet to be formally introduced.

It was noted that Members could not be held accountable for comments made on their social media accounts from outside sources, however, if possible, they should remove posts that had attracted offensive comments as soon as possible.

**Resolved -**

- (i) That the current position on complaints received be noted;
- (ii) That training on the use of social media, coupled with equality and diversity training, continue to be developed and delivered to Members.

**46. Annual Report of the Standards Committee**

Considered –

The report of the Monitoring Officer presenting Members with a draft copy of the Annual Report of the Standards Committee, for the period 1 April 2018 to 31 March 2019, for comments and any suggested amendments.

It was noted that, in line with previous recommendations from the Committee, the Annual Report had been kept as brief as possible.

The following amendments were suggested:-

Paragraph 3.1 – the numbering of items be altered to run from (i) to (viii)

Paragraph 3.1 (i) be altered as follows:-

(i) **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
- A role in relation to issues raised by, or in relation to, persistent and/or vexatious complainants.

The Monitoring Officer outlined the role now being undertaken by NYCC staff in relation to the development and implementation of the standards regime at Ryedale District Council.

RESOLVED –

That, subject to the amendments outlined, the Annual Report 2018-19 be approved and submitted to a forthcoming meeting of the County Council.

#### **47. 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. The Committee was requested to consider whether any alterations were required to the bulletin before this was circulated.

The Monitoring Officer noted that the Bulletin was utilised nationally by many other local authorities, highlighting the pro-active work undertaken by NYCC on standards.

The Monitoring Officer emphasised the importance of the standards regime during this time of national disaffection with politics and politicians. He stressed the importance of maintaining high ethical standards within the County Council as the public often did not differentiate between national and local politics, resulting in difficulties for local elected Members.

**Resolved -**

That the Bulletin be approved for circulation.

The meeting concluded at 10.30 am.

SL

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

6 March 2020

**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 NEW MODEL CODE OF CONDUCT FOR MEMBERS**

- 3.1 The Committee has previously considered updates regarding the Committee on Standards in Public Life (CSPL) review of local government standards. The CSPL published its extensive Report on 30 January 2019:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

- 3.2 The Report recognised that the vast majority of those serving in public office maintain high standards of conduct and that where there is misconduct, most cases relate to bullying/ harassment/disruptive behaviour and there can be persistent or repeated misconduct. The Report made a number of recommendations (26), which are 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.

- 3.3 The following issues regarding the members' code of conduct were included in the key and best practice recommendations in the Report:

- a) That the Local Government Association (LGA) should create an updated national model code of conduct for local authorities (to adopt on a voluntary basis) to increase consistency and quality of local authority codes and avoid the potential for confusion amongst multi-hatted councillors. Local authorities should be able to adapt the model code to suit their local circumstances.
- b) The scope of the new code should be wider and include a rebuttable presumption that a Member's public behaviour (including statements on publicly accessible social media) is made in their official capacity. Private behaviour in a personal capacity should remain outside the scope of the code.
- c) The model code should clarify that the code applies to a member when s/he claims to act or gives the impression they are acting, in their capacity as a member or as a representative of the authority.



- d) There is a need for greater transparency regarding the registration and declaration of interests, gifts and hospitality, especially given the increasing complexities of local government governance and decision making.
- i. Important non-pecuniary interests should be required to be registered in the Register of Members' Interests, such as:
    - unpaid directorships, trusteeships;
    - management roles in a charity or a body of a public nature;
    - membership of organisations which seek to influence opinion or policy; and
    - gifts and hospitality. The CSPL report recommends that the model code should provide that Members should register gifts/hospitality received over £50 or totalling £100 over a year from a single source in a Register of Members' Gifts and Hospitality.
  - ii. The rules on declaring and managing interests should be subject to a more demanding, objective test, separate to registration requirements, in line with the categories of personal and prejudicial interests under the previous regime under the Local Government Act 2000.
  - iii. The model code should provide that *"...a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision-making in relation to that matter."*

#### Best Practice recommendations

- e) Codes should include:
- i. specific prohibitions on bullying and harassment, along with definitions and examples of such behaviour;
  - ii. specific provision requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.
- f) Authorities should review their code each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities

- 3.4 The LGA has now commenced reviewing the Code, ahead of the government's response to the Report recommendations, as part of a wider programme of work on civility in public life. Further information about this work is published on the LGA website:

<https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-and-review-model-code-conduct>

<https://www.local.gov.uk/sites/default/files/documents/191003%20public%20document%20on%20civility%20in%20public%20life%20%28Autosaved%29.pdf>

including details of how the LGA is reviewing the code, who is being consulted and the likely timescale for producing a new model code of conduct.

3.5 The LGA anticipates the new draft model code of conduct being published for consultation during March 2020, with consultation closing towards the end of April. The LGA intends to launch the new model Code at its conference on 30 June 2020.

3.6 Members will be kept informed of developments.

#### **4.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE REVIEW – OPEN LETTER TO PUBLIC OFFICE HOLDERS**

4.1 The Committee on Standards in Public Life (CSPL) has published an open letter to all public office holders on the importance of implementing the Nolan Principles and generally upholding public standards. More information can be found at:

[https://www.gov.uk/government/news/open-letter-from-the-committee-on-standards-in-public-life-to-all-public-office-holders?gator\\_td=UKQILDAQOOoqrfG8OI3npelVr4u9cCRwqJA69hHc6m19s77Rdkv5YCRkGmKh%2bYni1ddMTniEJvUZuH32eDOaPV0JoPh%2fCSrDge%2bb%2bkLcnmScUgagkb4%2bjRSjst2qASYa3I26tRmVtKFAB4NtiGecRGU4kBTS7Isb1CX6OfhIJM7YjGO28WDB8xZ5XZLXMwLGNXangJm0i2tRY9j07JfCT75v4dzd2ynv86Sa2jmbag%3d](https://www.gov.uk/government/news/open-letter-from-the-committee-on-standards-in-public-life-to-all-public-office-holders?gator_td=UKQILDAQOOoqrfG8OI3npelVr4u9cCRwqJA69hHc6m19s77Rdkv5YCRkGmKh%2bYni1ddMTniEJvUZuH32eDOaPV0JoPh%2fCSrDge%2bb%2bkLcnmScUgagkb4%2bjRSjst2qASYa3I26tRmVtKFAB4NtiGecRGU4kBTS7Isb1CX6OfhIJM7YjGO28WDB8xZ5XZLXMwLGNXangJm0i2tRY9j07JfCT75v4dzd2ynv86Sa2jmbag%3d)

#### **5.0 PRINCIPLES OF PUBLIC LIFE**

5.1 To mark its 25th anniversary, the CSPL has made some short films with its Committee members talking about the General Principles of Public Life and what they mean in practice:

<https://www.youtube.com/channel/UCLO4xn0gFY8rx2an6GM112Q>

[https://www.gov.uk/government/news/the-principles-of-public-life-25-years?gator\\_td=qPhmvQ75o%2fjrPhQS1HbX1vhlqmuJAWDrHmAABqx3jfsdmCTBgaKuvbA1I18DkslhBK48RxdI0xlyWkocdQGzeqtsnthcT3jeiiyWrluGnoQSa%2bnliOWLlSrT5ZmLZanNPXu0RBniA6GrP9fgOpU7H66evy7OHOM%2bhho62grCvtBdMWvgjpIFJ1wc3Z9mmb8BX5oWq5jlfzzxdFLorsuo14WpMA9andCaHJRuHQChw%3d](https://www.gov.uk/government/news/the-principles-of-public-life-25-years?gator_td=qPhmvQ75o%2fjrPhQS1HbX1vhlqmuJAWDrHmAABqx3jfsdmCTBgaKuvbA1I18DkslhBK48RxdI0xlyWkocdQGzeqtsnthcT3jeiiyWrluGnoQSa%2bnliOWLlSrT5ZmLZanNPXu0RBniA6GrP9fgOpU7H66evy7OHOM%2bhho62grCvtBdMWvgjpIFJ1wc3Z9mmb8BX5oWq5jlfzzxdFLorsuo14WpMA9andCaHJRuHQChw%3d)

5.2 The links will be included in the Standards Bulletin.

5.3 The CSPL has emphasised on its website that the Nolan principles and the rules that flow from them are a matter of personal responsibility for all:

<https://cspl.blog.gov.uk/2019/12/18/the-nolan-principles-are-a-matter-of-personal-responsibility-for-mps/>

#### **6.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE - INTIMIDATION IN PUBLIC LIFE**

6.1 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.

- 6.2 In the context of its work regarding intimidation in public life, the CSPL has recently undertaken a review of political parties' (holding seats in Parliament) codes of conduct. More information is available online at:

<https://www.gov.uk/government/publications/intimidation-in-public-life-review-of-political-parties-codes-of-conduct>

## 7.0 **COUNCILLORS' GUIDE TO HANDLING INTIMIDATION**

- 7.1 The LGA has published its "Councillors' guide to handling intimidation":

<https://www.local.gov.uk/councillors-guide-handling-intimidation>

defining, for the purposes of the Guide, public intimidation as "words and/or behaviour intended or likely to block or deter participation in public debate, which could lead to an individual wanting to withdraw from public life".

- 7.2 The Guide suggests some steps that councillors and authorities can undertake to protect councillors as people in a public position and how to respond should an incident occur.
- 7.3 The LGA states that it is planning further guidance for authorities on "supporting councillors and will continue to work with national government and other agencies to address the issue of public intimidation and its impact on local democracy."

## 8.0 **CABINET OFFICE CODE OF CONDUCT FOR BOARD MEMBERS OF PUBLIC BODIES**

- 8.1 The Cabinet Office has published its Code of Conduct for Board Members of Public Bodies, which replaces the earlier version published in 2011. The latest Code and further information is published online:

[https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies?gator\\_td=k09HKXI%2fTGwDLZl1xxlvXmBylCtavMZagplYqqBJVg95yc7J%2bFa9eV0y34ONw88fOCRRuqp7oE0ku0w%2fAqidJNjZb%2fQkeMjRmDCFXR%2fLNOAD3Qh8UrPzDc8Mk7HBHln7lq3O1GbGsLV3GX%2bn1uXW6UbeSX9TWaxRfvMITbr0ujqjGjp8AWtteFlkVMn31oDgYlkiRa2PLAnSq5XxIP08txljp3%2fyfUakz35dHySsNc%3d](https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies?gator_td=k09HKXI%2fTGwDLZl1xxlvXmBylCtavMZagplYqqBJVg95yc7J%2bFa9eV0y34ONw88fOCRRuqp7oE0ku0w%2fAqidJNjZb%2fQkeMjRmDCFXR%2fLNOAD3Qh8UrPzDc8Mk7HBHln7lq3O1GbGsLV3GX%2bn1uXW6UbeSX9TWaxRfvMITbr0ujqjGjp8AWtteFlkVMn31oDgYlkiRa2PLAnSq5XxIP08txljp3%2fyfUakz35dHySsNc%3d)

- 8.2 The Code sets out the personal and professional standards expected from those who serve on the boards of UK government departments, non-ministerial departments, executive agencies, non-departmental public bodies, and national public corporations.
- 8.3 The 2019 Code includes provisions regarding:
- bullying, harassment or other discriminatory behaviour;
  - a requirement for the board member to notify the sponsor department of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director;
  - the promotion of diversity and inclusivity within their organisation;
  - the Principles of Public Life;
  - Members' Interests;
  - conflicts of interest;

- responsibilities as a Board Member;
- responsibilities towards employees;
- the use of social media;
- raising concerns.

## **9.0 CSPL ARTIFICIAL INTELLIGENCE AND PUBLIC STANDARDS**

- 9.1 The CSPL has published its report on artificial intelligence and its impact on public standards.

<https://www.gov.uk/government/news/artificial-intelligence-and-public-standards-committee-publishes-report>

to ensure that high standards of conduct are upheld as technologically assisted decision making is adopted more widely across the public sector.

- 9.2 The report highlights that clear standards of conduct and greater transparency will enable the public sector to reap the benefits of Artificial Intelligence (AI) and that government and regulators must establish a coherent regulatory framework that sets clear legal boundaries on how AI should be used in the public sector.

## **10.0 CONCLUSION**

- 10.1 Members will be kept informed of all developments.

## **11.0 RECOMMENDATIONS**

- 11.1 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

25 February 2020

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

6 March 2020

**Dispensations Granted****1.0 PURPOSE OF REPORT**

- 1.1 To inform the Committee about dispensations granted to County Councillors by the Monitoring Officer under delegated powers.
- 1.2 To ask the Committee to formally consider the dispensation granted to County Councillor Harrison for future meetings.

**2.0 BACKGROUND**

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

**3.0 DISPENSATIONS GRANTED BY MONITORING OFFICER****County Councillor Arthur**

- 3.1 On 23 October 2019, a dispensation was granted by the Monitoring Officer, under delegated powers, to County Councillor Karl Arthur, to enable him to speak, vote and be included within the quorum at meetings of the Transport, Economy and Environment Overview and Scrutiny Committee when the Committee is considering business relating to Passenger Rail Updates, until the date of the next local government elections in 2021.
- 3.2 The matter could not await the next scheduled meeting of the Standards Committee as there was an item on the agenda of the Transport, Economy and Environment Overview and Scrutiny Committee's meeting the following day, 24 October 2019, regarding the Passenger Rail Updates, which updated the Committee on rail developments (including national reviews) and forthcoming changes for North Yorkshire, along with an overview of the rail industry. The Committee was being asked to note the update and was not being asked to take any decisions.
- 3.3 Councillor Arthur has a disclosable pecuniary interest (DPI) in items relating to the Passenger Rail Update as his employer, Network Rail, is registered as a DPI on his

interests form (along with his role as a level crossing keeper) and was mentioned in the relevant report; there was also the possibility of a perception that Councillor Arthur's place of employment was referenced. He would therefore have needed to declare the interest at the start of the item and leave the room, in the absence of any dispensation.

- 3.4 The Monitoring Officer did not consider that Councillor Arthur's participation would be likely to give rise to any risk of bias/predetermination or the appearance of such as the Overview and Scrutiny Committee was only being updated on the issues and was not taking any decisions; it was therefore unlikely that a reasonable person would feel there was such a risk
- 3.5 After consultation with the available members of the Standards Committee and Independent Persons, the Monitoring Officer granted the dispensation to enable Councillor Arthur to fully participate in the agenda item as the dispensation was in the interests of persons living in the authority's area, the public interest may favour his participation and it was appropriate to grant the dispensation. The dispensation will last until the date of the local government elections in 2021.

### **County Councillor Harrison**

- 3.6 On 18 February 2020, a dispensation was granted by the Monitoring Officer, under delegated powers, to County Councillor Michael Harrison, to enable him to speak, vote and be included within the quorum at meetings of the Council, Executive and committees when they are considering business relating to Treasury Management, until the date of the next local government elections in 2021.
- 3.7 Councillor Harrison had made the following written application to the Monitoring Officer:

*From time to time executive and council meetings include Treasury Management reports detailing loans and lending limits with financial institutions that the Council operates. Occasionally they will include loans and limits with companies that form part of Lloyds Banking Group (e.g. Bank of Scotland, Halifax, Lloyds). My role with Lloyds is as a Cyber Security manager within the Chief Security Office (that is, the part of the bank that governs information, cyber and physical security part of the bank). I have no connections with any part of the Group that deals with any form of lending or treasury functions.*

*Whilst the link between my full time employment and some of the finer details within our own treasury management reports is tenuous, in the interests of transparency I would like to formally request a dispensation to vote on Treasury management items.*

The matter could not await the next scheduled meeting of the Standards Committee as there was an item on the agenda of the County Council's meeting the following day, 19 February 2020, regarding the approval of the Council's Treasury Management Strategy 2020/21. The Strategy concerns investing large sums of money in banks, some of which will be owned by Lloyds Banking Group.

- 3.8 Councillor Harrison has registered in his registration of interests form that he is employed by Lloyds Banking Group. This is therefore a disclosable pecuniary interest (DPI) for him. He would therefore have needed to declare the interest at the start of the item and leave the room, in the absence of any dispensation.
- 3.9 After consultation with the available members of the Standards Committee and Independent Persons, the Monitoring Officer granted the dispensation to enable

Councillor Harrison to fully participate in the agenda item as the dispensation was in the interests of persons living in the authority's area and it was appropriate to grant the dispensation. The treasury management process is controlled by professional officers and Members do not influence how much is put into each bank, therefore Councillor Harrison would gain no financial interest in participating in approving the Treasury Management Strategy. The dispensation will last until the date of the local government elections in 2021.

3.10 Whilst the Monitoring Officer was liaising with the available Standards Committee Members and Independent Persons, a request was made for this dispensation to be considered in more detail and that the dispensation be reviewed at the next meeting of the Standards Committee.

3.11 The Committee is therefore requested to review and determine the dispensation requested by Councillor Harrison.

#### **4.0 CONCLUSION**

4.1 Members are asked to note the dispensations granted by the Monitoring Officer under his delegated powers and to review and determine the dispensation requested by and granted to Councillor Harrison.

#### **5.0 RECOMMENDATIONS**

5.1 That the Committee notes the dispensations granted by the Monitoring Officer under delegated powers.

5.2 That the Committee reviews and determines the dispensation requested by Councillor Harrison.

BARRY KHAN

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

#### **Background Papers:**

None

County Hall  
NORTHALLERTON

26 February 2020

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

6 March 2020

**Complaints Update****1.0 PURPOSE OF REPORT**

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

**2.0 BACKGROUND**

- 2.1 A standing report regarding complaint activity under the ethical framework is brought to each meeting of the Standards Committee.

**3.0 NEW COMPLAINTS**

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

**NYCC/SC/73**

The complaint arose in the context of communications between the Complainant and the Subject Member regarding concerns the Complainant had raised with the County Council's Highways directorate and subsequently with the Subject Member regarding the impact of certain road closures and diversions and the manner of their implementation. The complaint was assessed by the Monitoring Officer in consultation with the Independent Persons for Standards when it was concluded that no action should be taken in relation to the complaint.

**NYCC/SC/74 & 75**

Two complaints against a county councillor by different complainants re the same matter have been intimated to the Monitoring Officer. An oral update will be given to the Committee.

**4.0 STATISTICS**

- 4.1 For the year 1 April 2019 to date, the Council has received seven formal standards complaints and two intimated complaints (see above).
- 4.2 Four of the formal complaints were in relation to same subject Member and matter 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. No action was required to be taken in relation to the other formal complaints.
- 4.3 Members will be kept informed of developments.



## **5.0 RECOMMENDATIONS**

5.1 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

26 February 2020

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

6 March 2020

**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

26 February 2020



## Introduction

# Standards Bulletin

This 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.

## The Standards Committee

The Members of the Standards Committee:

- County Councillor Andy Paraskos
- County Councillor Stuart Parsons
- County Councillor Caroline Patmore
- County Councillor Peter Sowray MBE
- 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

## Caroline Patmore Chair of the Standards Committee

### In this issue:

- New model Code of Conduct
- Committee on Standards in Public Life Review – Open Letter to Public Office Holders
- General Principles of Public Life
- Committee on Standards in Public Life - Intimidation in Public Life
- Councillors' Guide to Handling Intimidation
- Cabinet Office Code of Conduct for Board Members of Public Bodies
- CSPL Artificial Intelligence and Public Standards
- Members' expenses
- Members' attendance
- Interests' regime
- Sensitive Interests
- Bias, Predetermination, Predisposition
- Members' Gifts and Hospitality
- Complaint statistics
- Standards cases

**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](mailto:barry.khan@northyorks.gov.uk))

### Stephen Loach

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

### Moiria Beighton

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

## New model Code of Conduct

The Committee on Standards in Public Life (CSPL) published its Review of local government standards on 30 January 2019:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

The CSPL, as part of the review, made a number of recommendations regarding a new national model code of conduct for members. It recommended that the Local Government Association (LGA) should create an updated national model code of conduct for local authorities (to adopt on a voluntary basis) to increase consistency and quality of local authority codes and avoid the potential for confusion amongst multi-hatted councillors. Local authorities should be able to adapt the model code to suit their local circumstances.

The LGA has now commenced reviewing the Code, ahead of the government's response to the Review recommendations, as part of a wider programme of work on civility in public life. Further information about this work is published on the LGA website:

<https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-and-review-model-code-conduct>

<https://www.local.gov.uk/sites/default/files/documents/191003%20public%20document%20on%20civility%20in%20public%20life%20%28Autosaved%29.pdf>

including details of how the LGA is reviewing the code, who is being consulted and the likely timescale for producing a new model code of conduct.

The LGA anticipates the new draft model code of conduct being published for consultation during March 2020, with consultation closing towards the end of April. The LGA intends to launch the new model Code at its conference on 30 June 2020.

Members will be kept informed of developments.

## Committee on Standards in Public Life Review – Open Letter to Public Office Holders

The CSPL has published an open letter to all public office holders on the importance of implementing the Nolan Principles and generally upholding public standards. More information can be found at:

[https://www.gov.uk/government/news/open-letter-from-the-committee-on-standards-in-public-life-to-all-public-office-holders?gator\\_td=UKQiLDAQOOoqrfG8OI3npeIv4u9cCRwqJA69hHc6m19s77Rdkv5YCRkGmKh%2bYni1ddMTniEJvUZuH32eDOaPV0JoPh%2fCSrDge%2bb%2bkLcnmScUqagekb4%2bJRSjst2qASYa3l26tRmVtKFAB4NtiGecRGU4kBTs7l5b1CX6OfhIJM7YjGO28WDB8xZ5XZLXMwLGnXangJm0i2tRY9j07JfCT75v4dzd2ynv86Sa2jmbag%3d](https://www.gov.uk/government/news/open-letter-from-the-committee-on-standards-in-public-life-to-all-public-office-holders?gator_td=UKQiLDAQOOoqrfG8OI3npeIv4u9cCRwqJA69hHc6m19s77Rdkv5YCRkGmKh%2bYni1ddMTniEJvUZuH32eDOaPV0JoPh%2fCSrDge%2bb%2bkLcnmScUqagekb4%2bJRSjst2qASYa3l26tRmVtKFAB4NtiGecRGU4kBTs7l5b1CX6OfhIJM7YjGO28WDB8xZ5XZLXMwLGnXangJm0i2tRY9j07JfCT75v4dzd2ynv86Sa2jmbag%3d)

## General Principles of Public Life

To mark its 25th anniversary, the CSPL has made some short films with its Committee members talking about the General Principles of Public Life and what they mean in practice:

<https://www.youtube.com/channel/UCL04xn0gFY8rx2an6GM112Q>

[https://www.gov.uk/government/news/the-principles-of-public-life-25-years?gator\\_td=qPhmvQ75o%2fjrPhQS1HbX1vhlqmuJAWDrHmAABqx3jfsdmCTBgaKuvbA1lI8DkslhBK48RxdI0xlyWkocdQGzeqtsnthcT3jeiiyWrluGnoQSa%2bnliOWLsrT5ZmLZanNPXu0RBniA6GrP9fgOpU7H66evy7OHOM%2bhho62grCvtBdMWvgjplFJ1wc3Z9mmb8BX5oWq5ljlffzxdFLorsuo14WpMA9andCaHJRuHQChw%3d](https://www.gov.uk/government/news/the-principles-of-public-life-25-years?gator_td=qPhmvQ75o%2fjrPhQS1HbX1vhlqmuJAWDrHmAABqx3jfsdmCTBgaKuvbA1lI8DkslhBK48RxdI0xlyWkocdQGzeqtsnthcT3jeiiyWrluGnoQSa%2bnliOWLsrT5ZmLZanNPXu0RBniA6GrP9fgOpU7H66evy7OHOM%2bhho62grCvtBdMWvgjplFJ1wc3Z9mmb8BX5oWq5ljlffzxdFLorsuo14WpMA9andCaHJRuHQChw%3d)

The CSPL has emphasised on its website that the Nolan principles and the rules that flow from them are a matter of personal responsibility for all:

<https://cspl.blog.gov.uk/2019/12/18/the-nolan-principles-are-a-matter-of-personal-responsibility-for-mps/>

## Committee on Standards in Public Life - Intimidation in Public Life

Members have 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.

In the context of its work regarding intimidation in public life, the CSPL has recently undertaken a review of political parties' (holding seats in Parliament) codes of conduct. More information is available online at:

<https://www.gov.uk/government/publications/intimidation-in-public-life-review-of-political-parties-codes-of-conduct>

## Councillors' Guide to Handling Intimidation

The LGA has published its "Councillors' guide to handling intimidation":

<https://www.local.gov.uk/councillors-guide-handling-intimidation>

defining, for the purposes of the Guide, public intimidation as "words and/or behaviour intended or likely to block or deter participation in public debate, which could lead to an individual wanting to withdraw from public life".

The Guide suggests some steps that councillors and authorities can undertake to protect councillors as people in a public position and how to respond should an incident occur.

The LGA states that it is planning further guidance for authorities on "supporting councillors and will continue to work with national government and other agencies to address the issue of public intimidation and its impact on local democracy."

## Cabinet Office Code of Conduct for Board Members of Public Bodies

The Cabinet Office has published its Code of Conduct for Board Members of Public Bodies, which replaces the earlier version published in 2011. The latest Code and further information is published online:

<https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies?gator%20td=k09HKXl%20fTGwDLZl1xxlvXmBylCtavMZagplYqqBJVg95yc7J%20bFa9eV0y34ONw88fOCRRugp7oE0ku0w%20fAgidJNiZb%20fQkeMjRmDCFXR%20fLNOAD3Qh8UrPzDc8Mk7HBHln7lq3O1GbGsLV3GX%20bn1uXW6UbeSX9TWaxRfvMITbr0ujqjGjp8AWtteFlkVMn31oDgYlkiRa2PLAnSq5XxIP08txljwp3%20fYfUakz35dHySsNc%3d>

The Code sets out the personal and professional standards expected from those who serve on the boards of UK government departments, non-ministerial departments, executive agencies, non-departmental public bodies, and national public corporations.

The 2019 Code includes provisions regarding:

- bullying, harassment or other discriminatory behaviour;
- a requirement for the board member to notify the sponsor department of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director;
- the promotion of diversity and inclusivity within their organisation;
- the Principles of Public Life;
- Members' Interests;
- conflicts of interest;
- responsibilities as a Board Member;
- responsibilities towards employees;
- the use of social media;
- raising concerns.

## CSPL Artificial Intelligence and Public Standards

The CSPL has published its report on artificial intelligence and its impact on public standards.

<https://www.gov.uk/government/news/artificial-intelligence-and-public-standards-committee-publishes-report>

to ensure that high standards of conduct are upheld as technologically assisted decision making is adopted more widely across the public sector.

The report highlights that clear standards of conduct and greater transparency will enable the public sector to reap the benefits of Artificial Intelligence (AI) and that government and regulators must establish a coherent regulatory framework that sets clear legal boundaries on how AI should be used in the public sector

## 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.

Members should have regard to the current **Scheme of Approved Duties** and the **Protocol on Members' Attendance at Conferences** published in Part 6 of the Constitution:

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

## Members' Attendance

Members are reminded to sign the attendance sheet at meetings, as the sheets are used in compiling the statistics regarding Members' attendance at meetings, which are considered by the Standards Committee.

## 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 seven formal standards complaints and two intimated complaints.

Four of the formal complaints were in relation to same subject Member and matter 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. No action was required to be taken in relation to the other formal complaints.

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 councillor was removed from office for using a bogus signature on his nomination paper for election. The councillor was ordered to pay more than £3,500 in fines and costs and banned from public office for five years by local magistrates.
- A solicitor and former councillor was sentenced to 16 months' imprisonment after being found guilty of housing fraud, after making numerous applications for social housing and false declarations.
- A Welsh councillor was suspended for four months for code of conduct breaches arising out of a dispute over statements made by the councillor about the council's children's services. It was found that the councillor had failed to show respect, used bullying behaviour and had brought the authority into disrepute.
- A former leader of a Welsh council was suspended after helping his personal assistant at interview by providing her with the interview questions beforehand. He was found to have breached the code by using or attempting to use his position to improperly secure an advantage for a third party. He also breached the code by sending and/or encouraging his assistant to send



inappropriate messages, including of a sexual nature, during office hours. He was suspended for three months.

**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](http://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life)

Information published on [www.gov.uk](http://www.gov.uk)

Local Government Lawyer case reports