

## Agenda

**Meeting: Standards Committee**

**Venue: Remote meeting**

**Date: Friday 18 September 2020 at 10am**

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held using video conferencing.

The live broadcast of this meeting will start when the meeting commences. Members of the press and public who would like to view it can do so via the County Council's website. For help and support in accessing the meeting, please contact the Democracy Officer responsible for the meeting (see contact details below).

### Business

1. **Welcome and Introductions**
2. **Minutes of the Meeting held on 6 March 2020**  
(Not yet available)
3. **Declaration of Interests**
4. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice to Ruth Gladstone (contact details below) by midday Tuesday 15 September 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.

5. **Local Ethical Framework Developments** – Report of the Monitoring Officer  
(Pages 4 to 11)
6. **Complaints Update** – Report of the Monitoring Officer  
(Pages 12 to 13)
7. **Standards Bulletin** – Report of the Monitoring Officer  
(Page 14 to 19)
8. **Annual Report of Standards Committee** – Report of the Monitoring Officer  
(Page 20 to 23)
9. **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

September 2020

**For all enquiries relating to this agenda, or to register to speak at the meeting, please contact Ruth Gladstone by e-mail at: [ruth.gladstone@northyorks.gov.uk](mailto:ruth.gladstone@northyorks.gov.uk)**

# STANDARDS COMMITTEE

## 1. Membership

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

## 2. Substitute Members

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

Note:

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

## TERMS OF REFERENCE

As set out in Article 9.03 of the Constitution

# STANDARDS COMMITTEE

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| <b>3</b>              |                          | <b>3</b>                |                          |
| <b>4</b>              |                          | <b>4</b>                |                          |
| <b>5</b>              |                          | <b>5</b>                |                          |

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## TERMS OF REFERENCE

As set out in Article 9.03 of the Constitution

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

18 September 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 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.

- 3.3 The LGA reviewed 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; and a new draft model code of conduct was published for consultation (<https://www.local.gov.uk/code-conduct-consultation-2020>), with consultation closing on 17 August 2020.

- 3.4 After liaison with the Chair of the Standards Committee, a response was sent on behalf of the authority to the consultation. A copy of the response is attached at **Appendix 1** to this report.

- 3.5 Members will be kept informed of developments.

**4.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE BLOGS DURING PANDEMIC**

- 4.1 The CSPL has published a series of blogs on its website, whilst "maintaining a close watch on standards issues arising as a result of the Covid-19 pandemic":

<https://cspl.blog.gov.uk/2020/07/20/principles-in-practice/>

<https://cspl.blog.gov.uk/2020/08/07/do-exceptional-times-allow-for-exceptional-measures/>

<https://cspl.blog.gov.uk/2020/05/04/ethical-standards-in-a-time-of-crisis/>

<https://cspl.blog.gov.uk/2020/06/15/building-equality-into-our-coronavirus-recovery/>

<https://cspl.blog.gov.uk/2020/07/06/leadership-in-times-of-crisis/>

<https://cspl.blog.gov.uk/2020/07/22/clarifying-the-purpose-of-the-committee-on-standards-in-public-life>

4.2 The CSPL considered how the Principles can be used in helping to shape the approach to decision making during these challenging times and noted that continuing to uphold the Principles “is vital to maintaining trust in government and our institutions throughout this crisis”. The Principles are appended to the County Council’s Members’ Code of Conduct.

4.3 Other issues considered in the blogs include whether exceptional times allow for exceptional measures and whether “decision-makers [are] justified in deviating from the principles or the responsibilities of their office in order to avoid extreme threats to the nation or the health of its citizens”: The CSPL “... believes that standards in public life are a public matter. Decision makers who are entrusted with responsibility for making decisions in the public interest do have to exercise their judgements in difficult circumstances, faced with hard choices. However, these judgements can only have legitimacy when they are made in accordance with the principles that are widely shared in society, like accountability, objectivity, and openness.”

#### 5.0 **COMMITTEE ON STANDARDS IN PUBLIC LIFE - LETTER TO LOCAL AUTHORITIES RE LOCAL GOVERNMENT ETHICAL STANDARDS**

5.1 The CSPL wrote to local authorities in July 2020 to follow up the best practice recommendations it made in its 2019 report on local government ethical standards (see hyperlink earlier in this report) and which it would expect any local authority to implement. A copy of the letter and the list of best practice recommendations is attached at **Appendix 2**.

5.2 The intention was expressed in the CSPL report to review the implementation of those best practice recommendations in 2020. Given “the unexpected and unprecedented pressures that local authorities are facing this year with COVID-19”, the CSPL is not yet asking for responses from authorities, but will be contacting authorities again in the autumn, seeking information from them about progress against the best practice recommendations.

5.3 The Monitoring Officer reported to the Standards Committee in March 2019 on the CSPL report and recommendations and considered how the County Council currently complies: it was noted at the time that the Council complies with the spirit of almost all the best practice recommendations. Members are invited to further consider the recommendations in case there are any further comments they would wish to make.

5.4 The CSPL also wrote to the Secretary of State for Housing, Communities and Local Government in July 2020, to ask when it might receive a formal response from the Government to the CSPL’s 2019 local government report.

**6.0 CONCLUSION**

6.1 Members will be kept informed of all developments.

**7.0 RECOMMENDATIONS**

7.1 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

9 September 2020

Dear Sirs

**LGA Consultation on Model Member Code of Conduct**

Thank you for the opportunity of commenting, on behalf of North Yorkshire County Council, on the above consultation currently being undertaken.

I set out below the response to the consultation on behalf of North Yorkshire County Council.

**Application of the Code:** I note that the draft model Code seeks to extend the scope of the Code to cover actions of Members when they are acting, or claiming or giving the impression that they are acting, not only in their official capacity but also “in public”. The Council would agree with the requirement for a change to the legislation to allow some actions in Members’ private capacity to be covered by the Code if it damages the reputation of the authority. I think it would be helpful, however, for further clarification to be included in the model Code of exactly what “public” behaviour would encompass (legislative change permitting), eg stipulating in the Code that there will be a rebuttable presumption that a Member’s public behaviour (including statements on publicly accessible social media) is made in their official capacity.

**Language:** the language also seems to alternate between first, second and third person (I, you, members) and intertwines Code requirements, Members’ commitments and guidance points, which doesn’t always seem to flow properly. Given that the audience for the Code is primarily Members, it would seem most appropriate to use terminology addressing Members (“you”) throughout.

**Model member conduct:** I note that this section essentially replicates the General Principles. All these statements are unequivocal – “I will” act with integrity and honesty etc. I would suggest slightly reducing this to something like “At all times I will endeavour to...”? It is a sweeping statement to say, for example, “I will avoid conflicts” when a Member may not realise they’re in one until later.

**Specific obligations of general conduct:** this section sets out the minimum requirements of member conduct and guidance to help explain the reasons for the obligations and how they should be followed. The draft Code states that these obligations “must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media”. Please see our earlier comments re absolute clarity around provisions in the model Code for its application and scope and the meaning of “public” behaviour.

**Civility:** I note the sentence in the first paragraph of the guidance in this section that “... You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.” I would suggest that there shouldn’t be any personal “attack” at all – it’s fine to challenge actions, and to do so robustly, but historically when matters have strayed into personal attack then it has been deemed to be crossing the line.

**Gifts and hospitality:**

1. Regarding paragraph 11 “ Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage”, it needs to be clarified in the model Code what would be classed as significant if a definitive threshold is not going to



be used in this part. I note also that this paragraph applies to gifts/hospitality before the event. It would be helpful to clarify whether this also applies after the event.

2. Regarding paragraph 12 “Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt”, I think it would be helpful to clarify in the model Code that gifts/hospitality offered but refused should also be registered. I note this is currently advised in the guidance section, as a voluntary action, but feel it would be better to have it in the requirement itself. If left as voluntary in the guidance section, then if a member is offered a significant gift, refuses it, but then doesn’t register it, this would go against the spirit of the guidance wording but not the commitment of the councillor in the code, so there may be lack of clarity over whether that would amount to a breach of the Code.

**Internal resolution procedure:** I note that the draft model Code states that the internal resolution process should “make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention....” I would be grateful for your clarification that the appeals process could refer to the Local Government and Social Housing Ombudsman?

**Code Appendix B, registering and declaring interests:** I note that the draft model Code sets out other non-DPI interests which should be registered. Currently NYCC only has one such category of other interest namely membership of any trade union or professional association (in accordance with guidance) and we currently only require members to register membership of public and charitable bodies if they hold the position for profit or gain. The Council wished to introduce a lighter touch standards regime upon implementation of the new ethical framework in 2012. The interests regime proposed in the draft model Code would become more complicated as drafted and is essentially reverting to the old personal and prejudicial interests split system with different tests depending on the nature of the interest and a subjective element introduced (rather than it’s either a DPI as defined or its not). I could foresee the potential for confusion for Members and would therefore not support identifying other non-DPI interests (other than membership of any trade union or professional association) which should be registered.

I hope these comments are helpful. If I can be of any assistance, please do not hesitate to contact me.

Yours faithfully

COUNTY COUNCILLOR CAROLINE PATMORE  
Chair of Standards Committee  
North Yorkshire County Council

Room G.07  
1 Horse Guards Road  
London  
SW1A 2HQ

**Committee on  
Standards in  
Public Life**

Sent by email  
to Local Authorities in England  
For the attention of the Chief Executive

July 2020

## **LOCAL GOVERNMENT ETHICAL STANDARDS**

I am writing from the Committee on Standards in Public Life to follow up recommendations made in our January 2019 [report](#) on local government ethical standards.

In that report, we identified some best practice recommendations which represent a benchmark for ethical practice and which we expect any local authority should implement.

We said in our report that we would review the implementation of those best practice recommendations in 2020. We completely understand the unexpected and unprecedented pressures that local authorities are facing this year with COVID-19, so we are not of course asking for an immediate response. The purpose of this email is to let you know that we will be writing again in the autumn to ask you for your progress against these recommendations. I have attached a list of the best recommendations for ease of reference, but they are of course also set out in the report.

If you have any questions, please do just let us know. Otherwise, we wish you well and look forward to being in touch again later this year.

Secretariat  
Committee on Standards in Public Life

## List of Best Practice Recommendations

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial. 19 List of best practice

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

18 September 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 COMPLAINTS****New Complaints**

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

**NYCC/SC/76**

The complaint concerned a Facebook post by the Subject Member, prior to formal lockdown on 23 March 2020, during social distancing for the current Covid-19 pandemic, showing photographs of the Member in close proximity to other people at a pub the previous evening. against the specific request and guidance from the Government for the public not to do so after it had decided to close all pubs, clubs, cafes and restaurants with effect from the following evening. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards when it was concluded that there was no potential breach of the Code as the Subject Member was not acting in his/her official capacity as a county councillor at the relevant time and therefore no action should be taken in relation to the complaint.

**NYCC/SC/77**

This complaint is currently under consideration by the Monitoring Officer and has been referred for investigation. Further details will be reported to the Committee at a future meeting.

**Outcome of previous complaints**

- 3.2 The receipt of complaints NYCC/SC/74 & 75 was reported to the last meeting of the Committee. This concerned two potential complaints against a county councillor by different complainants re the same matter which had been intimated to the Monitoring Officer. The complaints were dealt with under informal resolution whereby the Monitoring Officer gave words of advice to the Subject Member.

#### **4.0 STATISTICS**

- 4.1 For the year 1 April 2019 to 31 March 2020, the Council received ten standards complaints, however four of the complaints were in relation to same subject Member and matter. None of the ten complaints was referred for investigation, however one complaint was 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.
- 4.2 For the year 1 April 2020 to date, the Council has received one standards complaint (NYCC/SC/77 referred to above).
- 4.3 Members will be kept updated.

#### **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

9 September 2020

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

18 September 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. The ordering of the items has been amended in accordance with Members' comments at the last Committee meeting.
- 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

10 September 2020



# Standards Bulletin

## Introduction

High standards of conduct are more important than ever during the current Covid-19 pandemic. This edition of the Standards Bulletin sets out the latest developments in the national standards regime, including the publication of a draft new model code of conduct for Members for consultation.

Members will be kept informed of all ethical framework developments.

Should you wish to discuss any standards matter, please do not hesitate to contact the Monitoring Officer or any of his Team.

**Caroline Patmore**  
Chair of the Standards Committee

## The Standards Committee

The Members of the Standards Committee:

- **County Councillor 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

**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))

### **Moira Beighton**

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

### **In this issue:**

- Members' expenses
- Interests' regime
- Sensitive Interests
- Bias, Predetermination, Predisposition
- Members' Gifts and Hospitality
- New draft model Code of Conduct
- Committee on Standards in Public Life – Blogs during pandemic
- Committee on Standards in Public Life Review – Open Letter to Public Office Holders
- Complaint statistics



# STANDING GUIDANCE FOR MEMBERS

## 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, published on the Council website at <https://democracy.northyorks.gov.uk/>

## 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)

**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) [here](#).

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 during the Covid-19 pandemic, when Members are unable to physically attend the Council offices, please email the Monitoring Officer ([barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk)) setting out the details of any required amendment(s) to your form. A note of the amendment(s) will be placed by the Monitoring Officer with your form in the online and physical Register of Members Interests pro tem until you can attend the office to personally amend your interests form.**

**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.

## **LATEST NEWS**

### **New draft model Code of Conduct for Members**

The Committee on Standards in Public Life (CSPL) published its Review of local government standards on 30 January 2019 [here](#).

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 reviewed 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; and a new draft model code of conduct was published for consultation ([here](#)), with consultation closing on 17 August 2020.

After liaison with the Chair of the Standards Committee, a response to the consultation was sent on behalf of the authority.

Members will be kept informed of developments.

## **Committee on Standards in Public Life Review – Blogs during pandemic**

The CSPL has published a series of blogs on its website, whilst "maintaining a close watch on standards issues arising as a result of the Covid-19 pandemic", relating to issues such as:

- Principles in Practice
- Exceptional times allow for exceptional measures
- Ethical standards in a time of crisis
- Building equality into our coronavirus recovery
- Leadership in times of crisis

The blogs can be accessed [here](#).

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

The CSPL wrote to local authorities in July 2020 to follow up the best practice recommendations it made in its 2019 report on local government ethical standards and which it would expect any local authority to implement.

The intention was expressed in the CSPL report to review the implementation of those best practice recommendations in 2020. Given “the unexpected and unprecedented pressures that local authorities are facing this year with COVID-19”, the CSPL is not yet asking for responses from authorities, but will be contacting authorities again in the autumn, seeking information from them about progress against the best practice recommendations.

The Monitoring Officer reported to the Standards Committee in March 2019 on the CSPL report and recommendations and considered how the County Council currently complies: it was noted at the time that the Council complies with the spirit of almost all the best practice recommendations and the Standards Committee will keep this under review.

The CSPL also wrote to the Secretary of State for Housing, Communities and Local Government in July 2020, to ask when it might receive a formal response from the Government to the CSPL’s 2019 local government report.

## **NYCC COMPLAINT STATISTICS**

For the year 1 April 2019 to 31 March 2020, the Council received ten standards complaints, however four of the complaints were in relation to same subject Member and matter. None of the ten complaints was referred for investigation, however one complaint was 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

For the year 1 April 2020 to date, the Council has received one standards complaint which is currently under consideration by the Monitoring Officer and awaiting investigation.

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

### **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

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

18 September 2020

**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 2019 to 31 March 2020.

**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 2019 to 31 March 2020 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

9 September 2020

NORTH YORKSHIRE COUNTY COUNCIL

18 November 2020

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 2019 to 31 March 2020.

**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:
- i. **The Standards Committee:** The Committee usually meets twice per annum. During the period in question, the Committee met on 20 September 2019 and 6 March 2020. The Committee is responsible for:
    - standards;
    - 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.
  - ii. **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.
  - iii. **A statutory duty to promote and maintain high standards of conduct**
  - iv. **Members' Code of Conduct**
  - v. **Register of Members' Interests** (hard copy and online)
  - vi. **Complaint Handling**
  - vii. **Ethical Statements**
  - viii. **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 2019 to 31 March 2020 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 Review on Artificial Intelligence and Public Standards, its Annual Report 2018-19, its Report re Intimidation in Public life, its open letter to public office holders re the importance of implementing the Nolan Principles;
  - ii. the LGA draft model Code of Conduct for Members;
  - iii. the LGA Guide for Councillors to handling intimidation; and
  - iv. the Cabinet Office Code of Conduct for Board Members of Public Bodies.
- (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 reviewed two dispensations granted by the Monitoring Officer under his delegated powers to grant dispensations (after consultation with the Independent Persons for Standards) where the timescales were such that a Standards Committee meeting could not be convened and the Monitoring Officer had consulted every available Member of the Standards Committee, all of whom consented to the granting of the dispensations.
- (d) Training: The Committee ensures that Members receive appropriate training to maintain their awareness of ethical standards. Training during 2019/20 included training for Members at a Member seminar session re the Members' Code of Conduct and the Ethical Framework and training for Members at a Member seminar session re Standards and Governance Update.
- (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.
- (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 ten complaints received that Members may have breached the Authority's Members' Code of Conduct, however four of the complaints were in relation to same subject Member and matter. None of the ten complaints was referred for investigation, however one complaint was 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.

- (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 2018 to 31 March 2019 was presented to full Council on 13 November 2019.

4.2 At the Standards Committee meeting on 20 September 2019, 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

4.3 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

18 September 2020