



Agenda

Please note date and time of Meeting

Meeting Standards Committee

Venue: Remote Meeting via Microsoft Teams

Date: Thursday, 4 March 2021

Time: 3.30 pm

County Councillors:-

Caroline Patmore (Chair), Andy Paraskos, Stuart Parsons, Peter Sowray MBE and Cliff Trotter.

Independent Persons for Standards:-

Hilary Gilbertson MBE (Independent Person) and Louise Holroyd (Independent Person).

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 with a live broadcast to the Council's YouTube site. Further information on this is available on the committee pages on the Council website -

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

The meeting will be available to view once the meeting commences, via the following link -

www.northyorks.gov.uk/livemeetings

Business

- 1. Welcome, introductions and apologies**
- 2. Minutes of the Meeting held on 18 September 2020 (Pages 3 - 6)**
- 3. Declarations of Interest**
- 4. 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 1 March

2021. 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. **New Voluntary Model Code of Conduct for Members - Report of the Monitoring Officer** (Pages 7 - 46)
6. **Local Ethical Framework Developments - Report of the Monitoring Officer** (Pages 47 - 50)
7. **Complaints Update - Report of the Monitoring Officer** (Pages 51 - 52)
8. **Members Attendance at Meetings - Report of the Monitoring Officer** (Pages 53 - 62)
9. **Standards Bulletin - Report of the Monitoring Officer** (Pages 63 - 70)
10. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

Barry Khan
Assistance Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

24 February 2021

For all enquiries relating to this agenda or to register to speak at the meeting, please contact Stephen Loach, Democratic Services Officer on Tel: 01609 532216 or by e-mail at: stephen.loach@northyorks.gov.uk

North Yorkshire County Council

Standards Committee

Minutes of the remote meeting held on Friday 18 September 2020 at 10.00 am.

Present:-

County Councillor Caroline Patmore (Chairman); County Councillors Andy Paraskos, Stuart Parsons, Peter Sowray and Cliff Trotter, together with Louise Holroyd (Independent Person for Standards).

Apology for Absence:-

An apology for absence was received from Hilary Gilbertson MBE (Independent Person for Standards).

Copies of all documents considered are in the Minute Book

55. Minutes

Resolved -

That the Minutes of the meeting held on 6 March 2020, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

56. Declarations of Interest

There were no declarations of interest from Members.

57. Public Questions or Statements

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

58. Local Ethical Framework Developments

Considered -

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

The report provided a summary of the following, together with links to the full documents:-

- New Model Code of Conduct for Members - The LGA's consultation on a new Model Code, and the response sent by the Committee's Chairman on behalf of North Yorkshire County Council.
- Various blogs published by the Committee on Standards in Public Life during the Covid-19 pandemic. The blogs aimed to ensure that standards were still kept at the forefront of people's mind whilst authorities were dealing with Covid-19 and its consequences.

- The intention of the Committee on Standards in Public Life to seek, in the autumn, information from local authorities regarding progress made against best practice recommendations regarding local government ethical standards.

With regard to the LGA's consultation about a New Model Code of Conduct for Members, the Committee discussed the following:-

- The potential to change the requirement for councillors to treat people with "civility" rather than "respect" - It was felt that treating people with "civility" would be a lesser standard than "respect". Some Members felt that "respect" was more appropriate than "civility". A Member suggested that both words should be used because they had different meanings.
- The need for clear guidance to describe the circumstances when councillors were not acting in their official capacity as councillor - It was felt that, in the absence of clear guidance, often the public perception was that councillors were acting in their official capacity as councillor 24 hours a day, 7 days a week.
- It was suggested that officers should undertake further work to collect information about the circumstances when County Councillors, in their official capacity as councillor, were offered but refused gifts and hospitality. A Member highlighted that there was an issue about explaining the reasons for refusing gifts and hospitality. The Monitoring Officer confirmed that he would find it helpful for further work to be undertaken because he was interested to learn which organisations and individuals were offering County Councillors gifts and hospitality. *(This conversation took place during a later stage of the meeting.)*

With regard to the best practice recommendations regarding local government ethical standards, it was felt that North Yorkshire County Council was in a very good place and complied with, if not exceeded, the vast majority of best practice recommendations. Barry Khan (Monitoring Officer) commented that, in his view, Members of the County Council had really good and strong and challenging relationships with officers in an appropriate manner.

The Chairman thanked Moira Beighton (Senior Lawyer, Governance) for all her hard work in relation to local government ethical standards.

Resolved -

That the contents of the report be noted.

59. Complaints Update

Considered -

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

It was reported that two new complaints had been received since the Committee's meeting on 6 March 2020. Details of the complaints were provided, including the results of the assessments undertaken, as summarised below:-

- One complaint related to a post on social media and an allegation regarding the Member's close proximity to other people at a pub prior to formal Covid-19 lockdown. The conclusion of the assessment was that there was no potential breach of the Code because the Subject Member was not acting in his/her official capacity as a county councillor at the relevant time and therefore no action needed to be taken.

- The second complaint was currently under consideration by the Monitoring Officer and had been referred for investigation. It was reported that further details would be reported to the Committee at a future meeting.

Regarding the two complaints against the same county councillor regarding the same matter, receipt of which had been reported at the Committee's previous meeting, these had been dealt with under informal resolution whereby the Monitoring Officer had given words of advice to the Subject Member.

During the year ended 31 March 2020, ten standards complaints had been received, four of which related to the 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, the Subject Member should issue a formal apology; undergo suitable diversity training as directed by the Monitoring Officer; and the assessment record should be published on the Council website.

For the year 1 April 2020 to the date of this meeting, one standards complaint had been received, receipt of which had been reported to this meeting.

The Chairman commented that she was proud that so few complaints were made about the conduct of Members of North Yorkshire County Council and about the way such complaints were so well handled.

Resolved -

That the current position, regarding complaints received, be noted.

60. Standards Bulletin

Considered -

The report of the Monitoring Officer presenting for the Committee's consideration, a draft of the latest Standards Bulletin, a copy of which was at Appendix 1 to the report.

No amendments were suggested by Members.

Resolved -

That the Bulletin be approved for circulation.

61. Annual Report of Standards Committee

Considered –

The report of the Monitoring Officer presenting, for Members' comments and suggested amendments, a draft of the Annual Report of the Standards Committee for the period 1 April 2019 to 31 March 2020.

No amendments were suggested by Members.

Resolved –

That the Annual Report 2019-20 be submitted to a forthcoming meeting of the County Council.

The meeting concluded at 10.40 am.
RAG

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NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

4 March 2021

New voluntary Model Code of Conduct for Members

1.0 PURPOSE OF REPORT

- 1.1 To present to Members the new voluntary model Code of Conduct for Members and to request the Committee to determine whether the new model Code should be recommended for adoption by the Council or whether any amendments to the Council's current Code of Conduct for Members in light of the new model should be recommended to full Council for approval.

2.0 BACKGROUND

- 2.1 The Committee has previously responded to the Local Government Association (LGA) consultation on a new draft model Code of Conduct for Members.
- 2.2 The LGA published a new (voluntary) model Code of Conduct for Members on 3 December 2020. A copy was circulated by the Monitoring Officer to Standards Committee Members and the Independent Persons for Standards. It appears a second version of the model was published on 19 January 2021 and a copy is attached at **Appendix 1** to this report for ease of reference. Further information is available on the LGA website at <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>
- 2.3 A copy of the Council's current Code of Conduct for Members is attached at **Appendix 2** to this report.
- 2.4 The new model Code is voluntary and local authorities are able to adopt the model in its entirety or not at all, or adapt it to suit their local circumstances so there is plenty of scope for the Standards Committee to make the recommendations, if any, it deems appropriate for the Council in the future.
- 2.5 Members are therefore requested to determine whether the new model Code, or any part of it, should be recommended for adoption by the Council; whether any amendments to the Council's current Code of Conduct for Members in light of the new model should be recommended to full Council for approval or whether the current Code is preferred in its present terms. Specific areas for particular consideration have been highlighted in this report, however the entirety of the model Code should be considered against the Council's current Code.
- 2.6 The LGA has undertaken this review and published the new model Code in advance of a response from the Government regarding the recommendations made by the Committee on Standards in Public Life (CSPL) in their report on Local Government Ethical Standards. Should any of the recommendations be implemented this may necessitate a change to this model Code. The LGA has stated it will review the model Code on an annual basis.

3.0 NEW MODEL CODE OF CONDUCT FOR MEMBERS

3.1 The new model Code sets out a **Joint Statement** written in the first person and an Introduction written in the third. The Council's current Code contains a briefer introduction, tailored to the Council. The model Code introduction references "this Model Councillor Code of Conduct" and talks about the development of the model Code which Members may feel would not be relevant to the specific Code for the Council. **Members are requested to consider whether the additional detail in these introductory parts of the model Code is actually required for the Council's Code.**

3.2 On comparing the new model Code with the Council's current Code of Conduct for Members, it can be seen that there are similar provisions covering areas such as:

a) The **Definitions** section in the model Code is wider than the Council's, where any terms requiring definition are defined at the relevant time. It is recommended however that the Council's current Code is sufficient in this regard as it defines those issues pertinent to the Council as a county council and there seems little point including a paragraph about the application of the Code to other types of authority. **Members are requested to consider whether any further definitions should be included in the Council's Code.**

b) **Purpose of the Code:** the model Code contains a specific purpose section however it is suggested that this is adequately covered by the Council's current Code in its very first paragraph. Much of the model Code appears to contain detail that may be better placed in a supporting guidance document (anticipated from the LGA) to distinguish it from the actual requirements of the Code.

c) **General Principles of Councillor Conduct:** this section of the model Code references the Seven Principles of Public Life, which are already appended to the Council's current Code. The Council's Code specifically requires, in its third paragraph, compliance with the General Principles of Public Life. The model Code attempts to build on these principles and sets out unequivocal statements for Members to abide by however these are, in essence, repetitive of the later General Conduct section of the model Code. **Members are requested to consider whether such additional requirements are necessary for the Council's Code** and, if so, whether the statements should be re-phrased in terms of using best endeavours rather than definitive statements such as "I avoid conflicts of interests" when a Member may not realise they are in one until later on.

d) **Application of the Code:**

i. The first paragraph of the model Code is already covered in the Council's current Code regarding the timing of the application of the Code (on signing the Undertaking to comply with the Code which is incorporated in the Declaration of Acceptance of Office).

ii. The model Code seeks to extend the scope of the Code to cover actions of Members when they misuse their position as a councillor and when their actions would give the impression to a reasonable member of the public, with knowledge of all the facts, that they are acting as a councillor. The Localism Act 2011, under which the ethical framework (including the code of conduct) is established only applies to Members when they are acting in the capacity of a Member or voting

co-opted Member. It does not cover ‘giving the impression’ that they are so acting. In its response to the model code consultation the Council responded that it would be in agreement 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 and that further clarification should be included in the model Code as to 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. However there has been no change, yet, to the relevant legislation to make this permissible and ***it is recommended to Members that no change should be recommended to the Council’s Code applying to Members in their official capacity only at this time.***

- iii. This section also attempts to define the types of communication and interaction which may be covered by the Code. Members may feel that, if they wish to reference such a breakdown of actions, this type of information would be better suited to a separate guidance document for Members rather than included amongst the Code’s requirements and obligations against which Members would be judged on any complaint. Draft guidance in support of the new model Code is expected from the LGA. In any event it would need to be made clear that such communication and interaction applies when the Member is acting in their official capacity. As currently drafted in the model Code it implies that such actions would be covered by the Code when a Member gives the impression they are acting as a Member. This is not what the law currently provides and would require legislative change.
- iv. The final paragraph in this section of the model Code “encourages” Members to seek advice from the Monitoring Officer on the Code whereas the Council’s current Code places an absolute requirement (“you must...”) on Members to consult the Monitoring Officer and/or the Chief Executive Officer before disclosing any confidential information (paragraph 5 of the current Code) and to have regard to relevant advice given by the Monitoring Officer (and specified others) (paragraph 12 of the current Code). In this regard it is suggested that the Council’s current Code goes further than the model Code.

e) **General conduct provisions:**

- i. This section of the model Code sets out the minimum requirements of member conduct and includes guidance to help explain the reasons for the obligations and how they should be followed. The main obligations are already covered in the Council’s current code however there is sometimes a difference in emphasis for example regarding respect: in the model Code this is a positive obligation to treat others with respect however in the Council’s Code the obligation is to not treat others with disrespect – this was a conscious choice of emphasis by the Council at the time of adopting its Code. ***Members are requested to consider whether they would wish to make any recommendations for change in this respect and also whether it is desirable for any or all of the guidance to be included in the Council’s Code itself or in separate guidance, perhaps when the supporting guidance from the LGA is available.***
- ii. The general conduct obligations set out in the model Code cover:

1. Respect:

- This obligation is already covered in the Council's current Code although the model Code goes into further detail and includes guidance. The obligation of "civility" (rather than "respect") in the draft model Code has been removed and there has been a return to "respect", although the phrase "civil manner" is included in the guidance part of this section.
- The model Code contains a paragraph regarding Members' "right to expect respectful behaviour from the public", which is not covered in the current Code for the Council. **Members are requested to consider whether they would wish to recommend the inclusion of this or a similar paragraph in the Council's Code.**

2. Bullying, harassment and discrimination

- This obligation is covered in paragraphs 3 and 2 of the Council's current Code, but the current Code does not mention 'harassment'. The Council's Code provides that Members should not bully or intimidate any person, or attempt to do so, but does not include any wider definitions or examples as mentioned in the model Code or the relevant CSPL Best Practice recommendation. At the time of adopting its new Code and supporting ethical arrangements in 2012, the Council wished to pursue a light touch standards regime. **Members are requested to consider whether they would wish to recommend any amendments to the Council's Code in this respect and also whether it is desirable for any or all of the guidance to be included in the Council's Code itself or in separate guidance.**

3. Impartiality of officers of the council

- This obligation is covered in paragraph 4 of the Council's current Code of Conduct however paragraph 4.2 of the model Code is new but Members may feel it does not add anything new to the existing provisions of the Council's Code.

4. Confidentiality and access to information

- This obligation is covered in paragraphs 5 and 6 of the Council's current Code of Conduct.

5. Disrepute

- This obligation is covered in paragraph 7 of the Council's current Code of Conduct. Again, **Members are requested to consider whether they would wish to recommend including any of the guidance wording from the model Code.** The Monitoring Officer is concerned that some of the wording in the guidance could cause confusion, eg the sentence "For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.": it may be the case that such behaviour could reflect on the authority however unless the behaviour was undertaken by the Member in their official

capacity as a Member it will not be covered by the Code and ethical framework under the Localism Act 2011. Legislative change would be required before any conduct in a Member's private capacity could be caught by the standards regime.

6. Use of position

- This obligation is covered in paragraph 8 of the Council's current Code of Conduct.

7. Use of local authority resources and facilities

- This obligation is covered in paragraph 11 of the Council's current Code of Conduct.

8. Complying with the Code of Conduct

- This section of the model Code requires Members:
 - to undertake Code of Conduct training: this is not covered in the Council's current Code;
 - to co-operate with any standards investigation and/or determination, which also forms part of the Committee on Standards in Public Life Best Practice Recommendations: this is not covered in the Council's current Code;
 - to not intimidate/attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings: this is covered by paragraph 3 of the Council's current Code which requires Members not to bully or intimidate any person, or attempt to do so. The Council's Code therefore goes further in this respect than the model Code as the latter bars intimidation of administrators of standards investigations or proceedings which, as drafted in the Code, would not cover intimidation of others, for example the complainant and/or witnesses.
 - to comply with any sanction imposed: this is not covered in the Council's current Code;

9. Interests

- Paragraph 9.1 of the model Code sets out the requirement to register and disclose interests but mainly contains explanation and guidance rather than obligations. The detail of the model Code requirements regarding interests is set out in Appendix B to the model Code, which is discussed in more detail later in this report.

10. Gifts and hospitality

- This section of the model Code requires Members:
 - not to accept any gifts or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence by the Member to show favour to persons

seeking to do business with the Council or who may apply to for any permission, licence or other significant advantage: a similar provision is contained in paragraph 10 of the Council's current Code but is not as detailed. **Members are requested to consider whether they would wish to recommend any changes to the Council's current Code in this respect,**

- to register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt: the Council's current Code does not set any financial threshold for the registration of gifts and hospitality and **Members are requested to consider whether they would wish to recommend any changes to the Council's current Code in this respect,**
- to register with the Monitoring Officer any significant gift/hospitality offered but refused (however no timescale is stipulated for registering refusals): this is not currently included in the Council's current Code. **Members are requested to consider whether they would wish to recommend any changes to the Council's current Code in this respect,**

- This section of the model Code also sets out guidance in relation to gifts and hospitality for example advising that the presumption should "... always be not to accept significant gifts or hospitality..." but there is no guidance on what should be deemed "significant". Also, the guidance section states that where it is difficult to refuse a gift/hospitality, it can be accepted but must be registered: it is not clear whether this means a gift/hospitality over £50 can be accepted if it is difficult to refuse providing it is registered and in any event offers no guidance on the timescale within which it should be registered. **Members are requested to consider whether they would wish to recommend any amendments to the Council's Code in this respect.**

f) Appendix A – The Seven Principles of Public Life: This is already appended to the Council's current Code.

g) Appendix B - Registering interests:

- i. This Appendix covers the registration and declaration of interests.

Registration of interests

- The model Code requires the registration of Disclosable Pecuniary Interests and Other Registerable Interests as set out in Tables 1 and 2, and any changes to interests, within 28 days. The Council's current Code contains these stipulations.
- The model Code provisions re "sensitive interests" and definition of "partners" are already covered in the Council's current Code.
- Table 1: Disclosable Pecuniary Interests: this table sets out the statutory definitions and explanations of Disclosable Pecuniary

Interests (as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012). This is already included in Appendix 1 of the Council's current Code. Members will see that in addition, in the model Code has included "[Any unpaid directorship.]" in the description column of the Disclosable Pecuniary Interest relating to 'Employment, office, trade, profession or vocation' – Members should note that contrary to what is stated in the model Code, unpaid directorships are not specified in the Regulations and would seem to conflict with the spirit of this category of interest which relates to positions held for profit or gain.

- Table 2: Other Registrable Interests: the model Code sets out that in addition to the statutory DPIs, Members should register:
 - any body of which they are in general control or management and to which they are nominated or appointed by their authority; and
 - any body (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

At the time of adopting the Council's current Code of Conduct in 2012, the Council wished to introduce a light touch standards regime and the Code was drafted and adopted on that basis, requiring Members to register only the statutory DPIs. The Council's Code was later amended, in accordance with government guidance, to include a requirement for Members to register their membership of any trade union or professional association (see Appendix 2 of the Council's current Code). The Council's Code would only require Members to register membership of public and charitable bodies if they hold the position for profit or gain. ***Members are requested to consider whether they would wish to extend the registration of interests regime any further, as set out in the model Code.***

Declaration of interests and participation

- The interests regime set out in the model Code is essentially reverting to the old personal and prejudicial interests' type split system under the old ethical framework, with different tests depending on the nature of the interest. It is a more detailed and potentially challenging interests regime than currently provided for in the Council's Code.
- The model Code requires that:
 - in relation to Disclosable Pecuniary Interests, Members must declare the interest (but not the detail of any sensitive interests), must not participate or vote in the matter and must leave the room (subject to any dispensation granted). This is almost identical to the Council's current Code, except that the Council's Code reflects the statutory wording, which does not actually require the declaration of the interest to the meeting unless it is not already registered in the Members' interests form. In practice within the Council, Members are advised to declare the interest to the meeting (even if they have a

dispensation) in the interests of transparency. **Members are requested to consider whether they wish to recommend the formal inclusion of a requirement to declare the existence of a disclosable pecuniary interest to the meeting in any event.** The model Code contains provisions around Disclosable Pecuniary Interests in matters considered by a single Member which are already covered in the Council's current Code.

- in relation to Other Registrable Interests, Member must declare the interest (but not the detail of any sensitive interests). Members may only speak on the matter if the public are allowed to speak, otherwise they must not participate in the discussion or vote and must leave the room (subject to any dispensation granted). This is not currently included in the Council's existing Code, although Members are required by the Council's Code to 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 (paragraph 16A(4) of the Council's Code).
- in relation to Non-Disclosable Pecuniary Interests:
 - where a matter arises at a meeting which *directly relates* to a Member's financial interest or well-being (and is not a Disclosable Pecuniary Interest) or that of a relative or close associate, the Member must disclose the interest (but not the detail of any sensitive interests). Members may only speak on the matter if the public are allowed to speak, otherwise they must not participate in the discussion or vote and must leave the room (subject to any dispensation granted).
 - where a matter arises at a meeting which *affects*:
 - a Members' own financial interest or well-being;
 - a financial interest or the well-being of a relative or close associate; or
 - a body included in the Other Registrable Interests section of the Member's interests form

the Member must disclose the interest. They must consider the following test to determine whether they can remain and participate in the meeting:

Where the matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect the Member's view of the wider public interest

the Member may only speak on the matter if members of the public are also allowed to speak at the meeting, otherwise they must not take part in any discussion or

vote on the matter and must not remain in the room (unless granted a dispensation).

Members are requested to consider whether they would wish to recommend the model Code's interests regime or any parts of it or any amendments to the Council's current interests regime to the Council.

h) **Appendix C – the Committee on Standards in Public Life:** this section references the report of the CSPL re Local Government Ethical Standards and sets out the CSPL's best practice recommendations. It is suggested that it would not be necessary to include this Appendix in the Council's Code, which should focus on setting specific obligations by which Members should abide.

3.3 The Model Code does not reference the potential criminal offences for breach of the interests regime. This is covered by the Council's Code.

4.0 CONCLUSION

4.1 The Committee is requested to review the Council's current Code of Conduct for Members in light of the new model Code to determine whether it wishes to recommend to full Council the adoption of the new model or any amendments to the current Code in light of the new model.

4.2 It should be noted that by making the new model Code voluntary, it is unlikely to achieve its aim of standardisation across all authorities for dual hatted Members, as authorities will not necessarily be minded to take the same approach for their respective Codes of Conduct. The Monitoring Officer is making enquiries of neighbouring authorities as to the approach they are taking to the new model Code and Members will be kept updated.

5.0 RECOMMENDATIONS

5.1 That the Committee notes the contents of this report and considers the new voluntary model Code of Conduct for Members.

5.2 That the Committee determines whether or not the new model Code should be recommended for adoption by the Council or whether any amendments to the Council's current Code of Conduct for Members in light of the new model should be recommended to full Council for approval.

5.3 That the Committee considers whether there are any other steps it would wish to take or recommend to the Council regarding the Council's current Code of Conduct for Members and supporting ethical framework.

BARRY KHAN

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

Background Papers: None

County Hall
NORTHALLERTON
21 February 2021

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Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none">a) any body of which you are in general control or management and to which you are nominated or appointed by your authorityb) any body<ul style="list-style-type: none">(i) exercising functions of a public nature(ii) any body directed to charitable purposes or(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

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.

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, 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.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL

This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of North Yorkshire County Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the County Council and references in this Code should be construed accordingly.

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member (“Members”).

The Code has been adopted by the County Council and also requires compliance with the general principles of public life set out at the end of the document. The Council has established a Standards Committee, consisting of members of the Council, to deal with any allegations of breaches of the Code.

1. You must not treat others with disrespect.
2. You must not do anything which may cause the County Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
 - You have the permission of a person authorised to give it; or
 - You are required by law to disclose the information; or
 - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.

6. You must not prevent another person gaining access to information which that person is entitled to by law.

7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Member into disrepute.
8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.
10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Member. If you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
11. You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.
12. You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.
13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have. This includes complying with any procedure rule adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

INTERESTS

Disclosable Pecuniary Interests

14. (1) A pecuniary interest is a "disclosable pecuniary interest" in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:
 - (a) it is your interest; or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;

- (ii) a person with whom you are living as husband and wife; or
- (iii) a person with whom you are living as if you are civil partners;

and you are aware that that other person has the interest.

Disclosure of pecuniary interests on taking office

15. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

Pecuniary interests in matters considered at meetings

16. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Council or Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the Council or Executive;
 - (b) have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - (c) are aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the Council's Register, you must disclose the interest to the meeting, but this is subject to this Code's provisions on sensitive interests.

- (3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not:
 - (a) participate, or participate further, in any discussion of the matter at the meeting; or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting;

but this is subject to this Code's provisions on dispensations.

Pecuniary interests in matters considered by a single member

- (5) Sub-paragraphs (6) and (7) apply if:
 - (a) a function of a relevant authority may be discharged by a member of the authority acting alone;
 - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
 - (c) the member is aware that the condition in paragraph (b) is met.
- (6) If the interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.
- (7) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- (8) Where you give a notification for the purposes of sub-paragraph (3) or (6), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (9) The Council's Constitution provides for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.
- (10) An interest is "subject to a pending notification" if:

- (a) the interest has been notified to the Monitoring Officer, but
- (b) has not been entered in the Register in consequence of that notification.

Other Interests

- 16A. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. This relates only to your *own* interests.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Council's register when the notification is given.
 - (3) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.
 - (4) 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 (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

Sensitive interests

- 17.(1) Sub-paragraphs (2) and (3) apply where:
- (a) you have an interest (whether or not a disclosable pecuniary interest); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the

details of which are withheld under section 32(2) of the Localism Act 2011).

- (3) If paragraph 16(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

DISPENSATIONS FROM NON-PARTICIPATION

18. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from either or both of the restrictions in paragraph 16(4) in cases described in the dispensation.
- (2) Paragraph 16(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

OFFENCES

19. (1) You commit a criminal offence if, without reasonable excuse, you:-
 - (a) fail to comply with an obligation imposed on you by paragraph 15(1) or 16(2), (3) or (6);
 - (b) participate in any discussion or vote in contravention of paragraph 16(4); or
 - (c) take any steps in contravention of paragraph 16(7).
 - (2) You commit an offence if under paragraph 15(1) or 16(2), (3) or (6) you provide information that is false or misleading and you:
 - (a) know that the information is false or misleading; or
 - (b) are reckless as to whether the information is true and not misleading.
 - (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
20. **If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**

DISCLOSABLE PECUNIARY INTERESTS

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of

the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For these purposes:-

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (corresponding provision in this Code is paragraph 14(1)(b)), namely:

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

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

The interests other than pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

1. Membership of Trade Unions/Professional Associations

In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association.

GENERAL PRINCIPLES OF PUBLIC LIFE

Principle	Revised description
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

4 March 2021

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 main area of development is that the Local Government Association has now published the new, voluntary national Model Code of Conduct for Members. This is the subject of a separate report to the Committee.

4.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE REVIEWS

- 4.1 In its 14 January 2021 blog, the Committee on Standards in Public Life (CSPL) set out its anticipated work for the year ahead (<https://cspl.blog.gov.uk/2021/01/14/cspls-year-ahead/>).

- 4.2 The CSPL intends to continue and complete its reviews of election finance and the standards regime ("Standards Matter 2").

- 4.3 Members will be kept informed of developments.

5.0 CSPL – FOLLOW UP TO BEST PRACTICE RECOMMENDATIONS

- 5.1 The CSPL has followed up with local authorities regarding progress against 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. In December 2020, The Council provided a response to the CSPL which was circulated to the Committee and Independent Persons.

- 5.2 On 8 January 2021 the CSPL reported on the 213 responses it had received so far:

<https://cspl.blog.gov.uk/2021/01/08/local-government-ethical-standards-follow-up-to-best-practice-recommendations/>

noting the following:

- the vast majority of councillors and officers want to maintain the highest standards of conduct;

- authorities have implemented or are taking steps to do so, the best practice recommendations;
- for many of the councils, even if they didn't use the precise terms of the best practice recommendations, they had elements in place and were reviewing their practices to comply fully.

5.3 Further details are available on the CSPL website.

6.0 MISCONDUCT IN PUBLIC OFFICE

6.1 The Committee has received previous reports on the consultation taking place regarding reform of the common law offence of misconduct in public office.

6.2 The Law Commission has recently published a substantial report (number 397) (<https://www.lawcom.gov.uk/project/misconduct-in-public-office/>) setting out various recommendations for reform, including proposing two replacement offences (not to apply to education and health services):

- a) **corruption in public office:** where a public office holder knowingly uses or fails to use their public position or power for the purpose of achieving a benefit or detriment, where that behaviour would be considered “seriously improper” by a reasonable person; and
- b) **breach of duty in public office:** where a public office holder has a duty to prevent death or serious injury by virtue of the public office, breaches that that duty and is reckless as to the risk in doing so. It is proposed that there should be a statutory list of positions constituting “public office”, capable of future amendment by statutory instrument.

6.3 The Law Commission believes the recommendations “... will clarify and modernise the law, while ensuring that public office holders are held to account for serious breaches of the trust that the public places in them...”

6.4 The Government will now consider the recommendations in order to decide whether to implement the reforms. Members will be kept informed of developments.

7.0 CSPL REVIEW OF INTIMIDATION IN PUBLIC LIFE

7.1 The Committee has received previous reports regarding the CSPL's 2017 review of the intimidation of Parliamentary candidates and the broader implications for all public office holders. In December 2017, the CSPL published its report to government, making various recommendations “to address the increasing prevalence of intimidation in public life”.

7.2 On 17 December 2020 the CSPL published a progress report on recommendations it made in its report:

<https://www.gov.uk/government/publications/intimidation-in-public-life-progress-report-on-recommendations>

7.3 The CSPL concludes that “It is clear that much has happened to tackle threats to public office holders since the publication of the Committee's report in 2017, but there remains more to do, and at a greater pace – by everyone in public life.”

7.4 Further details are available on the CSPL website.

8.0 CONCLUSION

8.1 Members will be kept informed of all developments.

9.0 RECOMMENDATIONS

9.1 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

23 February 2021

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NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

4 March 2021

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 no new complaints received since the last Complaints Update report to the Committee.

Existing complaints

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.

4.0 STATISTICS

- 4.1 For the year 1 April 2020 to date, the Council has received one formal standards complaint (NYCC/SC/77 referred to above).
- 4.2 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

23 February 2021

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North Yorkshire County Council

Standards Committee

4 March 2021

Members' Attendance at Committees

1.0 Purpose of the report

- 1.1 To report the record of attendance of Members of the County Council at meetings of the County Council and its Committees for the period 1 April 2019 until 31 March 2020 and 1 April 2020 to date.

2.0 Background

- 2.1 Previously, the Committee had received information as to the attendance of County Councillors at meetings of the County Council and its Committees and it was agreed that this practice should continue.

In the past the Committee has subsequently forwarded this information to the Leaders of each political group represented on the County Council.

3.0 Members' Attendance statistics

- 3.1 A copy of the overall attendance statistics for the period 1 April 2019 until 31 March 2020 and 1 April 2020 to date is attached at **Appendix 1**.
- 3.2 Although this information reflects a large proportion of the Members' attendance it does not include Members attendance at meetings of:-

National Park Authorities
The North Yorkshire Police and Fire Panel
Scrutiny Best Value Reviews and other Working Groups
Attendance at site visits
Chairs and Group Spokespersons Briefings
Other miscellaneous meetings.
Meetings of various Outside Bodies such as Charities, School Governors etc

4.0 Recommendation

- 4.1 Subject to Members' comments the report be noted.
- 4.2 That copies of the statistics be circulated to the Leaders of the Political Groups of the County Council.

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

County Hall
NORTHALLERTON

March 2021
SML/HG

Background papers: None

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APPENDIX 1 - County Councillors	POSS 01/04/2019 - 31/03/2020	ACT 01/04/2019 - 31/03/2020	SUBSTITUTE MEMBER	% POSS / ACC	PARTY
ARNOLD VAL	21	16		76.19%	Conservative
ARTHUR KARL	11	11		100.00%	Conservative
ATKINSON MARGARET	20	15		75.00%	Conservative
BACKHOUSE ANDREW	7	3		42.86%	Conservative
BAKER BOB	12	10		83.33%	Conservative
BARRETT PHIL	12	10		83.33%	NY Independent
BASTIMAN DEREK	11	8		72.73%	Conservative
BLADES DAVID	12	11		91.67%	Conservative
BROADBANK PHILIP	15	15	0	100.00%	Liberal Democrat
BROADBENT ERIC	18	16		88.89%	Labour
BURR LINDSAY	13	7		53.85%	NY Independent
CHAMBERS MIKE	24	20		83.33%	Conservative
CHANCE DAVID	21	19		90.48%	Conservative
CLARK JIM	16	13		81.25%	Conservative
COLLING LIZ	11	10		90.91%	Labour
COOPER RICHARD	8	5		62.50%	Conservative
DADD GARETH	27	21		77.78%	Conservative
DICKINSON CAROLINE	21	20		95.24%	Conservative
DUCKETT STEPH	12	10		83.33%	Labour
DUNCAN KEANE	13	4		30.77%	Conservative
ENNIS JOHN	18	12	0	66.67%	Conservative
GOODE DAVID	8	7		87.50%	Liberal Democrat
GOODRICK CAROLINE	18	18		100.00%	Conservative
GRANT HELEN	13	10		76.92%	NY Independent
GRIFFITHS BRYN	11	10		90.91%	Liberal Democrat
HARRISON MICHAEL	27	22		81.48%	Conservative
HASLAM PAUL	12	11		91.67%	Conservative
HESELTINE ROBERT	17	13		76.47%	Independent
HOBSON MEL	16	4		25.00%	Conservative

HUGILL DAVID	16	13		81.25%	Conservative
IRETON DAVID	8	7		87.50%	Conservative
JEFFELS DAVID	17	14	0	82.35%	Conservative
JEFFERSON JANET	12	10		83.33%	NY Independent
JENKINSON ANDREW	13	10		76.92%	Conservative
JORDAN MIKE	18	15		83.33%	Conservative
LEE ANDREW	21	18		85.71%	Conservative
LES CARL	30	29		96.67%	Conservative
LUMLEY STANLEY	16	16		100.00%	Conservative
LUNN CLIFF	22	17	0	77.27%	Conservative
MACKAY DON	15	9		60.00%	NY Independent
MACKENZIE DON	26	25		96.15%	Conservative
MANN JOHN	17	8		47.06%	Conservative
MARTIN STUART	19	6		31.58%	Conservative
McCARTNEY JOHN	16	12		75.00%	NY Independent
METCALFE ZOE	22	7		31.82%	Conservative
MOORHOUSE HEATHER	11	10		90.91%	Conservative
MULLIGAN PATRICK	28	26		92.86%	Conservative
MUSGRAVE RICHARD	16	9		56.25%	Conservative
PARASKOS ANDY	17	13	1	76.47%	Conservative
PARSONS STUART	7	2		28.57%	NY Independent
PATMORE CAROLINE	14	8		57.14%	Conservative
PEARSON CHRIS	16	15		93.75%	Conservative
PEARSON CLIVE	16	16		100.00%	Conservative
PLANT JOE	12	9		75.00%	Conservative
QUINN GILL	13	9		69.23%	Conservative
RANDERSON TONY	12	12		100.00%	Labour
SANDERSON JANET	23	18		78.26%	Conservative
SEDGWICK KARIN	13	13		100.00%	Conservative
SOLLOWAY ANDY	18	10		55.56%	Independent
SOWRAY PETER	15	15		100.00%	Conservative
SWIERS HELEN	14	13		92.86%	Conservative

SWIERS ROBERTA	19	17		89.47%	Conservative
THOMPSON ANGUS	13	10		76.92%	Conservative
TROTTER CLIFF	17	13	1	76.47%	Conservative
WALSH CALLAM	7	4		57.14%	Conservative
WEBBER GEOFF	12	9		75.00%	Liberal Democrat
WEIGHELL J	14	13		92.86%	Conservative
WELCH R	12	9		75.00%	Conservative
WHITE G	22	21		95.45%	Conservative
WILKINSON ANNABEL	16	14		87.50%	Conservative
WINDASS ROBERT	16	9		56.25%	Conservative

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COUNTY COUNCILLORS TOTAL	POSS 01/04/2020 - 31/03/2021	ACT 01/04/2020 - 31/03/2021	SUBSTITUTE MEMBER	% POSS / ACC
ARNOLD VAL	11	11		100.00%
ARTHUR KARL	7	6		85.71%
ATKINSON MARGARET	12	12		100.00%
BACKHOUSE ANDREW	6	1		16.67%
BAKER BOB	8	7		87.50%
BARRETT PHIL	7	6		85.71%
BASTIMAN DEREK	9	8		88.89%
BLADES DAVID	15	16		106.67%
BROADBANK PHILIP	6	6	0	100.00%
BROADBENT ERIC	16	9		56.25%
BURR LINDSAY	6	3		50.00%
CHAMBERS MIKE	12	12		100.00%
CHANCE DAVID	16	16		100.00%
CLARK JIM	9	9		100.00%
COLLING LIZ	8	8		100.00%
COOPER RICHARD	5	5		100.00%
DADD GARETH	16	16		100.00%
DICKINSON CAROLINE	25	25		100.00%
DUCKETT STEPH	6	4		66.67%
DUNCAN KEANE	6	3		50.00%
ENNIS JOHN	8	8	1	100.00%
GOODE DAVID	5	5		100.00%
GOODRICK CAROLINE	9	9		100.00%
GRANT HELEN	7	7		100.00%
GRIFFITHS BRYN	9	9		100.00%
HARRISON MICHAEL	26	23		88.46%
HASLAM PAUL	7	6		85.71%
HESELTINE ROBERT	16	12		75.00%
HOBSON MEL	8	2		25.00%
HUGILL DAVID	17	15		88.24%
IRETON DAVID	5	5		100.00%
JEFFELS DAVID	9	8	0	88.89%
JEFFERSON JANET	7	7		100.00%
JENKINSON ANDREW	7	6		85.71%
JORDAN MIKE	16	15		93.75%
LEE ANDREW	15	15		100.00%
LES CARL	28	26		92.86%
LUMLEY STANLEY	8	8		100.00%
LUNN CLIFF	12	12	0	100.00%
MACKAY DON	9	5		55.56%
MACKENZIE DON	16	14		87.50%
MANN JOHN	8	7		87.50%
MARTIN STUART	7	5		71.43%
McCARTNEY JOHN	16	14		87.50%
METCALFE ZOE	17	16		94.12%
MOORHOUSE HEATHER	8	8		100.00%

MULLIGAN PATRICK	19	17		89.47%
MUSGRAVE RICHARD	8	6		75.00%
PARASKOS ANDY	11	8	0	72.73%
PARSONS STUART	16	8		50.00%
PATMORE CAROLINE	8	8		100.00%
PEACOCK YVONNE	9	7		77.78%
PEARSON CHRIS	16	13		81.25%
PEARSON CLIVE	17	16		94.12%
PLANT JOE	7	7		100.00%
QUINN GILL	6	6		100.00%
RANDERSON TONY	9	9		100.00%
SANDERSON JANET	15	15		100.00%
SEDGWICK KARIN	7	6		85.71%
SOLLOWAY ANDY	11	8		72.73%
SOWRAY PETER	15	15		100.00%
SWIERS HELEN	9	7		77.78%
SWIERS ROBERTA	12	11		91.67%
THOMPSON ANGUS	10	10		100.00%
TROTTER CLIFF	11	8	0	72.73%
WALSH CALLAM	6	1		16.67%
WEBBER GEOFF	7	7		100.00%
WEIGHELL J	10	10		100.00%
WELCH R	7	5		71.43%
WHITE G	15	14		93.33%
WILKINSON ANNABEL	10	10		100.00%
WINDASS ROBERT	9	6		66.67%

PARTY
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NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

4 March 2021

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 and publication on the Council's website. 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

23 February 2021

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Standards Bulletin

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

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Tel: 01609 532173
(barry.khan@northyorks.gov.uk)

Stephen Loach

Principal Democratic Services Officer
Tel: 01609 532216
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Moira Beighton

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

Introduction

This edition of the Standards Bulletin sets out the latest developments in the national standards regime, including the publication of the new model Code of Conduct for Members.

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

In this issue:

- Members' expenses
- Interests' regime
- Sensitive Interests
- Bias, Predetermination, Predisposition
- Members' Gifts and Hospitality
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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 generally available for public inspection at the Old Courthouse, Northallerton (subject to any necessary Covid-19 restrictions). 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).

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) 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 model Code of Conduct for Members

The Local Government Association (LGA) published a new model Code of Conduct for Members on 3 December 2020. The model Code and further information can be accessed on the [LGA website](#).

The LGA has undertaken this review and published the new model Code in advance of a response from the Government regarding the recommendations made by the Committee on Standards in Public Life (CSPL) in their report on Local Government Ethical Standards.

Should any of the recommendations be implemented this may necessitate a change to this model Code and the LGA has stated it will review the model Code on an annual basis.

The new model Code is voluntary and local authorities are able to adopt the model in its entirety or not at all, or adapt it to suit their local circumstances so there is plenty of scope for the Standards Committee to make the recommendations, if any, it deems appropriate for the Council in the future.

The Standards Committee is currently considering whether the new model Code, or any part of it, should be recommended for adoption by the Council; whether any amendments to the Council's current Code of Conduct for Members in light of the new model should be recommended to full Council for approval or whether the current Code is preferred in its present terms.

Members will be kept informed of developments.

Committee on Standards in Public Life Reviews

In its 14 January 2021 blog, the Committee on Standards in Public Life (CSPL) set out its anticipated work for the year ahead.

The CSPL intends to continue and complete its reviews of election finance and the standards regime ("Standards Matter 2").

Further information is available on the CSPL website [here](#).

Members will be kept informed of developments.

CSPL follow up on best practice recommendations

The CSPL has followed up with local authorities regarding progress against 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. In December 2020, The Council provided a response to the CSPL.

On 8 January 2021 the CSPL reported on the 213 responses it had received so far, noting the following:

- the vast majority of councillors and officers want to maintain the highest standards of conduct;
- authorities have implemented or are taking steps to do so, the best practice recommendations;
- for many of the councils, even if they didn't use the precise terms of the best practice recommendations, they had elements in place and were reviewing their practices to comply fully.

Further details are available on the CSPL website [here](#).

Misconduct in Public Office

Members have received previous updates on the consultation taking place regarding reform of the common law offence of misconduct in public office.

The Law Commission has recently published a substantial report (number 397) [here](#) setting out various recommendations for reform, including proposing two replacement offences (not to apply to education and health services):

- corruption in public office:** where a public office holder knowingly uses or fails to use their public position or power for the purpose of achieving a benefit or detriment, where that behaviour would be considered "seriously improper" by a reasonable person; and
- breach of duty in public office:** where a public office holder has a duty to prevent death or serious injury by virtue of the public office, breaches that that duty and is reckless as to the risk in doing so. It is proposed that there should be a statutory list of positions constituting "public office", capable of future amendment by statutory instrument.

The Law Commission believes the recommendations "... will clarify and modernise the law, while ensuring that public office holders are held to account for serious

breaches of the trust that the public places in them..."

The Government will now consider the recommendations in order to decide whether to implement the reforms.

Members will be kept informed of developments.

CSPL review of intimidation in public life

Members have received previous updates regarding the CSPL's 2017 review of the intimidation of Parliamentary candidates and the broader implications for all public office holders.

In December 2017, the CSPL published its report to government, making various recommendations "to address the increasing prevalence of intimidation in public life".

On 17 December 2020 the CSPL published a progress report on recommendations it made in its report. The progress report is available [here](#).

The CSPL concludes that "It is clear that much has happened to tackle threats to public office holders since the publication of the Committee's report in 2017, but there remains more to do, and at a greater pace – by everyone in public life."

NYCC COMPLAINT STATISTICS

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.

CASES

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

- A council was unable to sanction three councillors, including the mayor (who subsequently resigned), for breaching Covid-19 lockdown rules. The councillors attended a garden party during lockdown however as they attended in their personal capacity rather than their official capacity as councillors, the authority was unable to take any action.
- A councillor made comments regarding the LGBT community including describing the community as being “misguided by a powerful ideology,”. It was found that whilst the comments were “unwise and unhelpful”, they did not amount to a breach of the code of conduct “due to the high level of protection afforded to councillors in respect of their right to freedom of expression within political debate.” The Councillor did however lose her position as portfolio holder for social mobility and skills due to her comments.
- A councillor was found to have twice broken his authority’s code of conduct by making “unsubstantiated allegations” about a parish council’s objection to his planning application, which amounted to a failure to treat others with respect and to bringing his office or the authority into disrepute. The councillor apologised.
- A councillor who drove a lorry during an authority cabinet meeting, was fined £200 and received six points on his driving licence. The councillor stepped down as portfolio holder for tourism, arts and culture, admitting that he “shouldn’t have joined” the meeting.
- An authority’s cabinet member for recreation and heritage was found to have breached the code of conduct regarding a council grant to a children’s motorcycle display team. The investigation found that the councillor was “heavily involved” in supporting a team official with the grant application before it was submitted. The investigator found that the councillor should not just have excluded himself from the formal decision to award the

grant but should have taken no part in the application process. He had breached his authority’s code of conduct requirements to act ‘fairly, appropriately and impartially’. No further action was required.

Contributors:

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Resources

Localism Act 2011 and subordinate legislation.

www.gov.uk/government/organisations/the-committee-on-standards-in-public-life

Information published on www.gov.uk

Local Government Lawyer case reports

www.bbc.co.uk