



Agenda

Meeting Standards Committee

Venue: Remote Meeting via Microsoft Teams

Date: Friday, 11 March 2022

Time: 2.00 pm

County Councillors:-

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

Independent Persons for Standards:-

Hilary Gilbertson (Independent person) and Louise Holroyd (Independent person).

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach was agreed by full Council at its February meeting following a review, and will be the subject of a further review and consideration at the May AGM of the County Council.

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings

Recordings of previous live broadcast meetings are also available there.

Business

- 1. Welcome by the Chairman, Introductions and Apologies**

2. **Minutes of Previous Meeting - To agree as an accurate record the Minutes of the meeting held on 17th September 2021** (Pages 3 - 8)
3. **Declarations of Interest**
4. **Public Questions and/or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to Steve Loach of Democratic Services (contact details provided on the Agenda) by midday on Tuesday 8th March 2022. 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. **Amendments to NYCC Code of Conduct for Members in light of model code - Report of the Monitoring Officer** (Pages 9 - 36)
6. **Local Ethical Framework Developments - Report of the Monitoring Officer** (Pages 37 - 42)
7. **Complaints Update - Report of the Monitoring Officer** (Pages 43 - 44)
8. **Standards Bulletin - Report of the Monitoring Officer** (Pages 45 - 54)
9. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)
County Hall
Northallerton

3rd March 2022

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

Informal meeting of Standards Committee

Minutes of the remote meeting held on Friday 17 September 2021 at 10am.

Present:-

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

Apology for Absence:-

Apologies for absence was received from County Councillor Stuart Parsons and Cliff Trotter; together with Hilary Gilbertson MBE (Independent Person for Standards).

**Copies of all documents considered are in the Minute Book
All decisions made by the Committee are subject to the procedure set out in Minute
70, below.**

70. Welcome and Introductions

The Chairman welcomed everyone to the meeting and highlighted the following:-.

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach was reviewed by full Council at its July meeting and it was agreed to continue with this approach with a further review taking place at the County Council Meeting in November.

71. Minutes

Resolved –

That the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

That the Minutes of the remote meeting held on 4 March 2021, having been printed and circulated, be taken as read, be confirmed by the Chairman as a correct record and signed at the next available opportunity.

72. Declarations of Interest

There were no declarations of interest from Members.

73. Public Questions or Statements

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

74. Proposed amendments to Council's Members' Code of Conduct in light of new voluntary Model Code

Considered-

The report of the Monitoring Officer presenting Members with proposed amendments to the Council's Members' Code of Conduct in light of the new voluntary model Code of Conduct for Members and, subject to any comments they may have, to request the Committee to determine whether the proposed amendments to the Code should be recommended to full Council for approval.

The report also informed Members about the publication of supporting Guidance in relation to the Model Code of Conduct for Members and sought Members' views as to how best use may be made of the Guidance.

At the Committee's previous meeting, it considered the Local Government Association (LGA) new, voluntary model Code of Conduct for Members and determined that certain draft amendments to the Council's Code should be brought back to the Committee for its consideration. The latest Model Code was attached at Appendix 1 to the report for reference. A copy of the Council's current Code of Conduct for Members was attached at Appendix 2 for comparison purposes.

Proposed amendments to the Council's Code of Conduct for Members had been drafted, in line with Members' comments at the previous meeting, by way of tracked changes on the current Code for ease of reference. A copy of all the proposed amendments and a commentary on them was attached at Appendix 3 for Members' consideration.

In July 2021 the LGA published, online, supporting Guidance on the new model Code of Conduct for Members, which was circulated to members of the Standards Committee and the Independent Persons for Standards and a link to the Guidance was provided in the report. Should Members be minded to recommend the proposed amendments to the Code to full Council, they were requested to consider how relevant information from the Guidance should be disseminated to Members, particularly given that not all the Guidance would be relevant to the Council's Code as amended, as not all parts of the model code were being recommended for inclusion in the Council's Code or were being tailored to fit the Council's requirements.

The options for disseminating relevant information from the Guidance to Members were:

- a) send the hyperlink to the LGA Guidance to all Members with a strong caveat that not all parts were relevant to, or nuanced exactly in relation to the Council's Code; or
- b) create a Council guidance note based on the LGA Guidance but only containing extracts which were relevant and tailored to the Council's Code.

Members considered the proposed amendments to the Code of Conduct and the dissemination of Guidance to Members, and the following issues and points were raised:-

- Members noted the section relating to the acceptance of hospitality, with offers of £25 or more being reported to the Monitoring Officer within 28 days and the non-acceptance of any gifts or hospitality, at any level, from anyone involved in contract negotiations or applications with the County Council. Members agreed that £25 or more should be the level set for the registration of gifts or hospitality, with that reflected in the revised Code.
- Members discussed the expectation of County Council Members to undertake training, either as a sanction following a complaint or as a mandatory requirement to serve on certain Committees, recognising that some Members did not undertake the required training, as there was nothing to compel them to do this. In view of this Members agreed that a statement should be included in the revised Code outlining that Members should attend relevant training when directed to, unless they had agreed otherwise with the Monitoring Officer prior to the event.
- A discussion took place in relation to the proposed changes to the registration and declaration of interests and the expansion of the interests regime in line with the model code. Clarification was provided in respect of the different types of interest to be registered and when Members were expected to declare and leave the room, in the revised Code. A discussion was then undertaken on Other Registrable Interests (ORI) and the new category of Non-Registrable Interests (NRI) and noted that when members of the public were provided with a speaking opportunity at a meeting, then generally Members with these interests would also be provided with the same opportunity to speak before leaving the meeting. Members discussed the wording within the revised Code in terms of action taken by Members following the declaration of interests and agreed to leave it as stated. It was recognised that the interests' regime would become more complex under the proposed revisions but would be in line with the model code. Further clarification was provided in relation to situations when NRIs would be declared, and the nature of those interests. It was suggested that the revised Code should refer Members to contact the Monitoring Officer when they had any doubts around any interests, to allow clarification to be provided, and Members agreed that this would be an appropriate approach.
- In respect of the LGA Guidance relating to the revised Code, Members considered it appropriate to develop a guidance document relevant to the specific Code of the County Council, rather than issue all of the national guidance, not all of which would be relevant to the Council's Code.
- The Monitoring Officer explained the process for the adoption of the revised Code of Conduct, highlighting the need for the report to be considered and approved by the full County Council, via the Executive. He re-iterated that the formal decision on this matter would be referred to the Chief Executive Officer for him to make under his emergency powers, taking into account the recommendations of the Committee Members and all relevant information. The Monitoring Officer also stated that the Code would be utilised until the Unitary Council came into place in April 2023, when the Code would again be reviewed to take account of the new administration.

Resolved –

That the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

- a) That the proposed amendments to the Council's current Members' Code of Conduct be recommended to full Council for approval subject to the amendments outlined above;
- b) That it be recommended to full Council that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code; and
- c) That a specific guidance document be created, relevant to the County Council's revised Code to disseminate relevant information from the LGA Guidance on the Model Code to Members.

75. 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
- Committee on Standards in Public Life Reviews
- CSPL – Annual Report 2020/21
- CSPL Report on the Regulation of Election Finance
- CSPL Findings from “Standards Matters 2” Review
- Civility in Public Life - Digital Citizenship Resources

The Monitoring Officer noted that the further reviews being undertaken by CSPL would result in further reports being brought back to the Committee.

Resolved -

That the contents of the report be noted.

76. 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 2020 to 31 March 2021.

No amendments were suggested by Members.

Resolved –

That the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

That the Annual Report 2020-21 be submitted to a forthcoming meeting of the County Council.

77. Complaints Update

Considered -

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

There had been one new complaint received since the last Complaints Update report to the Committee. Complaint NYCC/SC/78 was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and it was concluded that no action should be taken in relation to the complaint as there was no evidence to suggest a breach of the Code by the Subject Member.

The existing complaint NYCC/SC/77 was currently under consideration by the Monitoring Officer and has been referred for investigation.

The Monitoring Officer noted that the new Unitary Council, commencing in April 2023, would take over the ethical framework of the existing District Councils which could lead to additional work for the Standards Committee.

Resolved -

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

78. 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.

Members noted that the Bulletin would require updating in accordance with discussions at the informal meeting.

Resolved –

That the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

That the Bulletin, as updated following the informal meeting on 17 September 2021, be approved for circulation.

The meeting concluded at 12.10 pm.
SML

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NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

11 March 2022

Amendments to NYCC Code of Conduct for Members in light of Model Code

1.0 PURPOSE OF REPORT

- 1.1 To update Members regarding approval of the proposed amendments to the Council's Members' Code of Conduct in light of the new voluntary Model Code of Conduct for Members.
- 1.2 To update Members regarding the production of supporting Guidance in relation to the new Council Code.

2.0 BACKGROUND

- 2.1 The LGA published the new, voluntary Model Code of Conduct for Members 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 the Model Code in the future. The LGA has stated it will review the Model Code on an annual basis.
- 2.2 Since the Committee's last informal meeting, the Minister for Levelling Up Communities is reported to have said that she is actively considering the recommendations set out in the CSPL report on local government ethical standards and will respond "shortly".

3.0 APPROVAL PROCESS RE DRAFT AMENDMENTS TO COUNCIL'S CODE

- 3.1 At the Committee's last meeting on 17 September 2021, an informal remote meeting, it considered proposed amendments to the Council's Code of Conduct for Members in light of the Local Government Association (LGA) new, voluntary model Code of Conduct (published on the LGA website at <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>). Members made various suggestions for further amendments and also felt that in terms of how to best disseminate information from the LGA Guidance on the Model Code, this would best be done by creating a specific Council guidance note if the proposed changes to the Council's Code were ultimately approved.
- 3.2 Following the informal meeting on 17 September, further proposed revisions were made to the Council's Code to take into account the views expressed at the informal meeting. These were considered by the Chief Executive Officer under his emergency delegated decision-making powers (in light of the ongoing Covid-19 pandemic) on 25 October 2021, when he agreed that the proposed amendments and recommendations be recommended to full Council for approval. The CEO decision record is published on the website - [Decision - Approval of Standards Committee recommendations re proposed amendments to Members' Code of Conduct in light of new voluntary Model code | North Yorkshire County Council](#).
- 3.3 The recommendations were considered by the Members' Working Group on the Constitution on 25 November 2021 and the informal meeting of Executive

Members on 25 January 2022. The Executive Members' recommendations to full Council were agreed by the Chief Executive Officer under his emergency delegated decision-making powers (in light of the ongoing Covid-19 pandemic) on 25 January 2022, having taken account of the comments made by Executive Members and all the relevant information provided, with the addition that the proposed amendments to the Code take effect from 5 May 2022. The decision record is published on the website - [Decision - Consideration of proposed amendments to the Council's Members' Code of Conduct and consequential amendments to the Constitution for recommendation to full Council | North Yorkshire County Council](#)

- 3.4 Further slight suggested amendments were made to the Code following Executive Members' consideration, to reflect discussions at the informal meeting in terms of expanding the dispensation regime to cover all interests precluding a Member's participation in Council business, not just disclosable pecuniary interests.
- 3.5 The final proposed amendments were presented to full Council at its physical meeting on 16 February 2022 for Members' consideration and approval ([Agenda for County Council on Wednesday, 16th February, 2022, 10.30 am | North Yorkshire County Council](#)). Given the forthcoming elections on 5 May 2022, it was recommended that the changes come into effect on that date so that all Members can receive training on the new Code of Conduct. In order to ensure consistency with developments in the national standards regime, full Council therefore agreed that:
- a) the proposed amendments to the Council's current Members' Code of Conduct be approved, to take effect from 5 May 2022;
 - b) the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code; and
 - c) that tailored guidance, specific to the Council's Members' Code of Conduct, be circulated to the new elected Members in May 2022.
- 3.6 Following the Council meeting on 16 February 2022, the agreed changes to the Code were incorporated into a version of the Code which will take effect from the elections on 5 May 2022. A copy of this new Code is attached at **Appendix 1** to this report. The Monitoring Officer will, under his specific delegation, make the consequential amendments to the registration of Members' interests proforma, any other relevant standards documentation and the Constitution to reflect the new Code at the relevant time. Until the elections, the current Code of Conduct for Members will continue to have effect.
- 3.7 The new unitary authority will adopt its own Code of Conduct for Members at the relevant time.

4.0 GUIDANCE ON CODE OF CONDUCT FOR MEMBERS

- 4.1 The Standards Committee has previously considered the LGA online supporting Guidance on the new model Code ([Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)). Full Council agreed, on 16 February 2022, that tailored guidance, specific to the Council's Members' Code of Conduct, be circulated to the new elected Members in May 2022. At the time of writing this report, the Monitoring Officer is drafting Guidance for Members, based on the LGA online guidance and a draft will be circulated to Standards Committee Members as soon as possible.

4.2 Since the informal meeting of Standards Committee Members on 17 September 2021, the Monitoring Officer has produced a summary chart of the proposed new interests regime, including relevant extracts from the LGA Guidance, attached at **Appendix 2** to this report for Members' information. This was slightly amended after Executive Members' consideration of it on 25 January 2022 to expand the dispensation regime to all types of interest precluding a Member's participation in Council business (not just Disclosable Pecuniary Interests). The summary chart was part of the report to Council on 16 February 2022.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no significant financial implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 The legal implications are set out in the body of this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 There are no significant environmental implications arising from this report

8.0 CONCLUSION

8.1 The Committee is requested to note:

- (a) the approval process which has been undertaken in relation to the amendments to the Council's Code of Conduct for Members in light of the new Model Code; and
- (b) the progress made in relation to producing detailed, tailored Guidance on the Council's amended Code and a summary chart of the new interests regime.

9.0 RECOMMENDATIONS

9.1 That Members note:

- (a) the approval process which has been undertaken in relation to the amendments to the Council's Code of Conduct for Members in light of the new Model Code; and
- (b) the progress made in relation to producing detailed, tailored Guidance on the Council's amended Code and a summary chart of the new interests regime.

BARRY KHAN

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

Background Papers: None

County Hall
NORTHALLERTON

2 March 2022

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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 in your official capacity 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 when acting in their official capacity 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, assisted by two Independent Persons for Standards, to oversee the Council’s ethical framework.

Notes in italics in this Code are guidance extracts from the national voluntary model code of conduct for Members, to aid understanding of the Code’s requirements.

GENERAL CONDUCT OBLIGATIONS

1. You must treat others with respect.

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. You must not unlawfully discriminate against any person or do anything which may cause the County Council to breach any equality enactment.

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. You must not bully, intimidate or harass any person, or attempt to do so.

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.

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.

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.

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.

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.

- 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.**

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 your 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.

- 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.**

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.

- 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 give careful consideration to gifts or hospitality offered to you:**
 - a) You must not accept any gift or hospitality (of any value) which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Member, or which could give rise, or give the appearance of giving**

rise, to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, for example from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage. Where such a person does make a significant offer (estimated value £25 or more) of gifts and/or hospitality to you, you should inform the Monitoring Officer.

- b) If you do accept any gift or hospitality of estimated value £25 or more 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 you decline, to the Monitoring Officer within 28 days of its offer/receipt.

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.

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.**

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.

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.
14. You must (unless otherwise specifically agreed with the Monitoring Officer), comply with the Council's standards regime relating to the Code of Conduct, including but not limited to:
 - a) attending standards training provided/arranged by the Council;
 - b) co-operating with any standards assessment, investigation and/or determination;
 - c) not intimidating or attempting to intimidate any person who is likely to be a party in, witness in or involved with the administration of any standards complaint, assessment, investigation or determination;
 - d) refraining from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members.

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.

INTERESTS

Disclosable Pecuniary Interests (DPI)

15. (1) A pecuniary interest is a "disclosable pecuniary interest" (DPI) 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

16. (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 25 (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

17. (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 **directly relating** to any matter to be considered, or being considered, at the meeting; and
 - (c) are aware that the condition in paragraph (b) is met.
- (2) You must disclose the existence and nature of 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;
 - (c) remain in the meeting room;

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

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 is a criminal offence under the Localism Act 2011.

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 Registrable Interests (ORI)

- 18. The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out in Appendix 2.

Disclosure of Other Registrable Interests on taking office

- 19. (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 25 (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.

Other Registrable Interests in matters considered at meetings

- 20.(1) Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registrable Interests (ORI) (as set out in Appendix 2), you must disclose the interest to the meeting.

- (2) You may speak on the matter only if members of the public are also allowed to speak on it but otherwise must not take part in any discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation). If it is a sensitive interest, you should declare that you have an interest but do not need to disclose the nature of it.

Non-Registrable Interests (NRI) in matters considered at meetings

21.(1) 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 Appendix 1 or Other Registrable Interest set out in Appendix 2) or a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware), you must disclose the interest to the meeting.

- (2) You may speak on the matter only if members of the public are also allowed to speak on it. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation). If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

22.(1) Where a matter arises at a meeting which **affects**:

- a) your own financial interest or well-being;
- b) a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware); or
- c) a financial interest or the wellbeing of a body included under Other Registrable Interests as set out in Appendix 2 (of which you could reasonably be expected to be aware);

you must disclose the interest to the meeting (subject to the rules on sensitive interests). In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraph 22(2) should be considered.

(2) Where a matter (referred to in paragraph 22(1) above) affects the financial interest or wellbeing:

- a) to a greater extent than it affects the financial interests or wellbeing 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

then you may speak on the matter only if members of the public are also allowed to speak on it, otherwise you must not take part in any

discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation).

- (3) Where the test in paragraph 22(2)(a) and (b) is not met, then you may speak and vote on the matter in the usual way.

Other Registrable and Non-Registrable Interests in matters considered by a single member

23.(1) Where:

- a) a function of a relevant authority may be discharged by a member of the authority acting alone;
- b) the member has an Other Registrable Interest or Non-Registrable 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;

if an Other Registrable 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 (1)(b) is met in relation to the matter.

- (2) 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).

Bias/Predetermination

24. 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.

If you are in any doubt as to whether you have an interest in a matter under the Code of Conduct, please seek advice from the Monitoring Officer.

Sensitive interests

25. (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 17(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

- 26. (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 and the provisions in this Code) relieving you from any or all of the restrictions in paragraphs 17(4), 20(2), 21(2) and 22(2) in cases described in the dispensation.
- (2) Paragraphs 17(4), 20(2), 21(2) and 22(2) do not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

OFFENCES

- 27.(1) You commit a criminal offence if, without reasonable excuse, you:-
 - (a) fail to comply with an obligation imposed on you by paragraph 16(1) or 17(2), (3) or (6);
 - (b) participate in any discussion or vote in contravention of paragraph 17(4); or
 - (c) take any steps in contravention of paragraph 17(7).
- (2) You commit an offence if under paragraph 16(1) or 17(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.

28. **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 disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

- 1. Unpaid directorships**
- 2. Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority**
- 3. Any body:**
 - i. exercising functions of a public nature**
 - ii. 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/professional association)**

of which you are a member or in a position of general control or management

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.

AIDE MEMOIRE RE PROPOSED NEW INTERESTS REGIME 2021

*SUBJECT TO the provisions on Sensitive Interests:

Interest	Covers	Register in Register of Interests?	Declare at meetings?	Speak?	Discuss and vote?	Able to apply for Dispensation?
Disclosable Pecuniary Interest (DPI) (self <u>and</u> partner)	Employment, office, trade, profession, vocation Sponsorship Contracts Land Licences Corporate tenancies Securities	Yes	Yes (existence and nature)* WHERE you have a DPI directly relating to any matter being considered at a meeting.	No leave the meeting room (subject to any dispensation)	No leave the meeting room (subject to any dispensation)	Yes (by law)
Other Registrable Interests (ORIs) (self only)	1. Unpaid directorships 2. Any body of which you are a member or are in a position of general control or management <u>and</u> to which you are nominated or appointed by your authority 3. Any body: <ul style="list-style-type: none"> i. exercising functions of a public nature ii. 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/professional association) of which you are a member or in a position of general control or management.	Yes	Yes (existence and nature)* WHERE a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of the ORIs.	Yes IF the public can	No leave the meeting room	Yes (by local choice)

Interest	Covers	Register in Register of Interests?	Declare at meetings?	Speak?	Discuss and vote?	Able to apply for Dispensation?
Non-Registrable Interests (NRIs) (self and others)	Interests other than DPIs and ORIs:- (i) which directly relate to the Member's financial interest or well-being, or that of a relative or close associate (of which the Member could reasonably be expected to be aware); (ii) which affect the Member's financial interest or well-being or that of a relative or close associate or of a body included under Other Registrable Interests (of which the Member could reasonably be expected to be aware).	No (by very nature)	Yes (existence and nature)*	Yes IF the public can	No leave the meeting room	Yes (by local choice)
		No (by very nature)	Yes (existence and nature)*	TEST: Where the matter affects the financial interest or wellbeing more than it affects that of the majority of inhabitants of the ward affected and 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, then can SPEAK if the public can , but must not take part in any discussion/vote and must leave room;	See Test No leave the meeting room	Yes (by local choice)
				Where the matter does <u>not</u> so affect the financial interest or wellbeing, then the Member may SPEAK AND VOTE in usual way.	Yes	N/A

LGA Guidance on Model Code interests' provisions – extracts

Disclosable Pecuniary Interests

... The Localism Act uses the phrase ... disclosable pecuniary interest **in any matter to be considered or being considered at the meeting** ...

This wording has led to some confusion as to what circumstances would lead to the need to declare a DPI. The Explanatory Notes to the Localism Act say that section 31 of the Act "requires a member of a relevant authority to disclose a disclosable pecuniary interest that they are aware of (apart from a sensitive interest), at a meeting or if acting alone, where any matter to be considered **relates to** their interest. ... It prohibits a member from participating in discussion or voting on any matter **relating to** their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations)." [our emphasis].

This means you have a Disclosable Pecuniary Interest (DPI) in a matter when the matter being discussed **directly relates** to your registered interest or that of your partner, rather than simply affecting it.

For example, if you have registered 1 Acacia Avenue as your address, you would have a DPI if you put in a planning application for 1 Acacia Avenue, or if the whole of Acacia Avenue was being considered for a Resident Parking Zone.

You would not have a DPI if 3 Acacia Avenue had put in a planning application as the matter does **not directly relate** to your registered interest. You may however have a non-registerable interest (see below) as the application may indirectly affect your property...

Does setting the Council Tax or precept give rise to a DPI?

The LGA is clear that you do not have a DPI simply if you are voting to set the Council Tax or precept. Guidance issued by the Government in 2013 made clear that 'any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.'

The Council Tax and precept are charges on all relevant properties in the area and do not directly relate to any single property in such a way as to give rise to a DPI. Members are therefore fully entitled to vote on the matter (subject to rules about Council tax arrears).

Other registerable interests

... If you have an 'Other Registerable Interest' ... the Code says you should not participate in the relevant business in two circumstances:

1. when a matter directly relates to the finances or wellbeing of that interest... or
2. when a matter affects the finances or wellbeing of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected...

An interest 'directly relates' to an outside body where the local authority is taking a decision which directly relates to the funding or wellbeing of that organisation

For example, under a) if you are a member of a group which has applied for funding from the local authority, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.

In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the organisation's case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.

If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.

If the local authority is simply discussing that outside organisation but not making a decision which relates to its finances or wellbeing – for example discussing the annual report from the organisation – that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.

Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.

You would not have an interest if the local authority was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.

There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the local authority might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.

If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the monitoring officer ...

As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting.

Non-registerable interest

*... A **Non-registerable Interest** arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).*

As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or wellbeing. The Code says you should not participate in the relevant business in two circumstances:

- **a.** when a matter directly relates to that interest. Or
- **b.** when a matter affects that interest to a greater extent than it affects the majority of inhabitants and

- a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted an application for a licence to open a bar, the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare a Non-Registerable Interest.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of constituents.

As with DPIs you can be granted a dispensation (see below).

What is the difference between 'relates to' and 'affects'?

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Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

'Affects' means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

What does "affecting well-being" mean?

The term 'well-being' can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your wellbeing on a temporary basis. Closure of a local amenity may have a more permanent impact on your wellbeing if you use it more than the majority of people in the area.

What are the definitions of relative or close associate?

The Code does not attempt to define "relative" or "close associate", as all families vary. Some people may have very close extended families, but others will have more distant relations. You should consider the nature of your relationship with the person (eg whether they are a close family member or more distant relation). The key test is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor. It would be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business

associate or someone whom you know through general social contacts. A close associate may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.

...

Dispensations

Wherever you have an interest the code allows you to apply for a dispensation. The Localism Act sets out arrangements for applying for a dispensation where you have a DPI but is silent about dispensations for other types of interest as they are not statutory interests. A similar process should however be set out in your constitution or Dispensation Policy for ORIs and NRIs.

A dispensation must be applied for in writing to the 'Proper Officer' (the monitoring officer or, in the case of a parish council, the clerk) in good time before the relevant meeting and will be considered according to the local authority's scheme of delegation for considering a dispensation. The circumstances whereby a dispensation may be granted are where –

1. It is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
2. It is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
3. That the authority considers that the dispensation is in the interests of persons living in the authority's area.
4. That the authority considers that it is otherwise appropriate to grant a dispensation.

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

11 March 2022

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 AMENDMENT OF COUNCIL CODE OF CONDUCT FOR MEMBERS IN LIGHT OF MODEL CODE

- 3.1 The main area of development is the amendment of the Council's current Code of Conduct for Members in light of the new Model Code published by the Local Government Association. This is the subject of a separate report to the Committee.

4.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT ON LOCAL GOVERNMENT ETHICAL STANDARDS

- 4.1 The Committee on Standards in Public Life (CSPL) published its extensive Report on Local Government Ethical Standards on 30 January 2019. The Report makes a number of recommendations (26), which are not legally binding, to the Government regarding the ethical framework, which would require changes to legislation and the regulatory framework if accepted. It also makes various best practice recommendations which local authorities could choose to implement immediately should they so wish. The Report has been considered by the Standards Committee and a response from Government long-awaited.

- 4.2 Since the Committee's last informal meeting on 17 September 2021, the Minister for Levelling Up Communities is reported to have said that she is actively considering the recommendations set out in the CSPL report on local government ethical standards and will respond "shortly". Members will be kept informed of developments.

5.0 ONLINE SAFETY BILL

- 5.1 The Department for Digital, Culture, Media and Sport has announced that the Government will add two new duties to the Online Safety Bill to strengthen the law against anonymous online abuse: the first to force the largest and most popular social media sites to provide an option to block unverified accounts and the second duty to require platforms to provide opt out options re algorithms and harmful content. This is based on recommendations from the LGA and the aim is to give social media users more control over who can contact them and their online interactions.

6.0 PROPOSED COMPLAINT REVIEW ROLE BY LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

6.1 The recommendations in the CSPL Report re Review of local government standards included the following:

- That current sanctions available to local authorities under the current regime are insufficient and stronger sanctions should be made available to authorities. They should be given the power to suspend councillors without allowances for up to six months. The CSPL envisages the power of suspension being used rarely and only for the most serious breaches eg significant bullying/harassment, serious breaches of the rules on declaring financial interests, or repeated breaches or repeated non-compliance with lower level sanctions. To ensure that any power of suspension is applied fairly, the CSPL recommends that an authority may only impose suspension for a breach of the Code where the Independent Person agrees with the finding of a breach and that suspension is a proportionate sanction.
- That there should also be a right of independent appeal against suspension to the Local Government and Social Care Ombudsman, whose decision would be binding.

6.2 The Local Government and Social Care Ombudsman has confirmed that the service is ready and prepared to undertake this appeal role should the Government be minded to implement the CSPL recommendation, and has further stated that complainants, as well as sanctioned councillors, should be allowed to make a request to the Ombudsman to review an authority's handling of a standards complaint. This would enable an independent review of a complaint process which authorities may find helpful in bringing long-running disputes to an end.

6.3 As mentioned earlier in this report, the Government's response to the 2019 CSPL Report is awaited and Members will be kept informed of developments.

7.0 LGA CALL FOR EVIDENCE - CIVILITY IN PUBLIC LIFE: ABUSE AND INTIMIDATION OF COUNCILLORS

7.1 As part of its work on Civility in Public Life, the LGA has been developing a call for evidence re abuse and intimidation of elected councillors to capture councillors' "experiences and emerging trends around abuse and intimidation from the public" in their elected role. The LGA hopes that "Evidence collected in this way will help the LGA to develop a body of evidence to support our calls for legislative and systemic change and develop support for elected members."

7.2 It is an ongoing call for evidence so there currently no closing date. If Members wish to know more and/or respond to the call for evidence, more information can be found via the following hyperlinks:

[Civility in public life | Local Government Association](#)

[Civility in public life call for evidence: Abuse and intimidation of councillors \(local.gov.uk\)](#)

8.0 CSPL REPORT ON THE REGULATION OF ELECTION FINANCE

8.1 At its last informal meeting in September 2021, the Standards Committee was informed that in July 2021, the CSPL had published its 22nd report, on the regulation of election finance. The report is detailed, spanning 167 pages and is available on the website:

[Regulating Election Finance: report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/Regulating-Election-Finance-report-2021.pdf)

and makes 47 separate recommendations in relation to the following broad areas:

- principles underpinning the regulation of election finance;
- electoral law and legal framework (and its simplification);
- the role of the Electoral Commission;
- regulating donations and loans;
- regulated periods (periods during which spending limits and reporting obligations apply) and campaign expenditure;
- digital campaigning and election finance;
- reporting campaign expenditure timeframes;
- non-party campaigning;
- the framework for the enforcement of election finance offences (the criminal and civil regimes);
- a civil sanctions regime for candidates, overseen by the Electoral Commission.

8.2 The CSPL states that the report “focuses on practical proposals that seek to modernise and reform aspects of the regime.... Together, the recommendations we have made in this report will deliver significant improvements to the current framework for regulating election finance, creating a more transparent, proportionate and effective system.”

8.3 The Government has now published its response to the CSPL’s review - [Government response to 'Regulating Election Finance' - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/Regulating-Election-Finance-report-2021.pdf). The Government states that it “intends to look at all the recommendations in the committee’s report, alongside other recommendations set out in similar reports including the forthcoming Report of the Public Administration and Constitutional Affairs Committee into the work of the Electoral Commission, as part of further work looking at the regulatory framework for elections, beyond the Elections Bill.”

8.4 The CSPL has welcomed the Government's initial response ([Lord Evans' statement on the Government's response to the Committee's Regulating Election Finance report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/Regulating-Election-Finance-report-2021.pdf)) and looks forward to the Government’s further analysis of its recommendations. Members will be kept informed of developments.

9.0 CSPL REPORT - 'UPHOLDING STANDARDS IN PUBLIC LIFE'

9.1 The Standards Committee was informed at its last informal meeting that the CSPL had published its findings from its ‘Standards Matter 2’ review ([Standards Matter 2: The Committee's Findings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/Regulating-Election-Finance-report-2021.pdf)), in advance of its final report.

9.2 The Committee launched its Standards Matter 2 review ([Standards Matter 2 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/Regulating-Election-Finance-report-2021.pdf)) last autumn “to evaluate the strengths and weaknesses of the institutions, processes and structures in place to support high standards of conduct in public life.... In light of sustained public scrutiny on standards in public life and a number of ongoing parliamentary and government inquiries into

standards issues, the Committee is publishing findings from the review. The Committee's final report and recommendations to the Prime Minister will follow later this year".

9.3 The findings covered the following broad areas:

- four areas of standards regulation require significant reform: the Ministerial Code and the Independent Adviser on Ministers' Interests, the business appointment rules and the Advisory Committee on Business Appointments (ACOBA), transparency around lobbying, and the regulation of public appointments;
- immediate issues with the current operation of the standards regulatory regime, and point in the direction of necessary reforms.

9.4 The CSPL has now published its 23rd Report 'Upholding Standards in Public Life', the final report and recommendations of the Standards Matter 2 review. It is a lengthy report, spanning over 100 pages, and is published on the CSPL website:

[Upholding Standards in Public Life - Published Report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611117/23rd-report-upholding-standards-in-public-life.pdf)

The Report contains details of the CSPL earlier findings mentioned above and translates them into recommendations to Government, alongside several new recommendations – 34 recommendations to the Prime Minister in total. These are set out at pages 13 to 17 of the Report. The report looks at the institutions, processes and structures in place to support high standards of conduct in Government.

9.5 Key findings in the report are:

- The importance of ethical standards:** High ethical standards underpin public confidence however “social media, intimidation, political polarisation and a more intense and immediate public debate on politicians’ conduct has led to increasing risks to public standards, exacerbated by the pressures of the coronavirus pandemic and EU exit... The balance of evidence submitted to this review indicates to us that the existing standards framework is not functioning as well as it should...”
- There is strong support for Lord Nolan’s original **Seven Principles of Public Life**, however the Leadership descriptor should be updated to better cover the issue of respect:

Leadership (new descriptor):

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

- The Regulation of Ethical Standards:** The current system of ethical standards regulation in central government is too dependent on conventions, and there needs to be a greater degree of independence of standards regulators in government. There should be stronger rules, more independent regulation, and a better system of compliance in central government. “The Committee’s recommendations are designed to codify the most important conventions and norms around standards in government into more formal processes and rules.”

- iv. **The Ministerial Code and the Independent Adviser on Ministers' Interests:** the CSPL view is that further reform is necessary to the Ministerial Code and the role of the Independent Adviser, for example:
- the code's provisions on ethics and standards should be separated from those detailing the processes of cabinet governance;
 - the code must be owned and issued by the Prime Minister, underpinned by statutory obligation, rather than Parliament;
 - the code should detail the range of sanctions that the Prime Minister may issue in response to a breach – "We recommend that those sanctions include apologies, fines, and asking for a minister's resignation."
 - the appointments process, powers and remit of the Independent Adviser should be strengthened.
- v. **The Business Appointment Rules:** The scope of these Rules should be expanded, and the Rules should be enforced through legal arrangements. "The lack of any meaningful sanctions for a breach of the rules is no longer sustainable."
- vi. **The Regulation of Public Appointments:** the CSPL recognises that "Though the public appointments system has generally worked well in recent years, it is highly dependent on informal mechanisms, ... It is unlikely that a system so dependent on personal responsibility will be sustainable in the long term." The CSPL recommends reforms to the powers of the Commissioner for Public Appointments to provide a better guarantee of the independence of assessment panels.
- vii. **Transparency around Lobbying:** the CSPL feels that the current system around such transparency is "not fit for purpose" and suggests a number of improvements;

9.6 The CSPL believes its recommendations outline "a necessary programme of reform to restore public confidence in the regulation of ethical standards in government".

10.0 PREVIOUS CSPL REPORTS AND REVIEWS

10.1 Links to all reports and reviews conducted by the CSPL since 1995 are published on its website - [Previous CSPL reports and reviews - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

11.0 FINANCIAL IMPLICATIONS

11.1 There are no significant financial implications arising from this report.

12.0 LEGAL IMPLICATIONS

12.1 The legal implications are set out in the body of this report.

13.0 ENVIRONMENTAL IMPLICATIONS

13.1 There are no significant environmental implications arising from this report.

14.0 RECOMMENDATIONS

14.1 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

2 March 2022

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

11 March 2022

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 has been one new complaint received since the last Complaints Update report to the Committee:

NYCC/SC/79

An anonymous complaint was submitted through the Council's corporate complaints system and referred to the Monitoring Officer. The complaint concerned alleged remarks regarding cyclists made by the Subject Member during a meeting, which were subsequently reported in a local newspaper and in the media, and which the complainant alleged to be offensive. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards when it was concluded that no action should be taken in relation to the complaint as there was no evidence to support a finding of a breach of the Code. The Subject Member had apologised to those whom his comments had caused offence and the anonymous complaint did not fall within the criteria for investigation or other action as there was no evidence to indicate an exceptionally serious or significant matter, there was no significant public interest in taking the complaint forward and there was therefore no merit in referring the complaint for investigation or other action.

Existing complaints

NYCC/SC/77

- 3.2 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 2021 to date, the Council has received two formal standards complaints (NYCC/SC/78 and 79 referred to above).
- 4.2 Members will be kept updated.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no significant financial implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 There are no significant legal implications arising from this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 There are no significant environmental implications arising from this report.

8.0 RECOMMENDATIONS

8.1 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

3 March 2022

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

11 March 2022

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 FINANCIAL IMPLICATIONS

4.1 There are no significant financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 There are no significant legal implications arising from this report.

6.0 ENVIRONMENTAL IMPLICATIONS

6.1 There are no significant environmental implications arising from this report.

7.0 RECOMMENDATIONS

7.1 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

3 March 2022



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

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

Stephen Loach

Principal Democratic Services Officer
Tel: 01609 532216
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Moira Beighton

Senior Lawyer (Governance)
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, particularly in relation to a revised Code of Conduct for NYCC in light of the new Model Code and supporting Guidance issued by the Local Government Association.

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
- Changes to NYCC Members' Code of Conduct
- CSPL Report on Local Government Ethical Standards
- Online Safety Bill
- LGA call for evidence - civility in public life: abuse and intimidation of councillors
- CSPL report on the regulation of election finance
- CSPL report "Upholding Standards in Public Life"
- Complaint statistics
- Cases

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 [Decision Making at the Council | North Yorkshire County Council](#)

Interests' Regime

Under the Council's current Code of Conduct for Members, 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 during office hours at County Hall, Northallerton (subject to any necessary Covid-19 restrictions). It is published on the Council's website (as required by the Localism Act 2011) - [Your Councillors | North Yorkshire County Council](#)

Members must, within 28 days of becoming aware of a new interest or a change to an existing interest, register the necessary details electronically via the ModGov committee software system.

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 disclosable pecuniary 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.

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, Members do **still need to register** them with the Monitoring Officer.

From 1 November 2021, Members' gifts and hospitality are now recorded with their Register of Interests, electronically via the ModGov committee software system.

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, in light of the proposed changes to the Code of Conduct arising from the new Model Code. This is discussed later in the Bulletin.

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

Changes to NYCC Code of Conduct for Members from 5 May 2022

The last Standards Bulletin informed Members about the new Local Government Association (LGA) Model Code of Conduct for Members and supporting guidance. The Bulletin explained that the Standards Committee had considered the Model Code and reviewed the Council's Code of Conduct for Members in light of it and determined that recommendations should be made to full Council to amend the Council's current Code, particularly in relation to the registration and declaration of interests.

These proposed changes relate to matters such as:

- including in the Council's Code, relevant guidance extracts from the Model Code, to

aid understanding of the Code's requirements;

- including in the Council's Code, further general conduct obligations eg obligations to comply with the Council's standards regime, and to refrain from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members;
- expanding, clarifying and including a £25 threshold in relation to the gifts and hospitality provisions;
- the expansion of the registration and declaration of interests regime, akin to the previous personal/prejudicial interests process, including:
 - the inclusion of a specific requirement for a Member with a Disclosable Pecuniary Interest ("DPI") to declare the existence and nature of the interest before leaving the meeting (to reflect current practice);
 - the inclusion of a specific requirement (to reflect current practice) for a Member with a DPI to leave the meeting room after declaring the interest (subject to the dispensation provisions);
 - the expansion of the range of interests other than DPIs ("Other Registrable Interests") ("ORIs") required to be registered, to cover not only membership of trade unions and professional associations but also:
 1. Unpaid directorships;
 2. Any body of which the Member is a member or is in a position of general control or management and to which they are nominated or appointed by the authority;
 3. Any body:
 - i. exercising functions of a public nature
 - ii. 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/professional association)

of which the Member is a member and in a position of general control or management

➤ making specific provision for the declaration of those Other Registrable Interests in matters considered at meetings and participation in relation to them, ie:

- where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of the Other Registrable Interests, the Member must disclose the interest to the meeting, may speak on the matter if the public can, but otherwise must not take part in any discussion or vote and must leave the room (subject to the provisions on sensitive interests);

➤ making specific provision for the declaration of other Non-Registrable Interests (NRIs) (ie those other than DPIs and ORIs) in matters considered at meetings and participation in relation to them, ie:

- where a matter arises at a meeting which **directly relates** to the Member's financial interest or wellbeing, or that of a relative or close associate (of which the Member could reasonably be expected to be aware), the Member must disclose the interest to the meeting, may speak on the matter if the public can, otherwise they must not take part in any discussion or vote on the matter and must not remain in the room;
- where a matter arises at a meeting which **affects** the Member's financial interest or well-being or that of a relative or close associate or of a body included under Other Registrable Interests (of which the Member could reasonably be expected to be aware), the Member must disclose the interest to the

meeting BUT may be able to remain in the meeting after considering the prejudicial interest test:

❖ where the matter affects the financial interest or wellbeing:

- to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision and;
- 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

then the Member may speak on the matter if the public can, but must not take part in any discussion or vote on the matter and must not remain in the room;

❖ where the matter does not so affect the financial interest or wellbeing, then the Member may speak and vote on the matter in the usual way.

➤ making similar provision for Other Registrable and Non-Registrable Interests, as for DPIs, in matters considered by a single member.

The final proposed amendments were agreed by full Council at its meeting on 16 February 2022 for Members' consideration and approval ([Agenda for County Council on Wednesday, 16th February, 2022, 10.30 am | North Yorkshire County Council](#)). Given the forthcoming elections on 5 May 2022, it was agreed that the changes to the Code should come into effect on that date so that all Members can receive training on the new Code of Conduct. Tailored guidance, specific to the Council's Members' Code of Conduct, will be circulated to the new elected Members in May 2022.

Until the elections, the current Code of Conduct for Members will continue to have effect.

The new unitary authority will adopt its own Code of Conduct for Members at the relevant time.

Committee on Standards in Public Life – Report on Local Government Ethical Standards

The Committee on Standards in Public Life (CSPL) published its extensive Report on Local Government Ethical Standards on 30 January 2019. The Report makes a number of recommendations (26), which are not legally binding, to the Government regarding the ethical framework, which would require changes to legislation and the regulatory framework if accepted. It also makes various best practice recommendations which local authorities could choose to implement immediately should they so wish.

The Report has been considered by the Standards Committee and a response from Government long-awaited.

The Minister for Levelling Up Communities is reported to have said that she is actively considering the recommendations set out in the CSPL report on local government ethical standards and will respond “shortly”.

Members will be kept informed of developments.

Online Safety Bill

The Department for Digital, Culture, Media and Sport has announced that the Government will add two new duties to the Online Safety Bill to strengthen the law against anonymous online abuse: the first to force the largest and most popular social media sites to provide an option to block unverified accounts and the second duty to require platforms to provide opt out options re algorithms and harmful content. This is based on recommendations from the LGA and the aim is to give social media users more control over who can contact them and their online interactions.

LGA call for evidence - civility in public life: abuse and intimidation of councillors

As part of its work on Civility in Public Life, the LGA has been developing a call for evidence re abuse and intimidation of elected councillors to capture councillors’ “experiences and emerging trends around abuse and intimidation from the public” in their elected role. The LGA hopes that “Evidence collected in this way will help the LGA to develop a body of evidence to support our calls for legislative and systemic change and develop support for elected members.”

It is an ongoing call for evidence so there currently no closing date. If Members wish to know more and/or respond to the call for evidence, more information can be found via the following hyperlinks:

[Civility in public life | Local Government Association](#)

[Civility in public life call for evidence: Abuse and intimidation of councillors \(local.gov.uk\)](#)

CSPL report on the regulation of election finance

The last Bulletin explained that the CSPL had published its 22nd report, on the regulation of election finance. The report is detailed, spanning 167 pages and is available on the website: [Regulating Election Finance: report - GOV.UK \(www.gov.uk\)](#)

The Government has now published its response to the CSPL’s review - [Government response to 'Regulating Election Finance' - GOV.UK \(www.gov.uk\)](#). The Government states that it “intends to look at all the recommendations in the committee’s report, alongside other recommendations set out in similar reports including the forthcoming Report of the Public Administration and Constitutional Affairs Committee into the work of the Electoral Commission, as part of further work looking at the regulatory framework for elections, beyond the Elections Bill.”

The CSPL has welcomed the Government's initial response ([Lord Evans' statement on the Government's response to the Committee's Regulating Election Finance report - GOV.UK \(www.gov.uk\)](#)) and looks forward to the Government's further analysis of its recommendations.

CSPL Report - Upholding Standards in Public Life

The CSPL has published its final report "Upholding Standards in Public Life" arising from its 'Standards Matter 2' review. The report looks at the institutions, processes and structures in place to support high standards of conduct in Government.

The CSPL launched its Standards Matter 2 review ([Standards Matter 2 - GOV.UK \(www.gov.uk\)](#)) last autumn "to evaluate the strengths and weaknesses of the institutions, processes and structures in place to support high standards of conduct in public life.... In light of sustained public scrutiny on standards in public life and a number of ongoing parliamentary and government inquiries into standards issues, the Committee is publishing findings from the review. The Committee's final report and recommendations to the Prime Minister will follow later this year".

The findings covered the following broad areas:

- four areas of standards regulation require significant reform: the Ministerial Code and the Independent Adviser on Ministers' Interests, the business appointment rules and the Advisory Committee on Business Appointments (ACOPA), transparency around lobbying, and the regulation of public appointments;
- immediate issues with the current operation of the standards regulatory regime, and point in the direction of necessary reforms.

The CSPL has now published its final report and recommendations of the Standards Matter 2 review. It is a lengthy report, spanning over 100 pages, and is published on the CSPL website:

[Upholding Standards in Public Life - Published Report - GOV.UK \(www.gov.uk\)](#)

The Report contains details of the CSPL earlier findings mentioned above and translates them into recommendations to Government, alongside several new recommendations – 34 recommendations to the Prime Minister in total. These are set out at pages 13 to 17 of the Report.

The CSPL believes its recommendations outline "a necessary programme of reform to restore public confidence in the regulation of ethical standards in government".

NYCC COMPLAINT STATISTICS

For the year 1 April 2021 to date, the Council has received two formal standards complaints which were assessed by the Monitoring Officer in consultation with the Independent Person for Standards. Neither was referred for 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:

- Police attended a district council meeting after a councillor refused to stop saying "point of order" and used a megaphone at times, during the consideration of a report which found him to be in breach of the code. The councillor was banned from all committees, working groups and outside bodies for 18 months. No arrests were made.
- A councillor was jailed for six weeks after pleading guilty to sending a threatening email to his local MP and the council's chief executive.
- Ashford Borough Council v Wilson [2021] EWHC 2542 (QB): A deputy high court judge has granted a council

a final anti-harassment injunction against a landlord who engaged in a 10 year campaign of “repetitive, frequent, oppressive and offensive correspondence” (repeatedly telling councillors to “kill themselves”), which was found to be harassment in breach of section 1 of the Protection From Harassment Act 1997. The permanent injunction prevents the person contacting the council except through a named legal advisor.

- The High Court has quashed a council’s finding that a parish councillor had breached the Code as it was an unjustified breach of Article 10 of the European Convention on Human Rights (ECHR), which provides the right of freedom of expression. The Court considered that the finding was an interference with the councillor's right to freedom of expression under Article 10(1) and the interference was not justified for various reasons eg it was an elected representative discussing a highly controversial topic and the statements were expression of opinion which had a reasonable factual basis.

The case is therefore a reminder that councillors have "enhanced protection" under Article 10 in public statements that engage their elected functions.

- A councillor was found to have breached the Code by acting anonymously through a Twitter account to comment on developments and challenge others commenting. He resigned his cabinet role, apologised at full council and referred himself to the Monitoring Officer. No further action was required to be taken.

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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 website