



Agenda

Meeting Standards Committee

Venue: The Brierley Room, County Hall, Northallerton, DL7 8AD

Date: Friday, 16 September 2022

Time: 10.00 am

County Councillors: Nick Brown, Sam Cross, Melanie Davis, Clive Pearson (Chairman), Heather Phillips and Monika Slater.

Independent Persons for Standards: Hilary Gilbertson (Independent Member) and Holroyd (Independent Member).

Business

1. **Training - Code of Conduct and Standards Complaint handling (Pages 3 - 38)**

Prior to the start of the meeting Members will be provided with a training session on the Code of Conduct and Standards Complaint handling.

2. **Welcome, introductions and apologies**

3. **Minutes of the meeting held on 11th March 2022 (Pages 39 - 42)**

4. **Declarations of Interest**

5. **Public Questions 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 Melanie Carr of Democratic Services (contact details at the foot of page 1 of the Agenda sheet) by midday on Tuesday 13th September 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.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

6. **Update - Revised Code of Conduct for Members - Report of the Monitoring Officer** (Pages 43 - 100)
7. **Local Ethical Framework Developments - Report of the Monitoring Officer** (Pages 101 - 106)
8. **Standards Committee Annual Report 2021/22 - Report of the Monitoring Officer** (Pages 107 - 112)
9. **Dispensation Requests - Report of the Monitoring Officer** (Pages 113 - 116)
10. **Complaints Update - Report of the Monitoring Officer** (Pages 117 - 118)
11. **Standards Bulletin - Report of the Monitoring Officer** (Pages 119 - 128)
12. **Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency**

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

8th September 2022

Training to Standards Committee

Code of Conduct and Standards Complaint Handling

Barry Khan, Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer
Moira Beighton, Senior Lawyer (Governance)

16 September 2022

The importance of standards in public life

Page 4 “Local government impacts the lives of citizens every day, providing essential services to those it serves. Its decisions directly affect the quality of life of local people. High standards of conduct in local government are needed to demonstrate that those decisions are taken in the public interest and to maintain public confidence”

The Committee on Standards in Public Life

Aims today

- Refresh regarding:
 - importance of standards in public life
 - key parts of Members' Code of Conduct
 - supporting ethical framework under Localism Act 2011
 - standards complaint handling



NYCC Ethical Statement

North Yorkshire County Council believes in a strong ethical organisational culture. It aims to promote the highest levels of conduct by its members and officers, to increase public trust in the delivery of its vision and its objectives, by:

- *maintaining openness and transparency in conducting its business;*
- *being accountable for all it says and does;*
- *ensuring that everyone knows what is expected of them;*
- *offering appropriate training and development programmes; and*
- *promoting the work of its Standards Committee.*

Ethical Framework / Standards Regime

- Legal framework: Localism Act 2011 and associated regulations
 - Statutory duty to **promote and maintain high standards** of conduct - eg ethical statements, Member training, Standards Bulletins, Council website, working with neighbouring authorities

Members' Code of Conduct and supporting Guidance

- LGA Guidance issued in July 2021 - <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>
- Register of Members' Interests
- Register of Members' Gifts & Hospitality
- Standards Committee
- Two Independent Persons for Standards
- Statutory Monitoring Officer - supports promotion of high ethical standards
- Protocol on Member/Officer Relations
- Other NYCC policies/procedures eg Counter Fraud (incl Whistleblowing, Anti-Money Laundering)

Members' Code of Conduct

- Revised NYCC Code from 5 May 2022 (in light of LGA Model Code)
- Applies when acting in **official capacity** as a councillor
- Purpose of Code:
 - To assist councillors in modelling the expected behaviour
 - To provide a personal check and balance
 - To set out the type of conduct that could lead to action being taken against you
 - Also to protect you, the public, your fellow councillors, officers and the reputation of local government
- Failure to comply may result in complaint to MO of breach of Code

Key features of Code

The Code is split into two main parts:

- **General conduct obligations**
- **Interests regime - Registration and Declarations of interests**

Three types of interest:

- (a) Disposable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

Two situations

- Registration
- Declaration

General Principles of Public Life

- apply to all who hold public office
- Code of Conduct must be consistent with them
 - a) selflessness
 - b) integrity
 - c) objectivity
 - d) accountability
 - e) openness
 - f) honesty
 - g) leadership

General Conduct obligations

1. Treating others with **respect**
2. Not unlawfully **discriminating**
3. Not **bullying, intimidating** or **harassing**
4. Not compromising the **impartiality** of officers
5. Not disclosing **confidential information** - dealing properly with information
6. Not preventing others' **access to information**
7. Not bringing Council/office into **disrepute**
8. Not **using position improperly**
9. Not involved in **scrutiny** of decision involved in making
10. Dealing properly with **gifts and hospitality**
11. Not improperly using **Council resources**
12. Having **regard to CFO/MO advice**
13. Registering and declaring **interests**
14. Complying with **standards regime**

Gifts and Hospitality

- ❖ **Not** accept **gift/hospitality** (any value) which could create impression of **obligation** upon Member/NYCC or substantive personal gain or propensity to show favour. Inform MO.
- ❖ Otherwise **register** any gift/hospitality **received or offered** worth **£25 or more**.

Interests Regime

- Three **types**

Financial

➤ **Disclosable pecuniary interests (DPIs) - SAME**) Appear in Register

Public service

➤ **Other registerable interests (ORIs) - EXPANDED**) of Interests

Life

➤ **Non-registerable interests (NRIs) - NEW** - Just arise

❖ a matter arises which directly relates to (or affects) Member's financial interest/wellbeing or that of a relative/close associate/(ORI body) (of which you could reasonably be expected to be aware)

- Two **situations**

➤ Registration

➤ Disclosure

NB SENSITIVE INTERESTS

Member and MO agree disclosure could lead to Member/connected person being subject to violence or intimidation

Register of Members' Interests

- must register interests within 28 days of election/appointment
- register interests (and gifts and hospitality) electronically via committee management software (ModGov)
- Keep entries under review - register any changes within 28 days
- Register is published online and is available for public inspection at all reasonable hours

Registration of Interests

- **Disclosable pecuniary interests (DPI)**
 - Employment, office, trade, profession or vacation (**for profit or gain**)
 - Sponsorship
 - Contracts
 - Land, Licenses, Corporate tenancies
 - Securities

and either—

(a) it is the Member's interest **or**

(b) that of spouse/civil partner/person with whom living as such and the Member is **aware** that that other person has the interest.

**** Failure to comply with requirements re DPIs (without reasonable excuse) may be a CRIMINAL OFFENCE - £5K fine and/or disqualification for 5 years ****

Registration of Interests (2)

- **Other Registrable Interests (ORI) – YOUR interests only**
 - Unpaid directorships
 - Any body of which you are a member or in a position of general control or management and to which you are nominated or appointed by NYCC
 - Any body of which you are a member or in a position of general control or management
 - ❖ exercising functions of a public nature
 - ❖ directed to charitable purposes or
 - ❖ one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union/professional association)

Disclosure of DPIs at meetings

- if a Member:
 - ❖ is present at a meeting
 - ❖ has a DPI **directly relating** to a matter to be considered and
 - ❖ is aware that s/he has the interest -
- Member must **disclose** existence and nature of interests to meeting (subject to provisions re sensitive interests) and notify MO within 28 days if not already registered in Register of Interests
- then Member may not:
 - ❖ participate in any discussion on matter
 - ❖ participate in any vote

UNLESS have **dispensation** from Standards Committee or MO
- Members with a DPI must **withdraw** from the meeting room whilst the discussion or vote takes place. Cannot first make representations (even if public can).

Disclosure of ORIs at meetings

- ▶ if a Member:
 - ❖ is present at a meeting and
 - ❖ a matter arises which **directly relates** to the **financial interest** or **wellbeing** of one of your ORIs

▶ Member must **disclose** existence and nature of interest to meeting (subject to provisions re sensitive interests) and notify MO within 28 days if not already registered in Register of Members' Interests

- ▶ Member may **speak on matter if the public can** but otherwise must not:
- ❖ participate/participate further in any discussion on matter
 - ❖ participate in any vote
 - ❖ and must withdraw from the meeting room whilst the discussion or vote takes place

UNLESS have **dispensation** from Standards Committee or MO

• Similar provisions for **individual Member** decision takers with DPI/ORI/NRI. Member may not take any steps/further steps in relation to matter except to transfer matter elsewhere.

Disclosure of NRIs at meetings

- Page 18
- if a Member:
 - ❖ is present at a meeting and
 - ❖ a matter arises which **directly relates** to their **financial interest** or **wellbeing** (and is not a DPI or ORI) or that of a **relative** or **close associate** (of which the Member could reasonably be expected to be aware)Member must **disclose** existence and nature of interest to meeting (subject to provisions re sensitive interests)
 - Member may **speak** on matter if the public can but otherwise must not:
 - ❖ participate in any discussion on matter
 - ❖ participate in any vote
 - ❖ and must withdraw from the meeting room whilst the discussion or vote takes placeUNLESS s/he has a **dispensation** from Standards Committee or MO
 - HOWEVER if the matter only **“affects”** financial interests/wellbeing, then a Member may still be able to participate ...

Disclosure of NRIs at meetings (2)

- if a Member is present at a meeting and
 - ❖ a matter arises which **affects** their **financial interest or wellbeing** (and is not a DPI or ORI) or that of a **relative or close associate or an ORI body** (of which the Member could reasonably be expected to be aware)
- Member must **disclose** existence and nature of interest to meeting (subject to provisions re sensitive interests)
- Consider following **test** to see if Member can participate:
 - Where a matter **affects** the **financial interest/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 it would **affect the Member's view** of the wider public interest then the Member may **speak if the public can** but must otherwise take no part in the discussion or vote and must leave the meeting room **UNLESS** s/he has a **dispensation** from Standards Committee or MO
 - **HOWEVER** where the matter does **not** so affect financial interest/wellbeing, then Member can **speak and vote in the usual way**

Sensitive Interests

- **an interest** (whether or not a DPI) where the Member and MO consider that *disclosure of the details could lead to the Member, or a person connected with the Member, being subject to violence or intimidation:*

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- if the interest is entered in the Register, copies of the Register which are available for inspection and published must not include details of the interest (but may state that the Member has an interest the details of which are withheld under section 32(2))
- if the Member needs to declare a sensitive interest to a meeting (and the interest is not registered in the Register), s/he need only disclose the fact that s/he has a DPI in the matter concerned (not the details)

Participation re Interests

Interest	Covers	Register in Register of Interests?	Declare at meetings?	Speak?	Discuss and vote?	Able to apply for Dispensation?
<p>Disclosable Pecuniary Interest (DPI) (self and partner)</p> <p>Page 21</p>	<p>Employment, office, trade, profession, vocation Sponsorship Contracts Land Licences Corporate tenancies Securities</p>	Yes	<p>Yes (existence and nature)* WHERE you have a DPI directly relating to any matter being considered at a meeting.</p>	<p>No leave the meeting room (subject to any dispensation)</p>	<p>No leave the meeting room (subject to any dispensation)</p>	<p>Yes (by law)</p>
<p>Other Registrable Interests (ORIs) (self only)</p>	<p>1. Unpaid directorships</p> <p>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</p> <p>3. Any body:</p> <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) <p>of which you are a member or in a position of general control or management.</p>	Yes	<p>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.</p>	<p>Yes IF the public can</p>	<p>No leave the meeting room</p>	<p>Yes (by local choice)</p>

Participation re Interests (2)

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

Dispensations

- Power to grant dispensations delegated to Standards Committee, upon written request to MO (Max period - four years).
- Default power delegated to MO in consultation with IP and available SC Members
- Dispensations can be granted to enable a Member with an interest to participate in discussion and/or vote only if, after having had regard to all relevant circumstances, the authority—
 - ▶ considers 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,
 - ▶ considers 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,
 - ▶ considers that granting the dispensation is **in the interests of persons living in the authority's area,**
 - ▶ that without the dispensation **each** member of the authority's **Executive** would be prohibited from participating in any particular business to be transacted by the Executive, or
 - ▶ considers that it is **otherwise appropriate** to grant a dispensation.

Offences

- Member commits a **criminal offence** if, **without reasonable excuse**, they —
 - fail to comply with obligations to:
 - ❖ notify MO of disclosable pecuniary interests (DPI)
 - ❖ disclose a DPI to a meeting
 - ❖ notify MO of a DPI disclosed to a meeting
 - participate in any discussion or vote where prohibited
 - an individual Member decision taker takes any steps in relation to a matter where prohibited
- Member commits an offence if, in relation to the registration/disclosure of interests, s/he provides information that is false or misleading and —
 - knows that the information is false or misleading, or
 - is reckless as to whether the information is true and not misleading
- a person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding £5,000
- court may also disqualify the person (for up to five years) from being a member/co-opted member of the authority or any other relevant authority

Standards Committee

- Politically balanced;
- Five Members, meeting twice per annum (or as required);
- **Independent Persons** – consulted on all key matters, complaints and invited to all Standards Committee meetings
- Hearings Panel (SC Sub-Committee) - three Members from the Committee;
- **Promotion** of high ethical standards within the Authority;
- Role re vexatious complainants;
- Consider **dispensations** to Members.

Complaint Handling

- a relevant authority other than a parish council must have in place:
 - (a) **arrangements** under which written allegations of a breach of the Code can be **investigated**, and
 - (b) arrangements under which decisions on **allegations** can be made
- such arrangements must include provision for the appointment by the authority of at least one **independent person** —
- (a) whose views **must** be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
 - (b) whose views **may** be sought —
 - (i) by the authority in relation to an allegation not being investigated
 - (ii) by a subject Member or subject co-opted member

NYCC has appointed two IPs, to be consulted on a rota basis where possible. Consulted on all key matters and invited to all meetings of Standards Committee.

Detailed qualification criteria to ensure the IPs are truly independent of the Authority.

Complaint Handling (2)

- NYCC **arrangements** (Sections 28(6) and (7) Localism Act 2011) – [Councillors' code of conduct | North Yorkshire County Council](#)
- Simplified complaint handling process:
 - Initial assessment by MO in consultation with IP
 - MO decides whether investigation or any other action required. If no action to be taken, matter is at end – no right of appeal for complainant.
 - If referred for investigation, and potential breach found, ultimately a panel of 3 Members from Standards Committee hears complaint.
 - No right of appeal.
- enable the filtering out of vexatious and trivial matters
- misunderstandings can be dealt with swiftly and effectively
- if Panel finds that a Member has failed to comply with the Code it may have regard to the failure in deciding whether to take action and, if so, what.

Jurisdiction and Assessment Criteria

- Purpose of initial assessment is to decide whether a complaint merits formal investigation or any other action
- Before assessment of a complaint begins, the MO, in consultation with the IP, should be satisfied that the complaint meets the following tests:

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Jurisdiction

1. it is a complaint against one or more named Members/voting co-opted Members (“Members”) of the authority;
2. the named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
3. the complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint

Assessment Criteria

- All complaints falling within the jurisdiction of the standards regime will be assessed by the MO, in consultation with the IP, in accordance with the Assessment Criteria:

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- 1. Capacity**
- 2. Triviality**
- 3. Sufficient Information**
- 4. Current Membership**
- 5. Prior Investigation/Action**
- 6. Passage of Time**
- 7. Underlying Motivation**
- 8. Anonymous Complaints**
- 9. Requests for Confidentiality**
- 10. Withdrawal of Complaints**

Conclusion of Assessment

- MO reach one of the following conclusions :
 - (a) That no action should be taken in respect of the complaint.**
 - (b) Referral of the complaint for investigation.**
 - (c) Whether to seek informal resolution of the matter.**
- Where difference of opinion between MO and IP, allegation will be investigated.
- Record decision and reasons in Assessment Record and send to parties.

Investigation

- Where complaint referred for **investigation**:
 - MO appoints **Nominated Officer** to undertake investigation
 - Nominated Officer prepares **investigation report**, copied to both parties and sent to the MO, with a **recommendation** as to whether it is considered that there has been a breach of the Code.

Conclusion of **no breach** of Code

- MO receive and review the report and consult IP. If MO satisfied that the report is sufficient, s/he will write to the Complainant and the subject Member notifying them that s/he is satisfied that no further action is required.

- Conclusion of **breach** of Code
 - MO will review the report and consult the IP as to whether **local resolution** may be possible without the need for a hearing.
 - If the matter can reasonably be resolved in the Monitoring Officer's opinion without the need for a hearing he/she will consult the IP, with the Complainant and Subject Member, to seek to agree a fair resolution, eg apology and/or other remedial action
 - If the Member **complies** with the suggested resolution the matter will be reported to the Standards Committee but **no further action** will be taken.
 - If any suggested resolution is not agreed, the matter will be referred to the **Standards Committee** for consideration.

Hearings

- If local resolution is not appropriate or fails, the investigation report goes to a **Hearings Panel** of 3 Members from the Standards Committee.
 - Panel meets to decide whether the Subject Member has failed to comply with the Code and, if so, whether to take any action.
- IP will attend and be consulted
- Panel may conclude:
 - (a) that the Member **did not fail to comply with the Code of Conduct**;
 - (b) (b) that the Member **did fail to comply with the Code of Conduct**; and, if it so concludes, the Panel may determine whether any action is necessary and, if so, what sanction is appropriate.

The Panel may:

- issue a letter of **censure** to the Member
- require an **apology** to be given to the Complainant;
- recommend to the Member's Group Leader that he/she be **removed** from any or all **committees** or sub-committees of the Council;
- instruct the Monitoring Officer to arrange **training** for the Member.

No power to suspend or disqualify or to withdraw allowances.

Panel consults the IP and decides what, if any, **publicity** should be undertaken eg publish a notice on the Council's website or a press release.

MO prepares a **Decision Notice** which will be given to the Subject Member and the Complainant within 10 working days.

No right of appeal.

Complainant may make complaint to the Local Government Ombudsman.

Bias and Predetermination

- Irrespective of whether something is Code issue, always bear in mind rules relating to bias and predetermination.
- Localism Act 2011 - statutory clarification of common law rules:
 - ▶ ensures that councillors can freely discuss issues, including expressing a view and/or campaigning on an issue, and then later speak or vote on those issues.
 - ▶ reflects the current common law position that such matters would amount to **predisposition** (*having and expressing an open-minded view, provided the member is prepared to reconsider their position in the light of all the evidence and arguments*) rather than predetermination
- **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.*

Bias

- Examples:
 - connection with someone affected by a decision
 - improper involvement of someone with an interest in the outcome
 - prior involvement
 - commenting before a decision is made

Risk that decision maker does not approach the decision with an objective, open mind – may render decision vulnerable to challenge

Summary

“Councillors are likely to have and are entitled to have a disposition in favour of particular decisions – *“an open mind is not an empty mind but it is ajar”*”

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.

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North Yorkshire County Council

Informal meeting of Standards Committee

Minutes of the remote meeting held on Friday 11th March 2022 at 2pm.

Present:-

County Councillors Andy Paraskos, Peter Sowray MBE and Cliff Trotter (Vice-Chairman in the Chair).

Apology for Absence:-

Apologies for absence was received from County Councillor Caroline Patmore (Chairman) and Stuart Parsons; together with Louise Holroyd and Hilary Gilbertson MBE (Independent Persons 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
79, below.**

79. 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 February meeting and it was agreed to continue with this approach with a further review taking place at the County Council AGM in May 2022.

80. Minutes

Resolved –

That the Minutes of the remote meeting held on 17 September 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.

81. Declarations of Interest

There were no declarations of interest from Members.

82. Public Questions or Statements

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

83. Amendments to Council's Members' Code of Conduct in light of new voluntary Model Code

Considered-

The report of the Monitoring Officer updating 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 and regarding the production of supporting Guidance in relation to the new Council Code.

At the Committee's previous meeting on 17 September 2021 Members 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, making various suggestions for further amendments and also suggesting that the most appropriate method of disseminating information from the LGA Guidance on the Model Code, would be to create a specific Council guidance note, if the proposed changes to the Council's Code were ultimately approved.

After following the due process, as outlined in the report, the amendments were presented to full Council at its physical meeting on 16 February 2022 for Members' consideration and approval.

Given the forthcoming elections in May 2022, it was recommended that the changes came into effect on that date so that all Members could 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.

The Monitoring Officer, under his specific delegation, would 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 would continue to have effect.

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

The Monitoring Officer was drafting Guidance for Members, based on the LGA online guidance and a draft would be circulated to Standards Committee Members as soon as possible, and then circulated to all Members.

Resolved –

That the following be noted:-

- (a) the approval process which had 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.

84. 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:-

- Amendments to County Council's Code of Conduct in light of the New Model Code of Conduct for Members
- Committee on Standards in Public Life Report on Local Government Ethical Standards
- Online Safety Bill
- Proposed Complaint Review Role by Local Government and Social Care Ombudsman
- LGA Call for Evidence - Civility in Public Life: abuse and intimidation of Councillors
- CSPL Report on the Regulation of Election Finance
- CSPL Report on 'Upholding Standards in Public Life'
- Previous CSPL reports and reviews
- Civility in Public Life - Digital Citizenship Resources

The Monitoring Officer noted that the further a response was being developed in respect of LGA Call for Evidence - Civility in Public Life: abuse and intimidation of Councillors, and would be submitted in due course.

Resolved -

That the contents of the report be noted.

85. Complaints Update

Considered -

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

There had been one new anonymous complaint received since the last Complaints Update

report to the Committee, the details of which were set out in the report. Complaint NYCC/SC/79 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 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.

The existing complaint NYCC/SC/77 was currently under consideration by the Monitoring Officer, has been referred for investigation and would be reported on at a subsequent meeting.

For the year 1 April 2021 to date, the Council had received two formal standards complaints.

In a discussion of the report, the following issues and points were raised:-

- A Member asked how much weight was given to an anonymous complaint. In response it was stated that every complaint was considered by the Monitoring Officer and an Independent Person of the Standards Committee, and various criteria were considered to determine whether the complaint should be taken forward, with anonymity from the complainant covered within those criteria. It was noted that the details of the complainant would be given to the Member who was the subject of the complaint, should those details be provided. A Member asked whether the anonymous complainant could be identified through their email address. In response it was stated that this would require a detailed investigation and it was unclear whether this would be pursued.

Resolved -

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

86. 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 11 March 2022, be approved for circulation.

87. Other Business

The Monitoring Officer noted that this would be the final meeting of the Committee prior to the elections, and the formation of a new County Council. He thanked Members for their hard work during the current County Council period.

It was clarified that the Highways Section should be contacted in relation to the removal of electoral posters placed on verges alongside the highway.

The meeting concluded at 2.20 pm.
SML

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

16 September 2022

Update re revised Code of Conduct for Members

1.0 PURPOSE OF REPORT

- 1.1 To update Members regarding the implementation of the revised Council's Code of Conduct for Members in light of the new voluntary Model Code of Conduct for Members.

2.0 BACKGROUND

- 2.1 At its meeting on 16 February 2022, on the basis of recommendations from the Standards Committee, full Council agreed revisions to the Council's Code of Conduct for Members, in light of the new national voluntary Model Code of Conduct for Members published by the Local Government Association (LGA), to take effect from 5 May 2022. A copy of the Council's Code is attached at **Appendix 1** to this report for ease of reference.
- 2.2 Full Council also delegated to the Monitoring Officer the power 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. It also resolved that tailored guidance, specific to the Council's Members' Code of Conduct should be circulated. This report updates Members on the consequential amendments made.
- 2.3 The new unitary authority will adopt its own Code of Conduct for Members at the relevant time.

3.0 CONSEQUENTIAL AMENDMENTS RE THE REVISED CODE

- 3.1 The Monitoring Officer has made the following consequential amendments under his specific delegation, to reflect the revised Code and to ensure the standards documentation and Constitution are up to date:
- a) amended the registration of interests form, to reflect the new Code's requirements in terms of the expanded interests' regime. A copy of the revised hard copy template interests form is attached at **Appendix 2** to this report. A sample interests form to assist Members is attached at **Appendix 3**;
 - b) substituted the revised Members' Code of Conduct (attached at **Appendix 1**) for the previous version in Part 5 (Codes and Protocols) of the Constitution;
 - c) made the further consequential amendments to the Constitution as set out in **Appendix 4**.
- 3.2 These consequential amendments were reported back to the Members' Working Group on the Constitution on 22 August 2022 and will be reported to Executive and full Council for Members' Information. At the Working Group meeting, Members

queried whether the Code should make explicit reference to whistleblowing and data protection responsibilities and the Monitoring Officer agreed to seek the views of the Standards Committee, which is responsible for making any recommendations to full Council re changes to the Code. The Model Code does not specifically reference whistleblowing or data protection. The Council's Code of Conduct, based on the Model, currently contains the following provisions relating to information:

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.
- ...
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.

3.2.1 In addition, the Council has a Whistleblowing Policy, published on the Council's Intranet, which applies to all employees, agency workers, schools' employees, contractors (including their staff) and Members and sets out:

- avenues to raise concerns and receive feedback on any actions taken; and
- reassurances that they will be protected from victimisation for whistleblowing.

3.2.2 There is also a complete information governance policy suite (including data protection and freedom of information) also applying to Members, on the Council's Intranet.

3.2.3 Members may therefore feel that information requirements and access to information are currently adequately covered in the Council's Code **however**

Members' views are welcome as to whether further amendments should be recommended to the Code to specifically reference whistleblowing and data protection.

3.3 Since the Members' Working Group on the Constitution meeting on 22 August 2022, further consequential amendments have been made by the Monitoring Officer to other standards documentation as follows:

- i. Members' gifts and hospitality registration form – attached at **Appendix 5**;
- ii. Standards Complaint Form – attached at **Appendix 6**. The Code has been removed from being appended to the form, to avoid any out of date versions being referred to in the future if the Code is updated. The Complaint Form and the Code are sited together on the website for ease of reference;
- iii. Dispensation application form – attached at **Appendix 7**. Members may choose to apply for a dispensation either by emailing/writing to the Monitoring Officer or using the dispensation application form. The Monitoring Officer has amended the form to reflect that a Member may now seek a dispensation in relation to any interest (Disclosable Pecuniary Interest, Other Registrable Interest, Non-registrable Interest), not just a Disclosable Pecuniary Interest and that more than one ground for application may be relied on.

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](#)). The LGA Guidance spans over 60 pages and the Monitoring Officer is drafting Guidance for Members, based on the LGA online guidance but tailored to the County Council's Code (which is very slightly different to the model Code) and a draft will be presented to Standards Committee Members as soon as the draft tailored Guidance is ready.

4.2 The Monitoring Officer has produced a summary chart ("Brief guide to Interests") of the revised interests regime, including relevant extracts from the LGA Guidance, attached at **Appendix 8** to this report for Members' information. The summary chart was part of the report to Council on 16 February 2022 when it agreed the revised Code.

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/climate change implications arising from this report.

8.0 **RECOMMENDATIONS**

8.1 That Members note the contents of this report.

8.2 That Members consider whether the Code should be further amended in terms of whistleblowing and data protection.

BARRY KHAN

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

Background Papers: None

County Hall
NORTHALLERTON

7 September 2022

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.**

APPENDIX 1**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.

APPENDIX 2

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.

NORTH YORKSHIRE COUNTY COUNCIL

REGISTER OF MEMBERS' INTERESTS

Section 29 Localism Act 2011 and associated legislation

Please note that interests should now be registered by Members via the Committee Management software. Should this not be possible, Members may use this form and send it to the Monitoring Officer (email will suffice).

Failure to comply with the requirements around registration of interests may constitute a criminal offence. If you have any queries about your interests, please contact the Monitoring Officer as soon as possible.

I, (Name)

give notice that I have the following interests:

A. Disclosable pecuniary interests

I have the following disclosable pecuniary interests as described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 of which I am aware and which are **my interests** and those of **my spouse/civil partner/partner with whom I am living as spouse or civil partner** ("relevant persons").

1. Employment, office, trade, profession or vocation

You should register details of any employment, office, trade, profession or vocation carried on for profit or gain.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)

2. Sponsorship

- (i) You should declare any payment or provision of any other financial benefit (other than from North Yorkshire County Council) made or provided within the last 12 months in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.
- (ii) This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Name of person or body making payment/other financial benefit

3. Contracts

- (i) You should describe all contracts of which you are aware which are made between you/the relevant person (or a body in which you/the relevant person has a beneficial interest) and North Yorkshire County Council:
- (a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged.
- (ii) “body in which the relevant person has a beneficial interest” means a firm in which you/the relevant person is a partner or a body corporate of which you/the relevant person is a director, or in the securities of which you/the relevant person has a beneficial interest.
- (iii) “director” includes a member of the committee of management of an industrial and provident society.
- (iv) “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.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)

4. Land

- (i) You should register any beneficial interest in land which is within the area of North Yorkshire.
- (ii) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you/the relevant person (alone or jointly with another) to occupy the land or to receive income.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)

5. Licences

- (i) You should register any licence (alone or jointly with others) to occupy land in the area of North Yorkshire for a month or longer.
- (ii) “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.

Councillor’s Interest(s)	Councillor’s spouse/partner’s interest(s)

6. Corporate Tenancies

- (i) You should register any tenancy where (to your knowledge) —
 - (a) the landlord is North Yorkshire County Council; and
 - (b) the tenant is a body in which you/the relevant person has a beneficial interest.
- (ii) “body in which the relevant person has a beneficial interest” means a firm in which you/the relevant person is a partner or a body corporate of which you/the relevant person is a director, or in the securities of which you/the relevant person has a beneficial interest.
- (iii) “director” includes a member of the committee of management of an industrial and provident society.
- (iv) “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.

Councillor’s Interest(s)	Councillor’s spouse/partner’s interest(s)

7. Securities

- (i) You should register any beneficial interest in securities of a body where—
- (a) that body (to your knowledge) has a place of business or land in the area of North Yorkshire; 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 you/the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- (ii) “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.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)

B. Other Registrable Interests (other than disclosable pecuniary interests)

I also have the following Other Registrable Interests (as required to be registered by the Authority's Code of Conduct for Members):

NB - In this section, the Code only requires Councillor interests to be disclosed (not those of a spouse/partner/civil partner).

1. Unpaid directorships

You should register details of any unpaid directorships you hold.

Name of body	Details

2. Bodies to which you are nominated by North Yorkshire County Council

You should register details of 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.

Name of body	Details

3. Public bodies

You should register details of any body exercising functions of a public nature of which you are a member or in a position of general control or management.

Name of body	Details

4. Charitable bodies

You should register details of any body directed to charitable purposes of which you are a member or in a position of general control or management.

Name of body	Details

5. Political parties/Trade Union/Professional Association membership

You should register details of any body 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.

Name of body	Details

DECLARATION

I declare that the above information is complete and accurate to the best of my knowledge.

I recognise that it is a breach of the Authority's Code of Conduct and may be a criminal offence to:

- a) omit, without reasonable excuse, information that ought to be given in this notice;
- b) provide information that I know to be false or misleading;
- c) provide information where I am reckless as to whether the information is true and not misleading;
- d) fail to give further notice, within 28 days of becoming aware of any new disclosable pecuniary interest or change to the interests specified, in order to bring up to date the information given in this notice.

Signed..... Date.....

*** EXAMPLE ONLY ***

NORTH YORKSHIRE COUNTY COUNCIL

REGISTER OF MEMBERS' INTERESTS

Section 29 Localism Act 2011 and associated legislation

Please note that interests should now be registered by Members via the Committee Management software. Should this not be possible, Members may use this form and send it to the Monitoring Officer (email will suffice).

Failure to comply with the requirements around registration of interests may constitute a criminal offence. If you have any queries about your interests, please contact the Monitoring Officer as soon as possible.

I, **Councillor FICTIONAL PERSON** (Name)

give notice that I have the following interests:

A. Disclosable pecuniary interests

I have the following disclosable pecuniary interests as described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 of which I am aware and which are **my interests** and those of **my spouse/civil partner/partner with whom I am living as spouse or civil partner** ("relevant persons").

1. Employment, office, trade, profession or vocation

You should register details of any employment, office, trade, profession or vocation carried on for profit or gain.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)
<p>Farmer and Director of "FICTIONAL PERSON FARMING LIMITED", Windy Weather Farm, Sunny Lane, Rainybridge, North Yorkshire, DL8 7AD</p> <p>Elected Member of Rainybridge District Council and in receipt of Basic Allowance from that authority</p>	<p>Bank Clerk – Commerce Bank PLC, Side Street, Rainybridge, North Yorkshire, DL7 8AD</p>

2. Sponsorship

- (i) You should declare any payment or provision of any other financial benefit (other than from North Yorkshire County Council) made or provided within the last 12 months in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.
- (ii) This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Name of person or body making payment/other financial benefit
Payment towards election expenses from XXXXX Political Party
Payment of travel and subsistence expenses from Rainybridge District Council

3. Contracts

- (i) You should describe all contracts of which you are aware which are made between you/the relevant person (or a body in which you/the relevant person has a beneficial interest) and North Yorkshire County Council:
- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.
- (ii) “body in which the relevant person has a beneficial interest” means a firm in which you/the relevant person is a partner or a body corporate of which you/the relevant person is a director, or in the securities of which you/the relevant person has a beneficial interest.
- (iii) “director” includes a member of the committee of management of an industrial and provident society.
- (iv) “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.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)
Fictional Person Farming Limited has a contract with North Yorkshire County Council for the supply of fresh vegetables to elderly persons' homes in Rainybridge. The contract runs from 1 April 2021 to 1 April 2023 with an option to extend for 2 years.	

4. Land

- (i) You should register any beneficial interest in land which is within the area of North Yorkshire.
- (ii) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you/the relevant person (alone or jointly with another) to occupy the land or to receive income.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)
<p>Windy Weather Farm, Sunny Lane, Rainybridge, North Yorkshire, DL8 7AD (HOME ADDRESS):</p> <ul style="list-style-type: none"> • Joint owner with spouse of farmhouse, adjoining buildings and surrounding 10 acres of land (Ordinance Survey reference number 000000) • Tenant of rented fields adjoining Windy Weather Farm to the West of Rainybridge, comprising 5 acres (Ordinance Survey reference number 111111) <p>A further entry is being treated as a sensitive interest under section 32 of the Localism Act 2011, as agreed with the Monitoring Officer, and is therefore not subject to publication.</p>	<p>Windy Weather Farm, Sunny Lane, Rainybridge, North Yorkshire, DL8 7AD (HOME ADDRESS):</p> <ul style="list-style-type: none"> • Joint owner with spouse of farmhouse, adjoining buildings and surrounding 10 acres of land (Ordinance Survey reference number 000000) <p>Jolly Cottage, 2 Back Street, Hailstorm, North Yorkshire, DL10 1AD</p> <ul style="list-style-type: none"> • Sole owner of holiday cottage <p>A further entry is being treated as a sensitive interest under section 32 of the Localism Act 2011, as agreed with the Monitoring Officer, and is therefore not subject to publication.</p>

5. Licences

- (i) You should register any licence (alone or jointly with others) to occupy land in the area of North Yorkshire for a month or longer.
- (ii) “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.

Councillor’s Interest(s)	Councillor’s spouse/partner’s interest(s)
<p>Current licence to farm arable land comprising 2 acres to the East of Windy Weather Farm, Rainybridge (Ordinance Survey reference number 222222). Licence expires in November 2023.</p>	

6. Corporate Tenancies

- (i) You should register any tenancy where (to your knowledge) —
- the landlord is North Yorkshire County Council; and
 - the tenant is a body in which you/the relevant person has a beneficial interest.
- (ii) “body in which the relevant person has a beneficial interest” means a firm in which you/the relevant person is a partner or a body corporate of which you/the relevant person is a director, or in the securities of which you/the relevant person has a beneficial interest.
- (iii) “director” includes a member of the committee of management of an industrial and provident society.
- (iv) “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.

Councillor’s Interest(s)	Councillor’s spouse/partner’s interest(s)
<p>Fictional Person Farming Limited rents office accommodation at 2 Side Street, Rainybridge, North Yorkshire, DL7 8AD, from North Yorkshire County Council.</p>	

7. Securities

- (i) You should register any beneficial interest in securities of a body where—
- (a) that body (to your knowledge) has a place of business or land in the area of North Yorkshire; 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 you/the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- (ii) “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.

Councillor's Interest(s)	Councillor's spouse/partner's interest(s)
Shareholding in Fictional Person Farming Limited Shareholding in Commerce Bank PLC	Shareholding in Commerce Bank PLC

B. Other Registrable Interests (other than disclosable pecuniary interests)

I also have the following Other Registrable Interests (as required to be registered by the Authority's Code of Conduct for Members):

NB - In this section, the Code only requires Councillor interests to be disclosed (not those of a spouse/partner/civil partner).

1. Unpaid directorships

You should register details of any unpaid directorships you hold.

Name of body	Details
Non-executive Director of 'Tornado Tractors', Snow Lane, Rainybridge	Appointed in advisory capacity – unremunerated position

2. Bodies to which you are nominated by North Yorkshire County Council

You should register details of 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.

Name of body	Details
Rainybridge Learning Disability Partnership Board Governing Body of Rainybridge Primary School, School Road, Rainybridge	Board Member Local Authority appointed governor

3. Public bodies

You should register details of any body exercising functions of a public nature of which you are a member or in a position of general control or management.

Name of body	Details
Rainybridge District Council Rainybridge Development Agency Justice of the Peace – Rainybridge Magistrates Court Governing Body of Rainybridge High School, College Road, Rainybridge	Member Member Justice of the Peace Parent Governor

4. Charitable bodies

You should register details of any body directed to charitable purposes of which you are a member or in a position of general control or management.

Name of body	Details
Rainybridge Rotary Club	Member

5. Political parties/Trade Union/Professional Association membership

You should register details of any body 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.

Name of body	Details
XXXXX Political Party National Farmers' Union	Member and Chair of Rainybridge branch Member and Secretary of Rainybridge branch

DECLARATION

I declare that the above information is complete and accurate to the best of my knowledge.

I recognise that it is a breach of the Authority's Code of Conduct and may be a criminal offence to:

- a) omit, without reasonable excuse, information that ought to be given in this notice;
- b) provide information that I know to be false or misleading;
- c) provide information where I am reckless as to whether the information is true and not misleading;
- d) fail to give further notice, within 28 days of becoming aware of any new disclosable pecuniary interest or change to the interests specified, in order to bring up to date the information given in this notice.

Signed *Fictional Person*

Date *5 May 2022*

EXAMPLE ONLY

**Consequential changes made to the Constitution
by the Monitoring Officer (under specific delegation)
in light of new Members' Code of Conduct with effect from 5 May 2022**

Part 1 SUMMARY AND EXPLANATION

...

Members' Conduct and Interests

All Members of the Council must give a written undertaking that in performing their functions they will observe the Members' Code of Conduct. The Code is set out in Part 5 of this Constitution.

The Monitoring Officer maintains a register of the interests of the Members and certain co-opted Members of the Council. This register is available for inspection by the public at County Hall, Northallerton during normal office hours, by contacting the Monitoring Officer or by viewing the electronic ~~version of the register~~ **interests forms** published on the Council's website.

Commented [MB1]: As Members now primarily register their interests electronically via ModGov committee management software system.

Part 2 ARTICLES OF THE CONSTITUTION

...

Article 13 - Decision Making

...

13.089 Conflicts of interest

Subject to any right to speak under the Members' Code of Conduct and/or dispensation obtained from the Standards Committee or Monitoring Officer, no Councillor will take, or participate in, a decision in which he or she has an interest precluding participation ~~under disclosable pecuniary interest as defined in the Members' Code of Conduct~~; and where an individual Executive member has delegated power to take a decision, but, has such an disclosable pecuniary interest, the matter will be referred to the Executive for a decision.

Commented [MB2]: Amended under ACE(LDS)' general delegated power to amend typographical errors.

Commented [MB3]: As the interests regime is much wider from 5.5.22.

Part 3 RESPONSIBILITY FOR FUNCTIONS

...

Schedule 2 The Executive

...

Delegation of Executive Functions

...

2. Individual Executive Members

...

2.4 Where an individual Executive Member has an disclosable pecuniary interest precluding participation (as defined set out in the Members' Code of Conduct) in relation to any decision, the Member will not take that decision, but will ask the relevant Officer to refer the matter to the Executive for determination.

Commented [MB4]: As the interests regime is much wider from 5.5.22.

Part 4 RULES OF PROCEDURE

...

Council Procedure Rules

...

8. QUORUM

OFFICIAL - SENSITIVE

8.1 Council Meetings

If during any meeting of the Council the Chairman declares that there is not a quorum present (one quarter of the whole number of Members) the meeting shall stand adjourned. (If at any time more than one third of the Members have an ~~an~~ ~~disclosable pecuniary~~ interest precluding participation (as set out in the Members' Code of Conduct), the quorum shall be one quarter of the Members remaining).

Commented [MB5]: As the interests regime is much wider from 5.5.22.

19. MEMBERS' CONDUCT

- ...
- (a) If the Chairman informs the Council that, in his opinion, a named Member is persistently disregarding the ruling of the Chairman, or behaving irregularly, improperly, or offensively, or wilfully obstructing the business of the Council, the Chairman or any other Member may move "That (the Member named) be not further heard", or "That (the Member named) do leave the meeting". If seconded the motion shall be put and voted on without discussion and if carried, the Chairman shall direct the Member accordingly. If, having been directed by the Chairman to leave the meeting, the Member does not leave forthwith, or having left returns to the meeting, the Chairman may give directions for his/her removal, and such other directions as are necessary for restoring order to the proceedings.
- (b) If, after a motion under (a) has been carried, the misconduct or obstruction is continued, and, in the opinion of the Chairman, makes the proper despatch of business impossible, the Chairman may adjourn or suspend the sitting of the Council for whatever period he/she considers expedient.
- (c) Members must at all times observe the Members' Code of Conduct set out at Part 5 of this Constitution. If you are present at a meeting when a matter is to be considered or is being considered, in which you have an ~~an~~ ~~disclosable pecuniary~~ interest precluding participation (as set out in the Code), you must declare the existence and nature of that that you have an interest, ~~(if the interest is not already registered in the Register of Members' Interests)~~ speak if you are permitted under the Code but not participate in the discussion or vote and leave the meeting room (subject to the granting of a dispensation by the Standards Committee or Monitoring Officer). If you are relying on a dispensation to participate, you should still declare the existence and nature of the interest and state that you are relying on a dispensation. Whilst observance of the Code is the individual responsibility of each Member, advice may be sought from Officers (in particular the Monitoring Officer, Chief Finance Officer, Chief Executive Officer, Assistant Chief Executive (Legal and Democratic Services) or any Director) as to the requirements of the Code.

Commented [MB6]: Amendments made as interests regime is much wider with effect from 5.5.22.

Commented [MB7]: Included this to reflect current practice.

Access to Information Procedure Rules

21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

21.1 General provisions

- (a) A Member may inspect any document (other than a document containing confidential information as defined in Rule 10.4 above, which will be provided to Members on a need to know basis only) which has been considered by the Council, a committee or sub-committee, including any reports, correspondence or other document which is circulated after the agenda or at the meeting, and if

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copies are available shall on request be supplied with a copy of such document, in electronic form if practicable, provided that a Member shall not knowingly inspect, and shall not call for a copy of, any document relating to a matter in which he or she has an ~~an disclosable pecuniary interest~~ interest precluding participation within the meaning of the Members' Code of Conduct. This does not affect:

Commented [MB8]: Included as the interests regime is wider with effect from 5.5.22.

- (i) the right of inspection given by section 228 of the Local Government Act 1972;
- (ii) the right to inspect and make or be supplied with copies of documents given by Part VA of the Local Government Act 1972;
- (iii) such additional rights in regard to the making available of minutes of meetings to members of the Council who are not members of the body in question;
- (iv) the right of The Assistant Chief Executive (Legal and Democratic Services) to decline to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

...

22. RIGHTS OF MEMBERS NOT SERVING ON A BODY TO ATTEND AND SPEAK

(a) Members have the right to attend any meeting of a formal Member level body of the Council, including the Executive, including for items which are to be discussed in private because they contain exempt information, but not for items which contain confidential information, as defined in the access to information legislation, and not if the Member(s) has an interest precluding participation ~~pecuniary interest~~ as defined in the Members' Code of Conduct.

Commented [MB9]: Included as the interests regime is wider with effect from 5.5.22.

(b) Members have the right to attend and address, for not more than five minutes, any meeting of a formal Member level body of the Council on any matter on the agenda for that meeting, subject to having no interest precluding participation ~~disclosable pecuniary interest~~ in the matter to be discussed, and may be invited to speak again, or for a longer period, at the discretion of the Chairman of that body.

Commented [MB10]: Included as the interests regime is wider with effect from 5.5.22.

(c) Members of the public have a right to attend any meeting of the Council its committees, and the Executive, or that part of the proceedings which is held in public; to have access to any public report or other public papers and to ask questions or make statements relating to the business of that body in accordance with Council Procedure Rule 9.

...

Executive Procedure Rules

...

1.5 Conflicts of Interest

- (a) Where the Leader or any other member of the Executive has an interest in a matter this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If so great a proportion (so as to impede the transaction of business) of the members of the Executive have an interest precluding participation ~~disclosable pecuniary interest~~ as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution, the Standards Committee or Monitoring Officer may give a dispensation to allow those Members to participate in consideration and

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determination of the business. Dispensations may also be granted where each member of the Executive would be prohibited from participation in any particular business to be transacted by the Executive.

- (c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual Member or an Officer, and should an ~~interest precluding participation-disclosable pecuniary interest~~ arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

...

2.2 Who may attend?

- (a) Any person may attend a meeting of the Executive, unless and until excluded by a resolution to exclude the public, passed in accordance with the Access to Information Procedure Rules.
- (b) Members of the Council have the right to attend any meeting of the Executive, including for items which are to be discussed in private because they contain exempt information, but not for items which contain confidential information. Members so attending may address the Executive for not more than five minutes, on any item on the agenda, and may be invited to speak again, or for a longer period, at the discretion of the person presiding. These rights are subject to the Member not having an ~~interest precluding participation under the Members' Code of conduct disclosable pecuniary interest~~ in any matter for which they are present or on which they wish to speak.
- (c) Where the Executive is considering a report of an overview and scrutiny committee, the Chairman of that committee may address the Executive for not more than ten minutes by way of introduction of the report, and for not more than five minutes at the conclusion of the debate, to answer any point which may have been raised.

...

PART 5 CODES AND PROTOCOLS

Members' Code of Conduct

Replace existing Members' Code of Conduct with the version that was agreed by full Council on 16 February 2022 to apply with effect from 5 May 2022.

...

GUIDANCE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES

...

- 3. Some other key points to consider at the outset**
- 3.1 Firstly, make sure you are given a clear statement of what is expected of you if you are going to be nominated. ~~—~~A list of questions to ask about the organisation is attached at Appendix 1. The Council should be able to obtain this from the organisation involved.
- 3.2 Being on an outside body can bring many benefits to the Council, the organisation and the community, but it will sometimes create conflicts with your work as a Councillor or officer. For Council Members, it may have to be included as one of your interests in the Members' Register of Interests and you may have an ~~disclosable pecuniary~~ interest in Council business referring

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to it (as detailed in the Members' Code of Conduct). You will need to be sure that involvement with the organisation will not prevent you from fully participating in your work as a Councillor or officer, particularly in areas that interest you, or, where you need to represent the community who elected you. This will depend on the nature of the body and type of involvement.

...

10. Code of Conduct – Councillors' Interests

10.1 **Code of Conduct:** All Councillors are subject to the Council's Code of Conduct for Members. You will find a copy of the full Code in the Constitution. The Code sets out the standards of behaviour required of you whenever you are acting in your official capacity as a Councillor. When Councillors act as the Council's representative on any other sort of outside body, they must comply with the County Council's Code of Conduct unless it conflicts with the lawful obligations of the other body.

10.2 Councillors may have to include their appointment to outside bodies in their register of interests, and must advise the Monitoring Officer of any change to registered interests within 28 days. Councillors may have an ~~disclosable pecuniary interest~~ in any matter to be considered at a meeting arising out of such registered interests.

Commented [MB11]: Amended as the interests regime is now wider with effect from 5.5.22.

10.3 This means that if you are present at a meeting when a matter is to be considered or is being considered, in which you have an interest precluding participation (as set out in the Members' Code of Conduct), ~~disclosable pecuniary interest~~, you must declare that you have an interest, ~~(if the interest is not already registered in the Register of Members' Interests) you may speak if permitted under the Code but you may~~ not participate in the discussion or vote and you must leave the meeting room (subject to the granting of a dispensation by the Standards Committee or Monitoring Officer).

10.4 **Bias:** Where you might be inclined to the view that you have no ~~disclosable pecuniary interest which might preclude your participation in the discussion and vote~~, your duties as a director, or trustee, or member of a management committee may well be regarded, on an objective appraisal, as giving rise to a legitimate fear of lack of impartiality, especially having regard to the desirability of maintaining public confidence. Participation in the decision making at a Council committee meeting by a Councillor who is biased potentially invalidates the decision.

10.5 Where membership of the outside body is on an advisory or consultative basis, bias will not be assumed from mere membership. However, once the outside body has a line which is being advocated by you, this could potentially be viewed as bias, and the Council's decision on the issue could be vulnerable to challenge if you participate in those circumstances. It will depend on the facts, and in such circumstances advice should be sought from the Assistant Chief Executive (Legal and Democratic Services).

...

12. Gifts and Hospitality

12.1 Councillors and officers must not accept gifts or consideration as an inducement for doing or not doing something in their roles as Members or officers of the County Council. Where officers accept inducements from anyone who has or is seeking a contract with the Council, the gift or consideration is deemed to have been accepted corruptly unless the officer

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can prove to the contrary. It is therefore very important to be completely open about any significant gift or hospitality, to avoid the suspicion of misconduct.

- 12.2 Members are required to register electronically, via the Council's committee management software, any gift or hospitality received by/offered to them because of their office with a value of £25 or more. This Register of Members' Gifts and Hospitality is ~~held and~~ maintained by the Monitoring Officer. Every Business Unit holds a similar register of Gifts and Hospitality for Officers, and the Monitoring Officer maintains a central Register of Officers' Gifts and Hospitality.
- 12.3 A particular issue arises for officers seconded to work on behalf of outside bodies, as Section 117(2) of the Local Government Act 1972 provides that an officer shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration. It is therefore essential that, where an officer is to be seconded and might be in receipt of any payment from the authority to which s/he is to be seconded, that the Council agree that his/her proper remuneration shall include any payment to the officer by the body to which s/he is seconded.
- 12.4 A revised legal framework to deal with bribery was introduced in The Bribery Act 2010 which introduced new bribery offences, the main offences relating to bribing another person, being bribed, bribing a foreign official and the failure of commercial organisations to prevent bribery.

Commented [MB12]: To reflect current practice for Members to register gifts and hospitality electronically via ModGov committee management software.

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NORTH YORKSHIRE COUNTY COUNCIL

Registration of Gifts and Hospitality

Please note that gifts/hospitality should now be registered by Members via the Committee Management software. Should this not be possible, Members may use this form and send it to the Monitoring Officer (email will suffice).

Name of Member: _____

I hereby give notice that I have been offered the following gift(s)/hospitality:

Date	Gift/Hospitality	Value (approx.)	Offered by	Accepted or declined?

Signed: _____

Dated: _____

To: The Monitoring Officer
County Hall
NORTHALLERTON
North Yorkshire
DL7 8AD

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NORTH YORKSHIRE COUNTY COUNCIL

ETHICAL FRAMEWORK

COMPLAINT FORM – Members’ Code of Conduct

If you consider that there has been a breach of the Members’ Code of Conduct by a County Councillor or voting co-opted member (“Members”) on one of the County Council’s committees, and you wish to make a complaint, please complete this form and then send or email it to:

Barry Khan
Monitoring Officer
North Yorkshire County Council
County Hall
NORTHALLERTON
North Yorkshire
DL7 8AD

email: barry.khan@northyorks.gov.uk

Please note that the Standards Committee can only consider complaints about the behaviour of individual Members and has no jurisdiction to consider complaints about the Council as a whole or Council employees. If you wish to make a complaint about the Council as a whole, or one of its services, please send your complaint to the Chief Executive Officer at the above address.

Your Details

1. Please provide us with your name and contact details:

Title:	
First Name:	
Last Name:	
Address:	
Contact telephone number:	
Email address:	

It is important to provide a name and contact address. Please note that the Council will not take any action in relation to anonymous complaints unless there is a significant public interest in doing so.

The Member(s) who is/are the subject of your complaint ('the subject Member(s)') will be advised of the complaint and copied into any relevant correspondence (including this completed complaint form) received from you.

2. Please confirm the status in which you are making this complaint:

- Member of the public;
- An elected or co-opted Member of the Authority;
- Member of Parliament;
- Local Authority Monitoring Officer;
- Other Council Officer or Authority employee; or
- Other (please specify)

3. Please provide us with the name(s) of the Member(s) you believe to have breached the Members' Code of Conduct:

Title	First name	Last name

4. A copy of the Code is published on the Council's website ([Councillors' code of conduct | North Yorkshire County Council](#)). Please indicate which paragraphs of the Code of Conduct you believe the Member(s) to have breached:

Councillor	Code paragraph alleged to have been breached

5. Please explain in this section (or on a separate sheet) **what the Member has done** which you believe breaches the Code of Conduct.

If you are complaining about more than one Member you should clearly explain what each individual person has done which you believe breaches the Code.

It is important that you provide all the information you wish the Monitoring Officer to take into account when deciding, in consultation with the Authority's Independent Person for standards, whether to take any action in respect of your complaint.

Please provide us with the details of your complaint. Continue on a separate sheet if necessary.

Signed:.....Date:.....

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NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Request for a Dispensation

Name of Member seeking dispensation:

In respect of which meeting(s)? *(Include dates, where possible)*

In respect of what business? *(If applicable, include full details of the agenda item or other matter)*

Name of the Relevant Officer: *(Please indicate the name of the officer who usually presents reports on the matter for which a dispensation is sought).*

Desired length of dispensation: *(Please note the maximum length of a dispensation is four years)*

Ground(s) for application: *(Please tick the relevant box(es))*

- (a) 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;
- (b) 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;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation each Member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the Executive; or
- (e) it is otherwise appropriate to grant a dispensation.

Details of your interest:

Please set out full details of your interest in the business concerned. Please continue on a separate sheet if necessary:

Reasons for seeking a dispensation:

Please set out full reasons why it is desirable for the Standards Committee to grant you a dispensation in respect of the above interest. Please continue on a separate sheet if necessary:

PLEASE REMEMBER THAT WHEN ACTING UNDER A DISPENSATION, MEMBERS MUST AT ALL TIMES ACT, AND APPEAR TO ACT, IN THE AUTHORITY'S BEST INTERESTS.

Signed:

Dated:

TO: **BARRY KHAN**, Monitoring Officer, North Yorkshire County Council

NYCC MEMBERS' CODE OF CONDUCT – BRIEF GUIDE TO INTERESTS REGIME 2022

*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);	No (by very nature)	Yes (existence and nature)*	Yes IF the public can	No leave the meeting room	Yes (by local choice)
		(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)*	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
				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

16 September 2022

Local Ethical Framework Developments

1.0 PURPOSE OF REPORT

- 1.1 To update Members on the development of the national 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 ([Local government ethical standards: report - GOV.UK \(www.gov.uk\)](http://www.gov.uk)). The Report makes a number of recommendations (26), which are not legally binding, to the Government regarding the national ethical framework, which would require changes to legislation and the regulatory framework if accepted. It also makes various best practice recommendations, considered as a benchmark of good ethical practice, which local authorities could choose to implement immediately should they so wish. The Report has been considered by the Standards Committee, which noted that the Council already complies with the spirit of almost all the best practice recommendations.

- 4.2 A response from Government to the 2019 Report has been long-awaited and on 18 March 2022, the Government published its response:

[Local government ethical standards: government response to the Committee on Standards in Public Life report - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Regarding the CSPL suggestions to amend the legislative framework around the ethical framework, the Government responded that it considered many of the suggestions did not require legislative action and could be actioned by authorities as best practice steps, for example by reviewing their code of conduct for members. Other highlights of the response are as follows:

- a) it rejects the recommendation to give local authorities power to suspend councillors, without allowances, for up to six months for breaches of the code of conduct. The Government's reasoning for rejecting this proposal is

that there is no legislative provision enabling this, and that that was a deliberate policy decision at the time. The Government also wishes to avoid any “chilling effect” on free speech and that ultimately councillors are accountable “via the ballot box”;

- b) it rejects the recommendation to change the Localism Act 2011 to require Independent Persons for Standards to be appointed for a fixed term of two years, renewable once but suggests this could be adopted by authorities as good practice but subject to the needs of the authority. Government agrees that Independent Persons should be indemnified by the relevant authority if their views were to be disclosed, however the Government does not believe legislative change is required to enable this;
- c) it rejects the recommendation to amend the Local Government Transparency Code to require authorities to publish standards complaints information annually, however the Government will develop actions to increase transparency, for example through more proactive publication of data;
- d) it rejects the recommendation that criminal offences in relation to the interests regime should be abolished;
- e) it will further consider issues stemming from the recommendation to provide clarification on whether authorities could legally prevent councillors attending authority premises or using authority facilities;
- f) it agrees in principle with the recommendation that legal protection should be extended to all disciplinary action against statutory officers, not just dismissal, and indicated its intention to consult on this.

4.3 In its statement on the Government response to the Report, the CSPL noted that the Government intends to further support the maintenance of high ethical standards but expressed its disappointment that many of its recommendations had not been accepted ([Lord Evans' statement on the Government's response to the Committee's report on local government ethical standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)).

4.4 Members will be kept informed of any further developments.

5.0 CSPL REVIEW OF EMBEDDING OF NOLAN PRINCIPLES

5.1 Since the Standards Committee’s last meeting, the CSPL has announced it is undertaking a review, ‘Leading in Practice’, looking at the role of leadership in embedding the General Principles of Public Life (the Nolan Principles) in public sector organisations:

[Leading in Practice: Terms of Reference - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

As stated on the website, the review intends to:

1. Examine the role of leadership at all levels of an organisation in understanding, developing and sustaining a commitment to the Principles of Public Life;
2. Identify examples of how the Principles of Public Life are upheld in public sector organisations and how obstacles have been overcome on the path to implementing good practice;

3. Identify the characteristics of organisations that facilitate public office holders acting in line with the Principles of Public Life;
 4. Consider whether there are mechanisms and practices used for embedding principles in the private and third sectors that can usefully be applied in the public sector, and by companies and charities providing services paid for by the taxpayer.
- 5.2 The Government has welcomed the review and re-emphasised its commitment to high ethical standards:

[Letter from Lord True about the CSPL review on leadership and public standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/letter-from-lord-true-about-the-cspl-review-on-leadership-and-public-standards)

- 5.3 Members will be kept informed of developments.

LGA COUNCILLORS' GUIDE TO HANDLING HARASSMENT, ABUSE AND INTIMIDATION

- 6.1 The Local Government Association (LGA) has produced guidance to support Members in fulfilling their role and engaging with the public and to provide "...practical steps they can follow to decrease the likelihood of experiencing harassment, abuse and intimidation and give them some ideas on how to respond should an incident occur.":

[Councillors' guide to handling harassment, abuse and intimidation | Local Government Association](#)

- 6.2 The Standards Committee has previously been informed of the LGA's call for evidence "Civility in Public Life: Abuse and Intimidation of 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."

- 6.3 Responses to the call for evidence indicate that many councillors believe abuse is becoming more common, and of those who experience abuse and intimidation, the majority experience it multiple times and half experiencing it on an ongoing basis.

- 6.4 The LGA has issued a further report "Debate Not Hate: The impact of abuse on local democracy" ([Debate Not Hate: The impact of abuse on local democracy | Local Government Association](#)) summarising its findings from the first six months of the call for evidence and setting out what more could be done. The following themes were identified from the responses:

- Variability of support offered by councils, political parties, and the police;
- Targeted abuse – responses indicate that councillors and candidates with protected characteristics were more likely to receive personalised abuse, particularly related to misogyny, racism and homophobia.
- Personal and democratic impacts – abuse and intimidation can significantly impact councillors, their families, and the wider community and also impact councillors' willingness to stand for re-election or deter others from considering standing for public office.
- Vulnerability of councillors – Many respondents highlighted the visibility and accessibility of councillors in their local community, particularly when councillors' home addresses are available online.

- Normalisation – There is a growing feeling that abuse and intimidation, particularly online, are becoming normalised.

6.5 The report makes the following recommendations:

- **Recommendation 1:** Councils and other relevant partners should take greater responsibility for the safety and wellbeing of councillors and take a proactive approach to preventing and handling abuse and intimidation against councillors. This should include addressing the impacts of abuse on councillors' mental health and wellbeing and working in partnership with other agencies and councils to ensure that threats and risks to councillors' safety, and that of their families, are taken seriously.
- **Recommendation 2:** The LGA should continue to gather and disseminate good practice from across the sector, consider what more can be done to prevent abuse and intimidation of councillors through the Civility in public life programme, and support councils and councillors when these incidents occur.
- **Recommendation 3:** Police forces should work to improve the consistency of responses to abuse of and threats made against councillors and take a risk-based approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, such as MPs. This should include identifying best practice in relation to councillor support and safety and sharing it across the country.
- **Recommendation 4:** The Government should prioritise legislation to put it beyond doubt that councillors can withhold their home address from the public register of pecuniary interests.
- **Recommendation 5:** The LGA should work with political parties, election and democratic officers, and organisations responsible for guidance to raise awareness of the options currently available and promote the practice of keeping home addresses private during the election process and once elected.
- **Recommendation 6:** Social media companies and internet service providers should acknowledge the democratic significance of local politicians and provide better and faster routes for councillors reporting abuse and misinformation online.
- **Recommendation 7:** The relevant Government department should convene a working group, in partnership with the LGA, to bring together relevant agencies to develop and implement an action plan to address the issue of abuse of local politicians and their safety.

6.6 The call for evidence is ongoing. 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 \(local.gov.uk\)](#)

Members will be kept informed of developments.

7.0 **PREVIOUS CSPL REPORTS AND REVIEWS**

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

8.0 FINANCIAL IMPLICATIONS

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

9.0 LEGAL IMPLICATIONS

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

10.0 ENVIRONMENTAL IMPLICATIONS

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

11.0 RECOMMENDATIONS

11.1 That the Committee notes the contents of this report.

BARRY KHAN

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

Background Papers:

None

County Hall
NORTHALLERTON

6 September 2022

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NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

16 September 2022

Annual Report of Standards Committee

1.0 PURPOSE OF REPORT

- 1.1 To present Members with a draft Annual Report of the work of the Standards Committee for the period 1 April 2021 to 31 March 2022.

2.0 BACKGROUND

- 2.1 The Committee has previously agreed that it would be helpful to publish an Annual Report on its work to the Authority in order to raise the profile of the Committee and strengthen awareness of its work and ethical standards generally. An Annual Report also assists in discharging the Authority's statutory duty to promote and maintain high standards of conduct and also ensures that the Authority has an overview of work undertaken by the Committee in discharging the Authority's standards responsibilities.
- 2.2 The Committee previously resolved that each Annual Report should be 'light touch' and as brief as possible

3.0 DRAFT ANNUAL REPORT

- 3.1 A draft Annual Report of the Committee, for the period 1 April 2021 to 31 March 2022 is attached for Members' consideration and approval at **Appendix 1**. The Report, if approved by the Committee, will be presented to a future meeting of the Authority.
- 3.2 Members' views are welcomed.

4.0 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/climate change implications arising from this report.

7.0 RECOMMENDATIONS

- 7.1 Subject to any comments Members may have, the Committee is asked to approve the draft Annual Report for presentation to a future meeting of the Authority.

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

Background Papers:

- The Localism Act 2011
- Minutes of NYCC Standards Committee meetings

County Hall
NORTHALLERTON

6 September 2022

NORTH YORKSHIRE COUNTY COUNCIL

16 November 2022

Annual Report of the Standards Committee

1.0 PURPOSE OF REPORT

1.1 To provide the Authority with an Annual Report on the work of the Standards Committee from 1 April 2021 to 31 March 2022.

2.0 BACKGROUND

2.1 The Standards Committee was established in 2012 as part of the ethical framework for local government introduced by the Localism Act 2011.

2.2 The Committee has previously agreed that it would be helpful to publish an Annual Report on its work to the Authority in order to raise the profile of the Committee and strengthen awareness of its work and ethical standards generally. An Annual Report also assists in discharging the Authority's statutory duty to promote and maintain high standards of conduct and also ensures that the Authority has an overview of work undertaken by the Committee in discharging the Authority's standards responsibilities.

3.0 THE ETHICAL FRAMEWORK

3.1 The ethical framework introduced under the 2011 Act includes:

i. **The Standards Committee:** The Committee usually meets twice per annum. During the period in question, the Committee met informally remotely (due to the Covid-19 pandemic) on 17 September 2021 and 11 March 2022, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers. The Committee is responsible for:

- standards;
- standards complaints handling issues;
- the granting of dispensations; and
- also has a role in relation to issues raised by or in relation to persistent and/or vexatious complainants.

ii. **Independent Persons for Standards:** Each relevant authority must appoint at least one "Independent Person". In 2012, the Authority approved the appointments of Mrs Hilary Gilbertson MBE and Mrs Louise Holroyd as Independent Persons for the Authority. The Independent Persons are invited to all meetings of the Standards Committee and are consulted on all key standards matters.

iii. **A statutory duty to promote and maintain high standards of conduct**

iv. **Members' Code of Conduct**

v. **Register of Members' Interests** (hard copy and online)

vi. **Complaint Handling**

vii. **Ethical Statements**

viii. Standards Bulletin

- 3.2 The **Monitoring Officer** supports the Committee in its work, including maintaining the Register of Members' Interests and dealing with any complaints made against Members under the local standards regime.

4.0 WORK UNDERTAKEN BY THE COMMITTEE

- 4.1 The work undertaken by the Standards Committee between the period 1 April 2021 to 31 March 2022 is set out below:

- (a) Review of ethical framework developments: the Committee has considered developments in the national standards regime and provided guidance to Members, for example in relation to:
- i. new Model Code of Conduct for Members: the Committee considered and responded to the LGA's consultation on a new Model Code and subsequently considered the new national voluntary Model Code published by the LGA and proposed amendments to the Council's current Members' Code of Conduct in light of the new model .A revised Code was adopted by full Council at its meeting on 16 February 2022;
 - ii. documents published by the Committee on Standards in Public Life, for example its Reviews, Annual Report 2020/21, Report on the Regulation of Election Finance and its findings from its "Standards Matters 2" Review "Upholding Standards in Public Life";
 - iii. the Online Safety Bill;
 - iv. proposed complaint review role by Local Government and Social Care Ombudsman;
 - v. LGA Call for Evidence - Civility in Public Life: Abuse and Intimidation of Councillors.
- (b) Training: The Committee ensures that Members receive appropriate training to maintain their awareness of ethical standards. Given the Covid-19 pandemic, standards training for Members during the period 1 April 2021 to 31 March 2022 mainly took place via guidance in the Standards Bulletins.
- (c) Register of Members' Interests: The Register of Members' Interests is also published on the Authority's website. The Committee monitors the operation of the Register. Following the adoption of the new Code in February 2022, the Members' registration of interests form has been reviewed to reflect the revised registration and declaration of interests' regime.
- (d) Standards Bulletin: The Committee has issued two Standards Bulletins during the period covered by this Report, aimed at keeping Members and Officers apprised of developments in the ethical regime. Copies of the Bulletin are published on the website and have also been requested by, and circulated to, other authorities.
- (e) Complaints: The Committee receives a Complaints Update report at each meeting. During the period covered by this Report, there were two complaints received that a Member may have breached the Authority's Members' Code of Conduct. The Monitoring Officer assessed the complaints in consultation with the Independent Person for Standards and no action was required to be taken in either case.
- (f) Liaison with neighbouring authorities: The Monitoring Officer has continued to liaise with the neighbouring authority Heads of Legal/Monitoring Officers.

(g) Standards Committee Annual Report: an Annual Report of the Committee covering the period 1 April 2020 to 31 March 2021 was presented to full Council on 17 November 2021.

4.2 The Committee will continue its work in the promotion of high ethical standards and further involvement in training of officers and Members at an appropriate stage.

5.0 RECOMMENDATION

5.1 That the Authority receives and notes the Annual Report of the Standards Committee.

COUNCILLOR CLIVE PEARSON
Chair of NYCC Standards Committee

Background Papers:
Minutes of and reports to the Standards Committee

16 September 2022

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NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

16 September 2022

Dispensation Requests

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee, for determination, requests from certain County Councillors for a dispensation from the Standards Committee.

2.0 BACKGROUND

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

3.0 DISPENSATION PROCESS

- 3.1 Under the Localism Act 2011 and delegated power from the Council, where a written request has been made to the Monitoring Officer as Proper Officer, the Standards Committee has power to grant a dispensation to a Member from non-participation in relation to a disclosable pecuniary (and other) interests where the Committee concludes, after having had regard to all relevant circumstances, that:
- (a) 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;
 - (b) 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;
 - (c) granting the dispensation is in the interests of persons living in the authority's area;
 - (d) without the dispensation each Member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the Executive; or
 - (e) it is otherwise appropriate to grant a dispensation.

- 3.2 The Committee must decide whether the application fulfils any of the criteria set out in paragraph 3.1 and, if so, whether it is appropriate to grant the dispensation in the circumstances, after balancing the public interest in preventing a Member with an interest from taking part in Council business, against the public interest in the relevant constituents not being disenfranchised and their views being able to be put forward on the business in question.
- 3.3 If the Standards Committee is minded to grant a dispensation, it must consider the scope (for example whether the dispensation will allow the Member to speak, discuss and vote on the item or speak and discuss only) and the duration of it. Dispensations may be granted for a maximum period of 4 years.
- 3.4 Any dispensation granted will be recorded in writing and kept with the Councillors' interests forms in the Council's Register of Members' Interests.

4.0 DISPENSATION REQUEST BY COUNTY COUNCILLOR HARRISON

- 4.1 On 18 February 2020, a dispensation was granted by the Monitoring Officer, under his delegated powers as set out earlier in this report, to enable County Councillor Harrison to speak, vote and be included within the quorum at meetings of the Council, Executive and committees when they are considering business relating to Treasury Management. The dispensation was granted as the dispensation was in the interests of persons living in the authority's area and it was appropriate to grant the dispensation until the next local elections. Standards Committee members indicated, when consulted by the Monitoring Officer, that they would wish to consider the matter at their next meeting, which they duly did on 6 March 2020, when the Committee resolved that the dispensation should continue. Councillor Harrison also attended on that date to speak in more detail to his written application as set out below:

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

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

- 4.2 The dispensation expired upon the recent local elections in May 2022. Councillor Harrison emailed the Monitoring Officer on 21 June 2022 to confirm that his circumstances are unchanged from before and he therefore wishes to apply for a further dispensation from the Standards Committee in the same terms as previously to enable him to fully participate and vote in relation to Council business relating to Treasury Management.
- 4.3 Councillor Harrison has registered in his registration of interests form that he is employed by Lloyds Banking Group. This is therefore a disclosable pecuniary interest (DPI) for him. He would therefore need to declare the interest at the start of any item of business relating to Treasury Management and leave the room, without being able to speak if the public can, in the absence of any dispensation.

- 4.4 The Council's Treasury Management Strategy will concern investing large sums of money in banks, some of which will be owned by Lloyds Banking Group. However the treasury management process is controlled by professional officers and Members do not influence how much is put into each bank therefore Councillor Harrison gains no financial interest in participating in approving the Treasury Management Strategy or related business. Councillor Harrison has also previously clarified that in his precise role for his employer he has no connection to any part of the organisation dealing with any form of lending or treasury functions.
- 4.5 Subject to any comments Members may have, it is recommended that it would be appropriate for the Committee to grant a dispensation for the maximum period of four years to Councillor Harrison to enable him to speak, vote and be included within the quorum at meetings of the Council, Executive and committees when they are considering business relating to Treasury Management.
- 4.6 The Committee is therefore requested to consider and determine the new dispensation request by Councillor Harrison.

5.0 DISPENSATION REQUEST BY COUNTY COUNCILLOR DADD

- 5.1 County Councillor Gareth Dadd is the Deputy Leader of the Council and is responsible for the executive portfolio re Finance, Assets and Resources and Special Projects.
- 5.2 Councillor Dadd has registered in his registration of interests form that he is a Director of a property holiday lettings company in Staithes, North Yorkshire. Councillor Dadd has further clarified to the Monitoring Officer that he is the main shareholder of the property company which has 1 building but 2 holiday letting units in Staithes. The company and its property portfolio are therefore a disclosable pecuniary interest (DPI) for him. He would therefore need to declare the interest at the start of any item of business directly relating to the company and leave the room, without being able to speak if the public can, in the absence of any dispensation
- 5.3 Councillor Dadd has, by email, informed the Monitoring Officer that, during formal meetings, discussions on the Second Homes Premium Policy have touched on the wider debate regarding holiday lets. Councillor Dadd is mindful of his business interests and the perception this may give and has sought the advice of the Monitoring Officer as to his position, in a spirit of openness and transparency.
- 5.4 The Monitoring Officer has advised Councillor Dadd that the issue of the second home premium does not necessarily cover holiday lettings but there is the ability for these two separate issues to be merged, particularly when discussions are raised about how people could potentially avoid the second home premium. Whilst Councillor Dadd is not in that position, as he has historically been a shareholder in a company that has letting holiday units, for the sake of transparency, particularly given Councillor Dadd's executive portfolio, the Monitoring Officer has advised Councillor Dadd to seek a dispensation from the Standards Committee to enable him to continue to discuss, advise and vote on all matters relating to the Second Homes Premium Policy.
- 5.5 Councillor Dadd has therefore submitted a written request to the Monitoring Officer seeking a dispensation. Subject to any comments Members may have, it is recommended that it would be appropriate for the Committee to grant a dispensation for the maximum period of four years to Councillor Dadd to enable him to speak, vote and be included within the quorum at meetings of the Council, Executive and

committees when they are considering business relating to the Second Homes Premium Policy.

- 5.6 The Committee is requested to consider and determine the dispensation application from Councillor Dadd.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no significant financial implications arising from this report.

7.0 LEGAL IMPLICATIONS

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

8.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

- 8.1 There are no significant environmental/climate change implications arising from this report.

9.1 CONCLUSION

- 9.1 That the Committee determines submitted applications by the County Councillors for a dispensation.

10.0 RECOMMENDATIONS

- 10.1 That the Committee considers and determines the applications for a dispensation by County Councillor Harrison and County Councillor Dadd.
- 10.2 That, should the Committee be minded to grant the dispensations requested, the Committee determine the scope, grounds and duration of the dispensations.

BARRY KHAN

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

Background Papers:

- The Localism Act 2011

County Hall
NORTHALLERTON

6 September 2022

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

16 September 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 have been four new, connected, complaints received since the last Complaints Update report to the Committee:

NYCC/SC/80 - 83

A member of the public has made connected complaints against various councillors, arising out of the same set of circumstances, relating to allegations of making, or failing to take action in relation to hearing, racist comments made. The case is currently under consideration by the Monitoring Officer and a further update will be given to the Committee when the Monitoring Officer is in a position to do so.

4.0 STATISTICS

- 4.1 For the year 1 April 2022 to date, the Council has received the four formal standards complaints (NYCC/SC/80-83) 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/climate change 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

6 September 2022

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

16 September 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

7 September 2022



Standards Bulletin

Introduction

This edition of the Standards Bulletin sets out the latest developments in the national standards regime, particularly in relation to the revised Code of Conduct for NYCC in light of the new Model Code and supporting Guidance issued by the Local Government Association; and also work by the LGA regarding 'Civility in Public Life: Abuse and Intimidation of Councillors'.

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.

Clive Pearson
Chair of the Standards Committee

The Standards Committee

The Members of the Standards Committee:

- **County Councillor Nick Brown**
- **County Councillor Sam Cross**
- **County Councillor Melanie Davis**
- **County Councillor Clive Pearson**
- **County Councillor Heather Phillips**
- **County Councillor Monica Slater**

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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In this issue:

- Members' expenses
- New Interests' regime
- Sensitive Interests
- Bias, Predetermination, Predisposition
- Members' Gifts and Hospitality
- CSPL Report on Local Government Ethical Standards
- CSPL Review of Embedding of Nolan Principles
- LGA Councillors' Guide to handling harassment, abuse and intimidation
- Previous CSPL reports and reviews
- 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, revised by full Council in February 2022 (in light of the new national Model Code) to apply following the elections on 5 May 2022, the following interests' regime now applies.

Registration of Interests

Members must register the following interests within 28 days of election/appointment:

- **Disclosable pecuniary interests** (DPs) of the Member and their partner and
- **Other registrable interests** (ORIs) of the Member

and keep their interests under review, registering any changes within 28 days.

A pecuniary interest is a DPI if it is of a description specified in regulations ie

- **Employment, office, trade, profession or vocation (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.

Other Registrable interests (ORIs) are:

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.

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.

Participation re Interests

Disclosable Pecuniary Interests

A Member may not participate in the discussion of, or vote on, Council business *directly relating* to a DPI and must declare the existence and nature of the interest and withdraw from the meeting room at the start of the item (unless a dispensation is granted).

Other Registrable Interests

Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of the Member's ORIs, then the Member must declare the existence and nature of the interest, can speak on the matter if the public can and then must withdraw from the meeting room (unless a dispensation is granted).

Non-Registrable Interests (NRIs)

These are interests which are not required to be registered in the Register of Members' Interests (ie 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); or
- (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).

For NRIs falling under category (i) above, the Member must declare the existence and nature of the interest, can speak on the matter if the public can and then must withdraw from the meeting room (unless a dispensation is granted).

For NRIs falling under category (ii) above, the Member must declare the existence and nature of the interest, and then consider the 'prejudicial interest' test to determine if and how they may participate:

- 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 the Member can speak if the public can, but must not take part in any discussion/vote and must leave room (unless a dispensation is granted);
- Where the matter does not so affect the financial interest or wellbeing, then the Member may speak and vote in usual way.

If a **dispensation** is granted to a Member, the Member must still **declare** the existence and nature of the interest and the fact they are relying on a dispensation to the meeting.

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

Something 'relates to' a Member's interest if it is directly about it, eg the matter being discussed is an application about a particular property in which the Member or somebody associated with them or an outside body they 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 the Member's 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.

Please note:

A Member commits a **criminal offence** if, without reasonable excuse, they —

- fail to:
 - ❖ register disclosable pecuniary interests
 - ❖ disclose an interest to a meeting where required
 - ❖ notify the Monitoring Officer of an interest disclosed to a meeting
- participate 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, they provide information that is false or misleading and —

- know that the information is false or misleading, or
- are 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.

NB: Even if something is not a Code issue, always bear in mind the rules relating to bias, predetermination and predisposition.

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

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

Under the Council's revised Code of Conduct, you should not accept gifts/hospitality, of any value, which could create an impression of obligation upon you or the Council or substantive personal gain or propensity to show favour. You should inform the Monitoring Officer of any such offers.

Otherwise, you should register any gifts/hospitality received or offered worth £25 or more.

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

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 ([Local government ethical standards: report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/782222/Local_government_ethical_standards_report_-_GOV.UK.pdf)).

The Report makes a number of recommendations (26), which are not legally binding, to the Government regarding the national ethical framework, which would require changes to legislation and the regulatory framework if accepted. It also makes various best practice recommendations,

considered as a benchmark of good ethical practice, which local authorities could choose to implement immediately should they so wish. The Report has been considered by the Standards Committee, which noted that the Council already complies with the spirit of almost all the best practice recommendations.

A response from Government to the 2019 Report has been long-awaited and on 18 March 2022, the Government published its response:

[Local government ethical standards: government response to the Committee on Standards in Public Life report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/102222/Local_government_ethical_standards_government_response_to_the_Standards_in_Public_Life_report_-_GOV.UK.pdf)

Regarding the CSPL suggestions to amend the legislative framework around the ethical framework, the Government responded that it considered many of the suggestions did not require legislative action and could be actioned by authorities as best practice steps, for example by reviewing their code of conduct for members. Other highlights of the response are as follows:

- a) it rejects the recommendation to give local authorities power to suspend councillors, without allowances, for up to six months for breaches of the code of conduct. The Government's reasoning for rejecting this proposal is that there is no legislative provision enabling this, and that that was a deliberate policy decision at the time. The Government also wishes to avoid any "chilling effect" on free speech and that ultimately councillors are accountable "via the ballot box";
- b) it rejects the recommendation to change the Localism Act 2011 to require Independent Persons for Standards to be appointed for a fixed term of two years, renewable once but suggests this could be adopted by authorities as as good practice but subject to the needs of the authority. Government agrees that Independent Persons should be indemnified by the relevant authority if their views were to be disclosed, however the Government does not believe legislative change is required to enable this;
- c) it rejects the recommendation to amend the Local Government Transparency Code to

require authorities to publish standards complaints information annually, however the Government will develop actions to increase transparency, for example through more proactive publication of data;

- d) it rejects the recommendation that criminal offences in relation to the interests' regime should be abolished;
- e) it will further consider issues stemming from the recommendation to provide clarification on whether authorities could legally prevent councillors attending authority premises or using authority facilities;
- f) it agrees in principle with the recommendation that legal protection should be extended to all disciplinary action against statutory officers, not just dismissal, and indicated its intention to consult on this.

In its statement on the Government response to the Report, the CSPL noted that the Government intends to further support the maintenance of high ethical standards but expressed its disappointment that many of its recommendations had not been accepted ([Lord Evans' statement on the Government's response to the Committee's report on local government ethical standards - GOV.UK \(www.gov.uk\)](#)).

CSPL Review of Embedding of Nolan Principles

The CSPL has announced it is undertaking a review, 'Leading in Practice', looking at the role of leadership in embedding the General Principles of Public Life (the Nolan Principles) in public sector organisations:

[Leading in Practice: Terms of Reference - GOV.UK \(www.gov.uk\)](#)

As stated on the website, the review intends to:

1. Examine the role of leadership at all levels of an organisation in understanding, developing and sustaining a commitment to the Principles of Public Life;

2. Identify examples of how the Principles of Public Life are upheld in public sector organisations and how obstacles have been overcome on the path to implementing good practice;
3. Identify the characteristics of organisations that facilitate public office holders acting in line with the Principles of Public Life;
4. Consider whether there are mechanisms and practices used for embedding principles in the private and third sectors that can usefully be applied in the public sector, and by companies and charities providing services paid for by the taxpayer.

The Government has welcomed the review and re-emphasised its commitment to high ethical standards:

[Letter from Lord True about the CSPL review on leadership and public standards - GOV.UK \(www.gov.uk\)](#)

Members will be kept informed of developments.

LGA Councillors' Guide to handling harassment, abuse and intimidation

The Local Government Association (LGA) has produced guidance to support Members in fulfilling their role and engaging with the public and to provide "...practical steps they can follow to decrease the likelihood of experiencing harassment, abuse and intimidation and give them some ideas on how to respond should an incident occur.":

[Councillors' guide to handling harassment, abuse and intimidation | Local Government Association](#)

The Standards Bulletin has previously informed Members of the LGA's call for evidence "Civility in Public Life: Abuse and Intimidation of 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.”

Responses to the call for evidence indicate that many councillors believe abuse is becoming more common, and of those who experience abuse and intimidation, the majority experience it multiple times and half experiencing it on an ongoing basis.

The LGA has issued a further report “Debate Not Hate: The impact of abuse on local democracy” ([Debate Not Hate: The impact of abuse on local democracy | Local Government Association](#)) summarising its findings from the first six months of the call for evidence and setting out what more could be done. The following themes were identified from the responses:

- Variability of support offered by councils, political parties, and the police;
- Targeted abuse – responses indicate that councillors and candidates with protected characteristics were more likely to receive personalised abuse, particularly related to misogyny, racism and homophobia.
- Personal and democratic impacts – abuse and intimidation can significantly impact councillors, their families, and the wider community and also impact councillors’ willingness to stand for re-election or deter others from considering standing for public office.
- Vulnerability of councillors – Many respondents highlighted the visibility and accessibility of councillors in their local community, particularly when councillors’ home addresses are available online.
- Normalisation – There is a growing feeling that abuse and intimidation, particularly online, are becoming normalised.

The report makes the following recommendations:

- **Recommendation 1:** Councils and other relevant partners should take greater responsibility for the safety and wellbeing of councillors and take a proactive approach to preventing and handling abuse and intimidation against councillors. This should include addressing the impacts of abuse on councillors’ mental health and wellbeing and working in

partnership with other agencies and councils to ensure that threats and risks to councillors’ safety, and that of their families, are taken seriously.

- **Recommendation 2:** The LGA should continue to gather and disseminate good practice from across the sector, consider what more can be done to prevent abuse and intimidation of councillors through the Civility in public life programme, and support councils and councillors when these incidents occur.
- **Recommendation 3:** Police forces should work to improve the consistency of responses to abuse of and threats made against councillors and take a risk-based approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, such as MPs. This should include identifying best practice in relation to councillor support and safety and sharing it across the country.
- **Recommendation 4:** The Government should prioritise legislation to put it beyond doubt that councillors can withhold their home address from the public register of pecuniary interests.
- **Recommendation 5:** The LGA should work with political parties, election and democratic officers, and organisations responsible for guidance to raise awareness of the options currently available and promote the practice of keeping home addresses private during the election process and once elected.
- **Recommendation 6:** Social media companies and internet service providers should acknowledge the democratic significance of local politicians and provide better and faster routes for councillors reporting abuse and misinformation online.
- **Recommendation 7:** The relevant Government department should convene a working group, in partnership with the LGA, to bring together relevant agencies to develop and implement an action plan to address the issue of abuse of local politicians and their safety.

The call for evidence is ongoing. If Members wish to know more, further 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 \(local.gov.uk\)](#)

[7 in 10 councillors have experienced abuse and intimidation in the last year – LGA survey | Local Government Association](#)

Previous CSPL reports and reviews

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

NYCC COMPLAINT STATISTICS

For the year 1 April 2022 to date, the Council has received four new, connected, standards complaints which are currently under consideration by the Monitoring Officer.

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

CASES

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

- A former councillor was held to have brought their office and authority into disrepute by having made false accusations against Members and posting misinformation online, which was “potentially harmful and reputationally damaging to the individuals concerned and to the council.” The repetition of the accusations also amounted to bullying/harassment. The councillor was disqualified from holding office for

three years by the Adjudication Panel for Wales.

- A former councillor was held to have brought their office into disrepute and was disqualified from holding office for 12 months by the Adjudication Panel for Wales, after pleading guilty to causing bodily harm by "wanton and furious driving". The councillor drove her car "at speed" on private land at a council contractor undertaking duties for the council, striking two minors in the process and received a suspended 10 week prison sentence.

Contributors:

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North Yorkshire Legal and Democratic Services

Resources

Localism Act 2011 and subordinate legislation.

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

Information published on www.gov.uk

Local Government Lawyer website