



Agenda

Meeting Standards and Governance Committee

Venue: Meeting Room3, County Hall, Northallerton, DL7 8AD.

Date: Friday, 15 September 2023

Time: 2.00 pm

Councillors: Nick Brown, Sam Cross, Melanie Davis, Clive Pearson (Chairman), Heather Phillips, Monika Slater, David Ireton, Nigel Knapton, Andy Solloway and Peter Wilkinson; together with:-

The Independent Persons for Standards: Gillian Baker, Hilary Gilbertson, Louise Holroyd, Roy Martin, James (Jamie) Nelson and Richinda Taylor .

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the Democratic Services Officer whose details are at the foot of the first page of the agenda if you would like to find out more.

Recording is allowed at North Yorkshire Council, committee and sub-committee meetings which are open to the public, please give due regard to the Council's protocol on audio/visual recording and photography at public meetings, a copy of which is available from Democratic Services. Anyone wishing to record is asked to contact, prior to the start of the meeting, the Democratic Services Officer whose details are at the foot of the first page of the Agenda. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Business

1. **Chair's welcome, introductions and apologies**
2. **Minutes of the Meeting held on 5th July 2023** (Pages 3 - 8)
3. **Declarations of Interest**
4. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to Steve Loach of Democratic Services (contact details at the foot of page 1 of the agenda sheet) by midday on Tuesday 12th September 2023. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);

when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

5. **Update re appointment of additional Independent Persons - Report of the Monitoring Officer** (Pages 9 - 12)
6. **Dispensation request - Councillor Stephanie Duckett - Report of the Monitoring Officer** (Pages 13 - 22)
7. **Dispensation request - Councillor Cliff Lunn - Report of the Monitoring Officer** (Pages 23 - 28)
8. **Local ethical framework developments - Report of the Monitoring Officer** (Pages 29 - 32)
9. **Declaration of Interests - Report of the Monitoring Officer** (Pages 33 - 36)
10. **Protocol re Unreasonably Persistent/Vexatious Complainants - Report of the Monitoring Officer** (Pages 37 - 44)
11. **Complaints Update - Report of the Monitoring Officer** (Pages 45 - 48)
12. **Registration of Officers' Interests - Report of the Monitoring Officer** (Pages 49 - 54)
13. **Requests for Community Governance Reviews - Report of the Monitoring Officer** (Pages 55 - 64)
14. **Broadcasting and recording of public committee meetings - Report of the Monitoring Officer** (Pages 65 - 68)
15. **Standards Bulletin - Report of the Monitoring Officer** (Pages 69 - 78)
16. **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

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

7th September 2023

North Yorkshire Council

Standards and Governance Committee

Minutes of the meeting held on Wednesday, 5th July, 2023 commencing at 3.00 pm.

Councillor Clive Pearson (Chair), Councillors Nick Brown, Sam Cross, Melanie Davis, Monika Slater and Nigel Knapton; together with Louise Holroyd (Independent Persons for Standards).

In attendance: Councillors Sam Gibbs and George Jabbour.

Officers present: Owen Griffiths, Corporate Governance Officer (Clerk); Elizabeth Jackson, Democratic Services Manager for Harrogate; Barry Khan, Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer; Jennifer Norton, Assistant Director Legal; Kerry Russett, Head of Democratic and Corporate Modernisation.

Apologies: Councillor Heather Phillips (with Councillor Nigel Knapton substituting).

Copies of all documents considered are in the Minute Book

6 Minutes of the Meeting held on 8th March 2023 and a Special Meeting held on 17th May 2023

Clarity was sought on several issues raised in the previous meetings:

- A Member asked how the complaint process worked. The Monitoring Officer explained that in the instance that a complaint is brought against a Councillor then the complaint is sent to the Councillor and confirmation is sent to the person who raised the complaint. What is sent to the Councillor is details on the complaint, the Councillor(s) involved, and who has raised the complaint. Although complaints can be raised anonymously, there normally needs to be a reason for doing so.
- A Member asked about whether there had been further information relayed between declarations and masonic lodges. The Monitoring Officer said that if it concerned their charitable arm then that should be declared as normal, and all else does not have to be declared but could be done for transparency reasons. A report will be brought to the Committee on this subject in the future.
- A Member asked if all the Committee Chairs would be provided with the relevant dispensation records. Assurance was provided that this would be done.

Resolved -

The minutes of the meeting held on Wednesday 8 March and 17 May 2023 were confirmed and signed as an accurate record.

7 Declarations of Interest

There were no declarations of interest.

8 Public Questions or Statements

There were no public questions or statements.

9 Dispensation Request - Councillor Michael Harrison - Report of the Monitoring Officer

Considered –

A report of the Monitoring Officer concerning a dispensation request from Councillor Michael Harrison. This request was for the four years until the end of his term and would allow for him to speak and vote at meetings which could have an impact on Heath and Adult Services, except for matters which concerned his wife's role within that team, for which he would declare the interest and withdraw from the room.

Members discussed the request, and the following issues were raised:

- A Member raised concerns over the length of the dispensation, as a previous meeting suggested that dispensations should only be two years, alongside the broad nature of the dispensation. There were also fears over what would count as going against the dispensation, would the overall budget not be in conflict? The Monitoring Officer said that Councillor Harrison would be able to take part in all discussions and make decisions on all matters that were not related to his wife's role. The reason why it was recommended to be four years was that would bring the Councillor in question to the end of their term. Several Members said that the Councillor in question had been vigilant with his previous dispensation and the opportunity to manipulate the budget was hard.
- A Councillor asked the questions of why, if his wife had been in employment by the Council since March, was the dispensation only coming to the Committee now.
- If the Committee did not grant the dispensation would Councillor Harrison need to consider his present role on the Executive Committee? In response, one Member asked if the Committee should really have the power to play the role of changing political appointments, was this a form of changing the constitution through stealth? The Deputy Monitoring Officer explained that Councillor Harrison would be able to continue in his present role, but he would need to be careful with the decisions that are made, particularly as the penalty for not declaring an interest would be high. The limited dispensation would allow for him to carry out his Executive role without fear, whilst also being transparent and open to the public.
- The Independent Member of the Committee said that her view was that the public perception was important, and it was important that this dispensation was applied for. It is only a limited dispensation as it would not apply to matters that would have a conflict of interest and the Committee should consider the Councillors expertise that could be lost if he was not on the Executive.

Resolved-

That the dispensation request for Councillor Michael Harrison be approved, as set out in the report.

Voting Record

3 For

3 Against

The Chair gave their casting vote to the recommendations in the report and the item carried.

10 Dispensation Requests - Councillors Gareth Dadd and Carl Les - Report of the Monitoring Officer

Considered –

A report of the Monitoring Officer concerning dispensation requests from Councillors Gareth Dadd and Carl Les. It was explained that this dispensation was needed so that the respective Councillors could sit on the Joint Devolution Committee and York and North Yorkshire Combined Authority which has been put in place between North Yorkshire Council and the City of York Council. This particularly concerned funding bids from the respective authorities to the new Committees; dispensation was needed so that North Yorkshire Council could both apply and receive funding from the money given by central government to the new Combined Authority.

With permission from the Chair to speak, Councillor George Jabbour, asked if, like the City of York had done, whether the provision of named substitutes should be considered.

Resolved –

That the Committee grants the dispensation as set out in the report, with the additional provision that named substitutes be included on the Joint Devolution Committee and York and North Yorkshire Combined Authority.

Voting Record

Unanimous

11 Final Recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough - Report of the Assistant Chief Executive (Legal and Democratic Services)

Considered –

The Report of the Assistant Chief Executive (Legal and Democratic Services). This report was introduced by the Assistant Chief Executive (Legal and Democratic Services), explaining that as the remit of the Committee had expanded to include governance matters, the community governance reviews carried out for Harrogate and Scarborough needed to be considered. This would allow for both areas to move from a position of consultation towards proposal on the matters of the town centres becoming parished.

The report was then explained by the Democratic Services Manager, Elizabeth Jackson, and the Head of Democratic Services and Corporate Modernisation for Scarborough, Kerry Russett. They highlighted the recommendations for their respective areas, the warding arrangements being proposed, and drew upon the comments and consultation feedback provided by residents.

With permission from the Chair, Councillor Sam Gibbs, on behalf of Councillor Michael Harrison, spoke of a potential alternative arrangement to the warding patterns of the newly parished areas. It was acknowledged that the act of both town centres becoming parished, alongside the additional surrounding areas, was positive and they supported it. However, the importance of getting it right was paramount. Therefore, it was proposed that there should be a single Council election, with no wards, and reducing the overall number of Councillors. The reason for this was due to concerns over the level of identity found in the ward system. If that were not agreed to, though, then the idea of single Councillor wards would be preferable to

having multiple Councillors for only a few wards. That would still provide a greater level of accountability for the residents.

Members raised questions and gave feedback on both the initial report and the supplementary presentation:

- Members were supportive of both areas becoming parished. One Member said it would bring local connection back to the community, especially with the “mystery” of the North Yorkshire Council.
- Several Members disagreed with the notion of no wards but agreed with single Council wards as it would prevent overloading wards with Councillors and would allow for the Councillor to be known to the community.
- A Member said that representation related to place and, even if there were not an immediate connection, residents would eventually know what their ward was over time.
- There was concern over why the presentation given by Councillor Gibbs had not been given in the consultation phase, rather than at this stage in the programme.
- One Member asked whether, if they went with a recommendation for single ward Town Councils, then would they need to consult again. The Assistant Chief Executive (Legal and Democratic Services) said that revised proposals would need to be fully considered. One of the Members in favour of this option said that this would still be preferable as it would be harder to change the governance arrangements afterwards, so a delay would be worth doing in the long-term. A Councillor asked whether they would keep consulting until they got the evidence they wanted?

Resolved –

It was moved and seconded that the Standards and Governance Committee make recommendations to Council in relation to each of the areas under review (A) to E), and that the recommendations in the report be approved.

On a vote being taken 3 Members voted for the motion and 3 voted against. The Chair used his casting vote to vote against the motion and the motion therefore fell.

It was then moved and seconded that parish councils be created for Harrogate and Scarborough, with a warding pattern of single councillor wards. On a vote being taken 3 Members voted for the motion and 3 Members voted against. The Chair used his casting vote to vote for the motion and it was carried.

The Report will go to Full Council on 19 July with the amended recommendation for single Councillor wards. The timeframe set out in the report and appendices will be amended accordingly.

Councillor Gibbs left the meeting after this item.

12 Temporary Appointment to Hellifield Parish Council - Report of the Assistant Chief Executive (Legal and Democratic Services)

Considered –

Report of the Assistant Chief Executive (Legal and Democratic Services) to inform the Committee of the situation of Hellifield Parish Council, which was currently inquorate, and to seek approval to invoke the power to temporarily appoint a North Yorkshire Council division member to sit on the Parish Council.

Resolved –

That the Council appoints the Division Member for Mid Craven, Councillor Simon Myers under Section 91 (1) of the Local Government Act 1972 to Hellifield Parish Council to make it quorate, unless or until either sufficient vacancies on Hellifield Parish Council have been filled by way of co-option or election so that the Parish Council is able to act lawfully, or the Order made under Section 91 (1) is revoked.

That the Assistant Chief Executive (Legal and Democratic Services) be authorised to make the required order as attached at Appendix A.

Voting Record

5 For

1 Against

- 13 Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency.**

There being no further business, the meeting ended at 4:55pm.

This page is intentionally left blank

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

Appointment of further Independent Persons for North Yorkshire Council

1.0 PURPOSE OF REPORT

- 1.1 To update the Committee regarding the appointment of further Independent Persons for Standards for North Yorkshire Council.

2.0 BACKGROUND

- 2.1 Under the Localism Act 2011, each relevant authority must appoint at least one “Independent Person”, who may be called upon to undertake the functions set out in the Act in relation to potential breaches of the Members’ Code of Conduct as and when the circumstances arise.

- 2.2 Legally, the Independent Person’s views:

- are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
- may be sought—
 - by the authority in relation to an allegation in circumstances other than where being investigated;
 - by a subject member or co-opted member;

The Independent Person may also be required to attend a Chief Officers’ Disciplinary Panel in the event that disciplinary action is required in respect of a Chief Officer in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended..

- 2.3 The Council’s arrangements go beyond this statutory minimum level and it involves its Independent Persons in all the Committee’s work in supporting the Council on ethical issues and key stages of complaint handling and invites the Independent Persons to all Standards and Governance Committee meetings (but they are not formal co-opted members).
- 2.4 The Independent Persons are paid an allowance and expenses in accordance with the Council’s Members’ Allowances Scheme, which is reviewed each year by the Independent Remuneration Panel on Members’ Allowances. An increased pool of Independent Persons means an increased financial implication for the authority in this respect.
- 2.5 The term of office of the two Independent Persons for the predecessor authority North Yorkshire County Council continued post Vesting Day (1 April 2023) as a continuing authority model of local government re-organisation. The Committee previously agreed that the Monitoring Officer should look to recruit further Independent Persons to assist North Yorkshire Council in promoting and maintaining the high standards of conduct amongst its elected and co-opted

members as well as members of the town and parish councils in the area for which North Yorkshire Council assumed responsibility from Vesting Day.

3.0 RECRUITMENT AND APPOINTMENT PROCESS

3.1 The Monitoring Officer, in consultation with the Chair of the Standards and Governance Committee, has power to exercise all functions in respect of the publication of Independent Person for standards' vacancies. The Standards and Governance Committee has a role in assisting in the recruitment of Independent Persons (but not approving individual appointments, which is a function of full Council).

3.2 A recruitment process has been undertaken for additional Independent Persons including the publication of the vacancies on the Council's website and supported by a press release and social media publicity. Shortlisting of applicants was undertaken by the Monitoring Officer and the Chair of the Committee and interviews with the shortlisted applicants were undertaken by a panel of Members from the Committee. The panel agreed that the appointment of preferred applicants should be recommended to full Council through the Monitoring Officer.

3.3 Following the interviews, the Standards and Governance Committee, through the Monitoring Officer, recommended to full Council the appointment of the following applicants for a four year period (with the ability of the Monitoring Officer to extend in consultation with the Chair of the Standards and Governance Committee) as additional Independent Persons for Standards for the Council:

- **Gillian Baker** – Gillian was an independent person for standards for Ryedale District Council from 2007 to 2023.
- **Roy Martin** – Roy was an independent person for standards for Hambleton District Council from 2019 to 2023.
- **James Nelson** – James was an independent person for standards for Hambleton District Council's Standards Hearing Panel from 2019 to 2023.
- **Richinda Taylor** – Richinda was an independent person for standards for Scarborough Borough Council since 2013.

It was also recommended to full Council that the two Independent Persons for Standards whose terms of office automatically continued post Vesting Day, should be extended for a four year period (with the ability of the Monitoring Officer to extend in consultation with the Chair of the Standards and Governance Committee):

- **Hilary Gilbertson MBE**
- **Louise Holroyd.**

3.4 Full Council agreed the above appointments at its meeting on 19 July 2023.

3.5 The Independent Persons are congratulated on their appointment and warmly welcomed to the Standards and Governance Committee meeting.

4.0 FINANCIAL IMPLICATIONS

4.1 The financial implications are set out in the body of 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 EQUALITIES IMPLICATIONS

7.1 The role was appropriately advertised in the local press and on the Council's website. The Council's policies were followed in undertaking the recruitment process, therefore there are no significant equalities implications in these appointments.

8.0 RECOMMENDATIONS

8.1 That the Committee notes the content of this report.

BARRY KHAN

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

Background Documents:

Minutes of NYCC Standards Committee meetings

Minutes of NYC Standards and Governance Committee meetings

Minutes of the meeting of North Yorkshire Council in July 2023

County Hall
NORTHALLERTON

1 September 2023

This page is intentionally left blank

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

Dispensation Request from Councillor Duckett

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee, for determination, a request from Councillor Stephanie Duckett for a dispensation from the Standards and Governance Committee.

2.0 BACKGROUND

- 2.1 The Monitoring Officer was designated by the 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 and Governance Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards and Governance 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 and Governance 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 and Governance 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.

4.0 DISPENSATION REQUEST BY COUNCILLOR DUCKETT

- 4.1 Councillor Duckett has emailed the Monitoring Officer to request a dispensation for 4 years from the Standards and Governance Committee, to enable her to speak, fully participate and vote on matters at council meetings regarding council housing. A copy of Councillor Duckett's application is attached at **Appendix 1** to this report. She believes the application would satisfy criteria (c) set out in paragraph 3.1 above, namely that the granting of the dispensation would be in the interests of persons living in the authority's area
- 4.2 Councillor Duckett states that she was a tenant of predecessor council Selby District Council for 47 years and is now a tenant of North Yorkshire Council. She is seeking a dispensation from the Committee to enable her to participate in meetings involving council housing tenants' rights and rents. She has informed the Monitoring Officer that she has previously received dispensations from her former authority in relation to this matter and has asked that the following statement in support of her application be put before the Committee:
- “When I was first elected in 1995 at Selby DC, an exemption was arranged and was rolled on every year.
I sat on committees covering housing and was even allowed to vote on rent setting.
I don't plan to sit on any such committee at NY, apart from work to wind up Selby Housing Trust where I'm a trustee appointed by NY. so don't think it will be a problem.
I just want to save having to declare at every full council that I'm a tenant.”
- 4.3 Councillor Duckett's home address is registered in her register of interests and is therefore a Disclosable Pecuniary Interest. If there is an item of business due to be considered at a meeting which **directly relates** to that interest, then Councillor Duckett would need to declare the existence and nature of her interest to the meeting, not participate in any discussion or vote on the matter and withdraw from the meeting room for that item unless she has a dispensation.
- 4.4 If the business doesn't directly relate to the interest (the tenanted property), but could more indirectly **affect** the Councillor's finances or wellbeing, then Councillor Duckett may have a Non-Registrable Interest in the agenda item. She would need to declare the existence and nature of her interest to the meeting, and consider whether the matter affects her financial interest/wellbeing more than it affects that of the majority of inhabitants of the division affected and, if so, whether a reasonable member of the public knowing all the facts would believe it would affect Councillor Duckett's view of the wider public interest:

- if yes, then Councillor Duckett may speak if the public can but must otherwise take no part in the discussion or vote and must leave the meeting room unless she has a dispensation;
- if no, the matter does not so affect financial interest/wellbeing, then she can speak and vote in the usual way after declaring the interest.

4.5 The LGA guidance on the code of conduct states:

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...*

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'?

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.

4.6 Should the Committee be minded to consider granting a dispensation, the relevant grounds may be:

- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (e) it is otherwise appropriate to grant a dispensation.

Even if a dispensation is granted by the Committee, the interest would still need to be declared by Councillor Duckett and she would need to state to the meeting that she is relying on a dispensation to participate.

4.7 The Committee is therefore requested to consider and determine the dispensation request from Councillor Duckett to enable her to speak, vote and be included in the quorum at council meetings when council housing matters are to be considered.

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/CLIMATE CHANGE IMPLICATIONS

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

8.0 EQUALITIES IMPLICATIONS

8.1 There are no equalities implications arising from this report.

9.0 CONCLUSION

9.1 That the Committee determines the submitted application by Councillor Duckett for a dispensation.

10.0 RECOMMENDATIONS

10.1 That the Committee considers and determines the application for a dispensation by Councillor Duckett.

10.2 That, should the Committee be minded to grant the dispensation requested, the Committee determine the scope, grounds and duration of the dispensation.

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Papers:

- The Localism Act 2011

County Hall
NORTHALLERTON

31 August 2023

This page is intentionally left blank

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

Request for a Dispensation

Name of Member seeking dispensation:

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

Stephanie Duckett

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

Council houseing

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)*

4 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.

OFFICIAL

This page is intentionally left blank

Details of your interest:

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

I have been a tenant of Selby DC for 47 years. And now I'm a tenant of NY

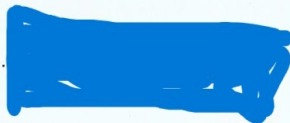
Reasons for seeking a dispensation:

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

As I'm probably the only tenant on the authority, it would not look fair to be excluded from meetings involving tenants rights and rents.

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:11/05/23.....

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

OFFICIAL

This page is intentionally left blank

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

Dispensation Request from Councillor Lunn

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee, for determination, a request from Councillor Cliff Lunn for a dispensation from the Standards and Governance Committee.

2.0 BACKGROUND

- 2.1 The Monitoring Officer was designated by the 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 and Governance Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards and Governance 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 and Governance 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 and Governance 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.

4.0 DISPENSATION REQUEST BY COUNCILLOR LUNN

- 4.1 Councillor Lunn emailed the Monitoring Officer on 29 August 2023 to request a dispensation from the Standards and Governance Committee, to enable him to speak and vote on a planning application [ZG2023/0551/outm].
- 4.2 The planning application is an application for proposed residential development for development of land at Leeds Road for 140 houses. Councillor Lunn lives within 250 yards of the proposed development. He informs the Monitoring Officer that he has attended meetings set up by the developer for the people of the village and is aware of the unpopular nature of the development but has not put in any objection nor made any negative comments about the development. He has given advice to his neighbours as to planning considerations and what is a valid objection and what is not but does not feel he has done any action which would indicate pre-determination.
- 4.3 Councillor Lunn's home address is registered in his register of interests and is therefore a Disclosable Pecuniary Interest. If there is an item of business due to be considered at a meeting which **directly relates** to that interest, then Councillor Lunn would need to declare the existence and nature of his interest to the meeting, not participate in any discussion or vote on the matter and withdraw from the meeting room for that item unless he has a dispensation.
- 4.4 If the business doesn't directly relate to the interest (the property), but could more indirectly **affect** the Councillor's finances or wellbeing, then Councillor Lunn may have a Non-Registrable Interest in the agenda item. He would need to declare the existence and nature of his interest to the meeting, and consider whether the matter affects his financial interest/wellbeing more than it affects that of the majority of inhabitants of the division affected and, if so, whether a reasonable member of the public knowing all the facts would believe it would affect Councillor Lunn's view of the wider public interest:
- if yes, then Councillor Lunn may speak if the public can but must otherwise take no part in the discussion or vote and must leave the meeting room unless he has a dispensation;
 - if no, the matter does not so affect financial interest/wellbeing, then he can speak and vote in the usual way after declaring the interest.
- 4.5 The LGA guidance on the code of conduct states:

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...*

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’?

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.

- 4.6 Given the above guidance, it is unlikely that being in the vicinity of the development would mean that the planning application “directly relates to” the Councillor’s registered interest. It is more likely to form a Non-Registrable Interest with the potential to affect his financial interests or wellbeing, given his home’s proximity to the proposed development and the potential for the public to think his views would be affected. In such circumstances the Councillor is able to apply for a dispensation from the Committee.
- 4.7 Should the Committee be minded to consider granting a dispensation, the relevant grounds may be:
- (c) granting the dispensation is in the interests of persons living in the authority’s area;
 - (e) it is otherwise appropriate to grant a dispensation.
- 4.8 The Committee is therefore requested to consider and determine the dispensation request from Councillor Lunn to enable him to speak, vote and be included in the quorum at meetings when planning application ZG2023/0551/outm is to be considered.

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/CLIMATE CHANGE IMPLICATIONS

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

8.0 EQUALITIES IMPLICATIONS

8.1 There are no equalities implications arising from this report.

9.0 CONCLUSION

9.1 That the Committee determines the submitted application by Councillor Lunn for a dispensation.

10.0 RECOMMENDATIONS

10.1 That the Committee considers and determines the application for a dispensation by Councillor Lunn.

10.2 That, should the Committee be minded to grant the dispensation requested, the Committee determine the scope, grounds and duration of the dispensation.

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Papers:

- The Localism Act 2011

County Hall
NORTHALLERTON

30 August 2023

This page is intentionally left blank

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

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 and Governance Committee meeting setting out any recent developments in the national ethical framework.

3.0 LGA LOCAL LEADERSHIP FRAMEWORK FOR COUNCILLORS

- 3.1 The Local Government Association (LGA) has published a framework to support councillors in their local leadership role “as they work with communities to make a difference. It includes suggestions, prompts and further resources to help councillors think about the skills they use as a councillor.”:

- 3.2 The Framework covers areas such as

- Being a councillor
- Your councillor profile
- Foundation skill sets
- Knowledge-based skills
- Personal/practical skills
- Local leadership skill sets
- Network-building
- Political skills
- Community Engagement
- Communicating with the community
- Influencing
- Challenging
- Bringing people together
- Having difficult conversations
- Using the Framework

- 3.3 The Framework can be accessed via the following hyperlink:

[Local Leadership Framework for Councillors | Local Government Association](#)

4.0 ONLINE SAFETY BILL

- 4.1 The LGA has called on the Government to amend its Online Safety Bill to include stronger provisions to protect members from abuse online.

- 4.2 The aim of the Online Safety Bill is to protect people from online abuse and to make social media companies more responsible for their users' safety whilst on their social media sites.

4.3 The Bill is awaiting its third reading in the House of Lords.

4.4 Further information about the Bill can be found here:
[A guide to the Online Safety Bill - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/a-guide-to-the-online-safety-bill)

LGA: “DEBATE NOT HATE: ENDING ABUSE IN PUBLIC LIFE FOR COUNCILLORS”

5.1 A survey conducted by the LGA in June 2023 has found that 81% of councillors “reported experiencing intimidation and/or abuse in their role as a councillor in the last year, which is an 8% increase from the year before.”

5.2 In July 2023, the LGA published a new publication “Debate Not Hate: Ending abuse in public life for councillors”, outlining how councils can better support councillors to prevent and handle abuse and intimidation. It includes principles for councils to consider, top tips and good practice case studies, including ways to collaborate with the police.

5.3 Further information is available via the following hyperlink:
[Debate Not Hate: Ending abuse in public life for councillors | Local Government Association](https://www.local.gov.uk/news-and-press/2023/07/2023-07-20-debate-not-hate-ending-abuse-in-public-life-for-councillors)

CSPL ANNUAL REPORT 2022-2023

6.1 The Committee on Standards in Public Life (CSPL) has published its Annual Report for the period July 2022 to June 2023, describing the work it has carried out during that time in its priority areas. The CSPL is an advisory non-departmental public body which advises the Government on arrangements for maintaining high standards of conduct in public life.

6.2 The work of the CSPL is reported to the Standards and Governance Committee periodically through the standing reports to the Committee re local ethical framework developments.

6.3 Further information is available via the following hyperlink:
[Annual Report 2022-2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1181127/Annual-Report-2022-2023.pdf)

CSPL - UPHOLDING STANDARDS IN PUBLIC LIFE RECOMMENDATION TRACKER

7.1 The CSPL published its report on Upholding Standards in Public Life on 1 November 2021 - [Upholding Standards in Public Life - Published Report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1000000/CSPL-report-2021.pdf). This was the final report of the Standards Matter 2 review re strengthening ethics and integrity in central government.

7.2 The Government issued its detailed response on 20 July 2023 - [Strengthening Ethics and Integrity in Central Government - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1181127/Response-to-CSPL-report-2021.pdf), stating that it was introducing a wide-ranging programme of reform, particularly in relation to the Business Appointments Rules to modernise the system, to improve accountability and transparency.

7.3 The CSPL has now published a table noting a summary of the Government’s response to each of the Committee’s recommendations - [Upholding Standards in Public Life recommendation tracker - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1181127/CSPL-recommendation-tracker-2023.pdf).

7.4 The CSPL has also published a blog on the Government's response, welcoming the Government's response and the progress made and encouraging the Government to keep the remainder of the CSPL's recommendations under review - [Reforming standards in central government - a step forward - Committee on Standards in Public Life \(blog.gov.uk\)](#)

8.0 LGA SURVEY RE MODEL CODE OF CONDUCT FOR MEMBERS

8.1 In June 2023, the LGA undertook a survey regarding the model Code of Conduct for Members, to assess the impact of the model Code with relevant authorities - [Model Councillor Code of Conduct Survey 2023 | Local Government Association](#).

8.2 Key findings from the survey are:

- All the respondents were aware of the Model Code.
- 82% of respondents said they had adopted the Model Code to some extent, with 25% adopting it in full and 40% adopting it with some additions or minor amendments.
- Almost all respondents had reviewed their code of conduct since the Model Code of Conduct was launched in December 2020.
- Of the councils which reviewed their code of conduct, 97% used the code to inform their review.
- A light touch review of the constitutions of councils that did not respond to the survey indicated that 54 per cent of non-respondent councils had adopted the Model Code in full or in part.
- In total across England, 63% of councils have adopted the Model Code either completely or partially and 37% have not.

8.3 Full details of the survey can be accessed via the following hyperlink: [Code of Conduct survey - 2023 \(local.gov.uk\)](#)

9.0 FINANCIAL IMPLICATIONS

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

10.0 LEGAL IMPLICATIONS

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

11.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

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

12.0 EQUALITIES IMPLICATIONS

12.1 There are no significant equalities implications arising from this report.

13.0 RECOMMENDATIONS

13.1 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

4 September 2023

North Yorkshire Council

Standards and Governance Committee

15 September 2023

Declaration of Interests

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To respond to a question raised by the Standards and Governance Committee as to whether membership of a masonic lodge would need to be registered under the Code of Conduct and declared at meetings.

2.0 BACKGROUND

- 2.1 The Standards and Governance Committee asked that the Monitoring Officer provide guidance as to whether being a member of any masonic lodge would be an interest that needs to be registered and declared when it relates to an item of business under consideration at a meeting.
- 2.2 In line with the Local Government Association's Model Code of Conduct, North Yorkshire Council's Code of Conduct makes provision for three types of interest being: Disclosable Pecuniary Interests; Other Registrable Interests; and Non-registrable Interests.
- 2.3 Membership of any masonic lodge is not a Disclosable Pecuniary Interest under the relevant regulations and code. In so far as whether it is an Other Registrable Interest then North Yorkshire Council's Code of Conduct provides that:-

"The interests other than disclosable pecuniary interests which are required by the Council in its adopted Code of Conduct to be registered in the Register of Members' Interests 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

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

3.0 GUIDANCE

3.1 Under the Council's Code of Conduct, councillors are therefore required to register membership of a masonic lodge if it is a body that has "charitable purposes."

3.2 In terms of the act of registering interests then the Council's code states,
"Disclosure of Other Registrable Interests on taking office

(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 [Other Registrable Interests] 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 [Other Registrable Interests] 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 [Other Registrable Interests] or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer."

3.3 In so far as declaring the interest then the Code of Conduct explains that,

"(1) Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests, 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."

3.4 The former Standards Board for England archived case review number 10 contains the following reference:-

Q63: Is membership of the Freemasons included?

Some but not all Masonic organisations are registered charities with the Charity Commission. Membership of those that are registered clearly falls within the scope of this provision.

However, the reference to any body "directed to charitable purposes" was clearly intended to also cover organisations not falling within the legal definition of a charity. Although ultimately a member must judge the matter for themselves, Standards for England believes that many Masonic organisations will fall within the scope of this provision.

This is reinforced by the United Grand Lodge of England's description of Freemasonry as "...the UK's largest secular, fraternal and charitable organisation".

In the case of R (on the application of Port Regis School Ltd) v North Dorset District Council and another [2006] EWHC 742 (Admin), the judge considered a case about two councillors who were masons. They had been involved in making a decision about a planning application which was submitted by another mason's lodge to which they did not belong. The members had not declared prejudicial interests when the matter came before the committee.

The judge said:

“I have concluded that ... freemasonry does not require a freemason, when in local government, to be partial to any other freemason or to the interests of freemasonry. I have concluded that freemasonry, by the standards it requires, underpins the requirements of impartiality and fairness set by the law, for example, by requiring observance of the law of the land and that others be treated equally, and that a mason ‘...be exemplary in the discharge of [his] civil duties...’

“I have concluded that, in the circumstances of this case, membership by the two councillors of the general body of freemasonry does not give rise to apparent bias in connection with the decision of the full Council... and the application for judicial review is dismissed.”

4.0 RECOMMENDATION

4.1 That the Committee notes the guidance relating to registration and declaration of interests.

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

Report Author – Jennifer Norton, Assistant Director Legal

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

This page is intentionally left blank

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

Protocol re Unreasonably Persistent/Vexatious Complainants

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee, for consideration, an updated Protocol for the Committee re Unreasonably Persistent/Vexatious Complainants.

2.0 BACKGROUND

- 2.1 North Yorkshire Council's Standards and Governance Committee, at an earlier meeting, requested that a report be brought to a future meeting of the Committee regarding the adoption of a Protocol re Persistent/Vexatious Complainants.

- 2.2 The Standards Committee of North Yorkshire County Council, predecessor authority of the Council, adopted a Protocol for the Committee re Unreasonably Persistent/Vexatious Complainants in 2013, which still applies under the continuing authority form of local government reorganisation. A copy of the Protocol is published on the Council website here - [Meeting of Standards and Governance Committee on Monday, 11th February, 2013 | North Yorkshire Council](#)

3.0 REVISED PROTOCOL RE UNREASONABLY PERSISTENT/VEXATIOUS COMPLAINANTS

- 3.1 The opportunity has been taken to update the Protocol following Vesting Day on 1 April 2023 and an updated Protocol is attached at **Appendix 1** to this report for Members' comments.
- 3.2 Should Members be minded to agree the draft Protocol, then consequential amendments will be required to the standards complaints procedure. Draft consequential amendments are set out in **Appendix 2** for Members' comments.

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/CLIMATE CHANGE IMPLICATIONS

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

7.0 EQUALITIES IMPLICATIONS

- 7.1 There are no significant equalities implications arising from this report

8.0 RECOMMENDATIONS

- 8.1 That, subject to any comments Members may have, the updated Protocol re Unreasonably Persistent/Vexatious Standards Complainants at **Appendix 1** be approved.
- 8.2 That, subject to any comments Members may have, the draft consequential amendments to the standards complaint procedure at **Appendix 2** be approved.

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Documents: None

County Hall
NORTHALLERTON

7 September 2023

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

PROTOCOL FOR DEALING WITH UNREASONABLY PERSISTENT/VEXATIOUS COMPLAINANTS

The Council has published an Unacceptable Complainant Behaviour Policy, which covers unacceptable behaviour and unreasonable persistency and vexatiousness on the part of complainants - [Unacceptable complainant behaviour policy | North Yorkshire Council](#)

Helpful general guidance on unreasonable persistence/vexatiousness is also given by the Information Commissioner's Office in its guidance on dealing with repeat requests ([Dealing with repeat requests | ICO](#)) and dealing with vexatious requests ([Dealing with vexatious requests \(section 14\) | ICO](#)), in the context of Freedom of Information.

In adopting its Constitution and local ethical framework under the Localism Act 2011, the Council agreed that it would be appropriate for the Standards and Governance Committee to have a role in dealing with persistent and/or vexatious complainants and the handling of the complaints raised by them, in order to provide increased support to Officers and Members who are the subject of such complaints and who are dealing with such complaints, and to minimise the administrative and financial burden such complaints can impose upon the Council.

Whilst decisions in relation to imposing restrictions in relation to unreasonably persistent/vexatious complainants are taken by officers at senior level, the Standards and Governance Committee is the appropriate body for Member-level consultation and support (where deemed appropriate and requested by the relevant senior officer) for the designation of a complainant as unreasonably persistent or vexatious, in accordance with the Council's Unacceptable Complainant Behaviour Policy: the Committee has a key role in relation to conduct and propriety matters and the Council's statutory Independent Persons for Standards are invited to all meetings of the Committee and provide an independent viewpoint on all key standards issues. Where the Monitoring Officer is minded to declare a complainant as vexatious/unreasonably persistent, they shall consult with a panel of three Members of the Committee along with an Independent Person for Standards.

A panel of three Members of the Standards and Governance Committee, along with an Independent Person for Standards, may also be consulted upon and be asked to consider whether any restrictive action needs to be taken in each particular case presented to it for designation, in accordance with the Council's Policy. This restrictive action may include a decision that a standards complaint has ended and any further complaints on essentially the same issue(s) do not need to be considered through the assessment process in the usual way through the standards complaints procedure.

The Committee will review any matters in which it has been involved at the end of the time period allocated or after six months, whichever is earliest.

The fact that a complainant has been identified as an unreasonably persistent/vexatious complainant, may be taken into account in determining the action taken in response to a complaint.

Where a matter is proposed to be referred to the Standards and Governance Committee under this Protocol, the local Member shall be informed and shall be kept updated as to the progress of the matter and the outcome of the Committee's consideration of it and all future developments in the matter.

This Protocol has been instigated by the Committee in good faith and aims to address issues with, and relating to, such complainants in a manner which is fair to all concerned.

6 September 2023

NORTH YORKSHIRE COUNCIL

ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACH OF THE MEMBERS' CODE OF CONDUCT

These arrangements set out how you may make a complaint that an elected or co-opted member of the North Yorkshire Council (or of a parish or town council within its area) that an elected or voting co-opted Member has failed to comply with that Council's Code of Conduct for Members.

These arrangements are made under Sections 28(6) and (7) Localism Act 2011.

1 Independent Person

The Council has appointed Independent Persons whose views must be sought by the Council before it takes any decision on an allegation which has been decided should be investigated. The Independent Person's views can also be sought by the Council at any other stage or by a Member (or member or co-opted member of a parish or town council within the Council's area) against whom an allegation has been made. In practice complaints are dealt with by the Monitoring Officer, and by the Standards and Governance Committee.

2 Members' Code of Conduct

The Council has adopted a Code of Conduct for Members, which is also published on the Council's website.

Each parish or town council is also required to adopt a code of conduct. If you wish to inspect a parish or town council's code of conduct, you should inspect any website operated by the parish or town council or request the clerk to allow you to inspect that council's code.

3 Making a Complaint

If someone considers there has been a breach of the Code of Conduct by a Member, and wants to make a complaint, they should write or send an email to:

The Monitoring Officer
North Yorkshire Council
County Hall
NORTHALLERTON
North Yorkshire
DL7 8AD

email: MonitoringOfficer@northyorks.gov.uk

Where possible, the standard complaint form should be used. It is available from the Monitoring Officer at the above address.

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

4 Timescales

We aim to deal with any complaint, so far as possible, within 3 months of receipt, or as soon as possible thereafter.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days and will keep you informed of progress.

5 Assessment for Investigation or Other Action

Every complaint relating to the Code of Conduct will be received by the Monitoring Officer.

The Member who is the subject of a complaint ('the subject Member') will be advised of the complaint and copied into any relevant correspondence or complaint form received from the Complainant. Where a complaint relates to a parish or town councillor, the Monitoring Officer may also inform the parish or town council of the complaint and seek views before deciding whether the complaint merits formal investigation or any other action. The Monitoring Officer will review complaints and consult with the Independent Person in doing so, and will decide whether a complaint merits formal investigation or any other action. Where there is a difference of opinion between the Monitoring Officer and the Independent Person, then the allegation will be investigated.

This assessment will take place, where possible, within 20 working days of receipt of the complaint or as soon as possible thereafter. The Monitoring Officer may request more information to assist the decision as to whether investigation is appropriate.

The subject Member may also be requested to provide information about the matter.

The Monitoring Officer will advise you, in writing, of their decision about whether or not the matter should be investigated.

If the complaint identifies criminal conduct or breach of other regulation, the Monitoring Officer will consult the Police and/or such other regulatory agencies as they consider appropriate.

The Monitoring Officer will not refer for investigation matters which are, in their opinion, and after consultation with the Independent Person, vexatious, offensive, trivial or politically motivated. Regard may be had to the Standards and Governance Committee Protocol for dealing with Unreasonably Persistent/Vexatious Complainants in this respect and in relation to the handling of such complaints generally. Where the Committee has been consulted by the Monitoring Officer under the Protocol, and a decision made that a standards complaint has ended, any further complaints on essentially the same issue(s) do **not** need to be considered through the assessment process in the usual way through the standards complaints procedure.

If the Monitoring Officer has a conflict of interest or does not for any other reason consider it appropriate that they undertake initial assessment of a complaint, it will be referred to the Standards and Governance Committee.

The Standards and Governance Committee will be informed of the outcome of all complaints received. In addition, the Monitoring Officer shall, when they deem it appropriate, liaise with the Chair of the Committee regarding patterns of complaints, for example where large numbers of complaints are received against a particular Member, a specific complaint relating to one Member is registered by more than one complainant or there is an unusually large number of complaints generally.

6 Informal Resolution

Wherever possible the Monitoring Officer will seek to resolve a complaint informally without the need for formal investigation or referral to the Standards and Governance Committee.

This may involve trying to mediate between the parties, aiming to clarify misunderstandings, or encouraging discussion between the Complainant and subject Member to enable a resolution between them, or where appropriate, an apology. It may also involve other remedial action by the Council.

If the Member or the Council make a reasonable offer of local resolution but the Complainant is not willing to accept the offer, the Monitoring Officer will take this into account in deciding whether a complaint merits formal investigation.

7 Investigation

If the Monitoring Officer concludes that a matter merits investigation, the Complainant will be invited to submit all information they wish to submit in support of their allegation within 10 working days of request.

Once the information is received it will be sent to the Member who is subject to the complaint, who would also be invited to submit all information they wish to be considered in response within 10 working days.

Throughout the process the Monitoring Officer will ensure the subject Member and Complainant receive appropriate support and assistance.

The Monitoring Officer may also appoint a member of their staff to oversee the gathering of information relating to the matter which will comprise the investigation ('the Nominated Officer'). The Nominated Officer will consider whether any further information is needed and take steps so far as possible to secure its production.

A report containing the information provided by the Complainant and subject Member will be prepared by the Nominated Officer and copied to both parties and sent to the Monitoring Officer. The report will conclude with a recommendation as to whether it is considered that there has been a breach of the Code.

8 Conclusion of no evidence of failure to comply with the Code of Conduct

The Monitoring Officer will receive and review the report and consult the Independent Person upon it. Subsequently, if satisfied that the report is sufficient, the Monitoring Officer will write to the Complainant and the subject Member notifying them that they are satisfied that no further action is required.

9 Conclusion that there is evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the report and consult the Independent Person as to whether local resolution may be possible. If any suggested resolution is not agreed, the matter will be referred to the Standards and Governance Committee for consideration.

If the matter can reasonably be resolved in the Monitoring Officer's opinion without the need for a hearing they will consult the Independent Person, with the Complainant and subject Member, to seek to agree a fair resolution which will also ensure higher standards of conduct for the future.

As with initial assessment this can include the Member accepting that conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution the matter will be reported to the Standards and Governance Committee but no further action will be taken.

10 Hearing

If local resolution is not appropriate, or the Complainant or subject Member are not satisfied with the proposed resolution, or the subject Member is not prepared to undertake any proposed remedial action, the report will be reported to a Hearings Panel ('the Panel') of 3 Members from the Standards and Governance Committee. Where a complaint is in relation to a town or parish councillor the Panel will also include a town or parish councillor representative. The parish representative will not be from the same parish as the subject Member. The Independent Person will attend all Panel meetings and will be consulted by the Panel in making its decision about whether there has been a breach of the Code and any action to be taken.

The Panel will meet to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The report will be presented to the Panel. The Complainant and the subject Member will be invited to attend the Panel to present information and make representations in relation to the allegations that there has been a failure to comply with the Code of Conduct. The Independent Person will be

present. The Panel can proceed in the absence of either the subject Member or the Complainant where it deems this to be appropriate.

The Panel shall consult with the Independent Person and be advised by the Monitoring Officer. It may conclude:

- (a) that the Member did not fail to comply with the Code of Conduct;
- (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.

11 What action can the Panel take if there has been a breach of the Code of Conduct?

The Panel may:

- (a) issue a letter of censure to the Member and where appropriate require an apology to be given to the Complainant;
- (b) recommend to the Member's Group Leader that they be removed from any or all committees or sub-committees of the Council;
- (c) instruct the Monitoring Officer to arrange training for the Member;

except where the Subject Member is a parish or town council Member in which case the Panel can only make recommendations to the relevant town/parish council.

The Panel has no power to suspend or disqualify the Member or to withdraw allowances.

The Panel shall consult the Independent Person and decide what, if any, publicity should be undertaken regarding the outcome of the matter. Options for such publicity include a notice on the Council's website or a press release.

12 What happens at the end of the hearing?

The Chair of the Panel will announce the decision of the Panel as to whether the Member has failed to comply with the Code of Conduct and as to any action it deems necessary. The Monitoring Officer will prepare a Decision Notice which will be given to the subject Member and the Complainant within 10 working days. The outcome will be reported to the next meeting of the Standards and Governance Committee.

13 Revision of these arrangements

The Council may by resolution agree to amend these arrangements and delegates to the Chair of the Panel the right to depart from these arrangements where they consider it expedient to do so to secure the effective and fair consideration of any matter.

14 Appeals

There is no right of appeal for the Complainant or the subject Member against a decision of the Monitoring Officer or Panel.

If the Complainant feels that the Council has failed to deal with the complaint properly they may make a complaint to the Local Government and Social Care Ombudsman.

| ~~March~~ 15 September 2023

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

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 will be brought to scheduled meetings of the Standards and Governance Committee.
- 2.2 North Yorkshire Council is the principal authority for parish and town councils in North Yorkshire for the purposes of the standards provisions in the Localism Act 2011. It is responsible for receiving and handling complaints that a parish/town councillor may have breached that authority's code of conduct for Members. That is the extent of North Yorkshire Council's jurisdiction in respect of parish/town council governance; parish/town councils are separate legal entities and North Yorkshire Council has no jurisdiction to consider other complaints for example about the way in which the parish council has or has not done something, or about particular parish council decisions.
- 2.3 Information about complaints received that Members of North Yorkshire Council and Members of parish and town councils in the North Yorkshire area may have breached the relevant Code of Conduct for Members are set out later in this report.

3.0 STANDARDS COMPLAINTS RECEIVED

- 3.1 Since Vesting Day on 1 April 2023, to the date of writing this report, the Council has received 86 complaints that members may have breached the relevant authority's code of conduct for members:
- a) 9 of those complaints are complaints about Members of North Yorkshire Council. Of those 9 complaints:
 - i. 5 are connected complaints against the same Councillor raised by connected complainants in relation to a particular parish council (also linked to the 4 such connected parish council complaints). All those connected complaints were also the subject of several Freedom of Information Act requests;
 - b) the other 77 complaints relate to complaints about members of parish and town councils in the North Yorkshire area. Of those 77 complaints:
 - i. 4 are connected complaints against parish councillors raised by connected complainants in relation to a particular parish council (also linked to the connected 5 NYC complaints mentioned above);
 - ii. 47 are connected complaints, brought by the same complainant, against members of a particular town council, in relation to

connected issues. These 47 cases are linked to another 2 of the 77 parish council complaints;

c) 25 of the 86 cases have been assessed by the Monitoring Officer in consultation with the Independent Person for Standards and of those 25:

- i. 12 cases did not merit any further action;
- ii. 1 case was resolved informally;
- iii. 12 cases are to be investigated:
 - 11 of those 12 cases are connected and only one allegation within the complaints is to be investigated (no action on the other complaint allegations);

d) the remainder of the complaints are in preparatory stages or awaiting assessment by the Monitoring Officer in consultation with the Independent Person for Standards and a further update will be given to the Committee when the Monitoring Officer is in a position to do so.

3.2 A more detailed breakdown of the complaints is attached at **Appendix 1** to this report for Members' information.

3.3 Members will be kept updated.

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/CLIMATE CHANGE IMPLICATIONS

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

7.0 EQUALITIES IMPLICATIONS

7.1 There are no significant equalities 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 2023

NYC standards complaint statistics 2023-24

- Cases recorded within a range eg 01-10, are generally brought by the same complainant against different councillors in relation to connected issues.
- Cases not listed in one of the resolution columns are in preparatory stages or awaiting assessment.

Year	Total Complaints	Complaints relating to NYC	Complaints relating to Parish/Town Councils	Complaints where no action to be taken	Complaints to be resolved informally	Complaints to be investigated	Complaints upheld after investigation
1 April 2023 to date	86	9 NYC/SGC/2023/01 *NYC/SGC/2023/04 *NYC/SGC/2023/09 NYC/SGC/2023/10 *NYC/SGC/2023/22 *NYC/SGC/2023/23 *NYC/SGC/2023/26 NYC/SGC/2023/29 NYC/SGC/2023/33 • The asterisked cases all related to complaints against a NYC Councillor raised by connected complainants in relation to a particular parish council (also linked to the asterisked parish council complaints)	77 *NYC/SGC/2023/02 NYC/SGC/2023/03 NYC/SGC/2023/05 *NYC/SGC/2023/06 *NYC/SGC/2023/07 *NYC/SGC/2023/08 NYC/SGC/2023/11-21 NYC/SGC/2023/24 and 25 NYC/SGC/2023/27 *NYC/SGC/2023/28 NYC/SGC/2023/30 NYC/SGC/2023/31 NYC/SGC/2023/32 NYC/SGC/2023/34 NYC/SGC/2023/35 and 36 NYC/SGC/2023/37 NYC/SGC/2023/38 and 39 NYC/SGC/2023/40-50 NYC/SGC/2023/51-61 NYC/SGC/2023/62-72 NYC/SGC/2023/73-75 NYC/SGC/2023/76 NYC/SGC/2023/77-79 NYC/SGC/2023/80-84 NYC/SGC/2023/85 NYC/SGC/2023/86 • The asterisked cases all related to complaints against Parish Councillors raised by	12 *NYC/SGC/2023/02 *NYC/SGC/2023/04 *NYC/SGC/2023/06 *NYC/SGC/2023/07 *NYC/SGC/2023/09 *NYC/SGC/2023/22 *NYC/SGC/2023/23 *NYC/SGC/2023/26 • no action but intervention/mediation and training to be offered to all parties involved in the above connected matters NYC/SGC/2023/03 NYC/SGC/2023/08 NYC/SGC/2023/24 and 25	1 NYC/SGC/2023/01 • Apology and training with MO	12 NYC/SGC/2023/10 NYC/SGC/2023/11-21 (only one allegation against each councillor to be investigated)	

			<p>connected complainants in relation to a particular parish council (also linked to the asterisked NYC complaints)</p> <ul style="list-style-type: none">• Cases 11-21, 37, 38 and 39, 40-50, 51-61 and 62-72 are all brought by the same complainant against members of a particular town council in relation to connected issues• Cases 76 and 77-79 are brought by the same complainant against different parish councillors in relation to connected issues				
--	--	--	---	--	--	--	--

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

Registration of Officers' Interests

1.0 PURPOSE OF REPORT

- 1.1 To update Members on the review of the process for the registration of officers' interests.

2.0 BACKGROUND

- 2.1 At a previous meeting of the Committee, Members requested an update report be brought to the Committee regarding the process for the registration of officers' interests.

3.0 REGISTRATION OF OFFICERS' INTERESTS

Current registration process

- 3.1 A report regarding the current, paper based, registration process for officers' interests was previously taken to the NYCC Standards Committee on 8 March 2023 - [Agenda for Standards and Governance Committee on Wednesday, 8th March, 2023, 10.00 am | North Yorkshire Council](#).
- 3.2 Following the Vesting Day of North Yorkshire Council, as a continuing authority form of local government reorganisation, the current process continues and is now under review, with electronic options under consideration.

Review of registration process

- 3.3 An officer working group, with representatives from Democratic Services, HR, Communications and IT, is reviewing the process for the registration of officers' interests. Work on the automation of the currently paper-based system for the collation and review of employee interests is progressing and phase 1 should be in place by the early October 2023 and phase 2 by December 2023.
- 3.4 In summary, the approach is:
- The initial focus is upon budget managers (600) in phase 1, with the aim in the longer term to extend to all staff in phase 2. This then enables this new approach to registration and monitoring of officer interests to be tested with those officers who are in a position where they are most likely to be in a position where a conflict could arise, as budget managers, before rolling out to all staff
 - Not all 8 councils operated the same scheme of registration of officer interests and so a phased approach enables a period of alignment of practice
 - The previous scheme was limited to staff at grade K or above but recently that there have been a small number of conflicts of interests arising with staff at grades below grade K

- Relevant staff complete the Register in MyView upon joining the Council and then check it as part of the annual appraisal process, with their line manager.
- All staff are expected to keep their Register up to date
- The Register is private, not published and only reviewed by the line manager and other senior officers as appropriate
- The form and guidance will go on the Council intranet (copies are appended to this report)
- Communications are being developed for budget managers and line managers
- Engagement is taking place with the unions but there are not anticipated to be any issues arising as this is not a new initiative but a refresh of an existing requirement upon staff
- The declaration of interests may be reviewed by key officers of the Council, by the Council's auditors and by the Ombudsman should there be any concerns regarding a conflict of interest. HR proceedings may also follow in the case of a conflict of interest.

3.5 Members will be kept informed of developments.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

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

6.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

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

7.0 EQUALITIES IMPLICATIONS

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

8.0 RECOMMENDATIONS

8.1 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 2023

NORTH YORKSHIRE COUNCIL
Register of Employee Interests - Guidance Notes

As a general principle employees should err on the side of caution and declare personal interests that they think could be covered by the following guidance.

Your declaration is not open to the public to see but will be reviewed with you by your line manager as part of your annual appraisal.

Terms used

- **“Family”** means your husband, wife or partner, parents, parents-in-law, step-parents, son, daughter, step-son, step-daughter, child of a partner, brother, sister, brother-in-law or sister-in-law.
- **“Immediate Family”** means your husband, wife or partner
- **“Ownership”** of land includes ownership of an option to buy land
- **“Partner”** means any person with whom you co-habit as partner.

1) Employment

Please register the name and address of your employment, other than that for the Council, or as a result of your employment with the Council.

Please also register any company directorships or businesses that you own. If you are a landlord or have a side business, this should be registered here.

Please register the name and address of your husband, wife or partner's employment. You should also register the employment of anyone whose employment could have a direct impact on your wellbeing, such as a resident of your household with whom you share financial expenditure (this could include a child whose employment could have a significant impact on family expenditure, an adult child or parent who resides with you, it does not include a lodger or tenant who has no other connection to you than that contractual relationship).

2) Membership of another Local Authority

You should register an interest if you yourself are a member of another local authority, including the nature of your membership, and details of any other bodies you are a member of as a result of your local authority membership.

Please register the name and relationship to you of a member of your immediate family who is a member of another local authority.

3) Other public bodies

Please register your own involvement in another public body, this could include a NHS body, a National Park Authority, a Police Authority or a Fire and Rescue Authority and the nature of that involvement.

Please also register the name and relationship to you of a member of your immediate family are in a position of general control or management of another public authority.

4) Land

Please register all land owned in the area of North Yorkshire including your home address. Include land under separate title adjacent to your home address. Land may be under separate title if it was purchased at a different time, or as two separate

land holdings. Please also register any other land holdings you or your immediate family have in the area of North Yorkshire County Council. You need not register land ownership outside North Yorkshire.

If you or a relevant person is e.g. a farmer with an extensive land holding, you need only list the area of the land held and its general position in relation to the nearest hamlet or village.

Occupation of land by a licence or tenancy agreement is an interest, and should be registered in exactly the same way as land ownership.

5) Membership of local companies

You need only register shares or securities with a nominal share value of £25,000. This is a relatively large amount of shares, and unless you have significant share holding in a business you unlikely to need to register that share holding under this section. If the company does not own land or conduct business in the area then you do not need to register the interest, even if you have a substantial shareholding of the level indicated.

6) Contracts

If you or your partner is involved in any contract with the Council other than the usual service contracts such as a parent for school meals or school transport, general public library usage, etc you should register these. You should certainly register any interest which result in you or your immediate family submitting a quote or a tender to the Council in relation to any contract.

7) Outside bodies

If the authority has appointed you to sit on any partnership or any other body as a representative of the Council you should register the name of the body, its purpose or function, and the nature of your membership (including any voting rights).

8) Trades Unions and professional associations

Please register if you hold a position within any trades union or professional association.

9) Lobbying organisations

A body designed to influence public opinion could include the Campaign for Real Ale, the Ramblers Association, the British Horse Society, it would also include political parties of which you are a member. There are lobbying groups established for particular purposes e.g. to oppose a development, or satellite mast. If you are a member of this type of group you should declare the interest in your register. If the Council is likely to be consulted or make the decision on the issue, you should inform your line manager of your membership of the group at the time.

10) Charities

Please declare your Membership of any charity or body directed to charitable purposes. Membership is formal Membership and not simply making a regular donation.

Please note that the completion of the form is only part of your obligation. You are required to declare interests whenever a conflict arises between any personal interest and your role for the Council. Further details are provided in the Employees Code of Conduct.

NORTH YORKSHIRE COUNCIL
Register of Employee Interests - form

On appointment to the Council, employees who manage a budget are required to declare any personal interests that may conflict with the interest of the Council, or adversely affect the performance of their duties. Such disclosure protects employees from accusations of impropriety. This declaration will be held by the Council on MyView.

Your declaration is not open to the public to see but will be reviewed with you by your line manager as part of your annual appraisal. Your declaration may be reviewed by key officers of the Council, by the Council's auditors and by the Ombudsman and the Standards Board should there be any concerns regarding a conflict of interest.

All employees are encouraged to discuss conflicts of interest with their line manager and to jointly identify interests that should be declared.

You are required to update your declaration within 28 days of becoming aware of any change to your private interests.

Failure to declare a relevant interest or change in your private interests can lead to disciplinary action being taken against you.

Name:	Employee Reference No:	Directorate/Group:
Business Unit:	Job Title:	

Type of Interest	Details (see guidance note and exemplar completed form)
1. Employment	
2. Membership of another local authority	
3. Other public bodies	
4. Land	
5. Membership of local companies	
6. Contracts	
7. Outside bodies	
8. Trades unions and professional associations	
9. Lobbying organisations	
10. Charities	
11. Other interests	

Please delete as appropriate:

- I have no interests which I am required by the Code of Conduct to declare on this form
- I have interests and I have set these out above.

I have read the Employees Code of Conduct and understand that I must declare relevant interests.

Name
Date

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

Requests for Community Governance Reviews

1.0 PURPOSE OF REPORT

- 1.1 To seek the Committee's approval to adopt a protocol setting out how the council will respond to requests for Community Governance Reviews (CGRs).

2.0 BACKGROUND

- 2.1 The Local Government and Public Involvement in Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England.
- 2.2 More particularly CGRs provide the opportunity for North Yorkshire Council to review and make changes to community governance within their areas by encompassing the ability to create a parish, change the name of a parish, establish a separate parish council for an existing parish, alter the boundaries of existing parishes, abolish a parish, dissolve a parish council, change the electoral arrangements of a parish council (i.e. the number of parish councillors and ward boundaries), and group or de-group a parish under a common parish council .
- 2.3 A CGR can be undertaken following:
- a decision by the council to undertake a review of its parish arrangements
 - receipt of a request from a parish council for a community governance review to be carried out
 - receipt of a petition signed by local electors asking for a review to be undertaken.
- 2.4 The Council's constitution devolves the function to this Committee of making recommendations to Council in relation to CGRs. This also encompasses providing a response to a request for a CGR; if the Council receives a request it is empowered, but not obliged, to undertake a review.
- 2.5 Attached as an Appendix to this report is a draft protocol setting out how the council would respond to requests for CGRs.

3.0 PROTOCOL

- 3.1 The protocol sets out what CGRs can be used for, how they can be initiated and outlines the process for carrying out a review. The protocol covers the period up to the scheduled May 2027 elections and sets out the current context in which requests for CGRs will be considered.
- 3.2 In summary the protocol proposes that only requests for CGRs which are considered urgent will be considered before the commencement of the expected Local Government Boundary Commission for England's (LGBCE) review of division boundaries, or during the review. Following the conclusion of the review, expected

in 2025, a whole area CGR will be undertaken, which will include consideration of those requests which were not considered urgent.

3.3 The protocol sets out the considerations which will determine whether a request would be considered urgent. Authority is sought for the Assistant Chief Executive (Legal and Democratic Services) in consultation with the Executive Member for Corporate Services to be given delegated authority to assess each request and determine whether it is urgent. Should a request be considered urgent a report will be brought to the Standards and Governance Committee proposing terms of reference for a CGR.

3.4 Undertaking non-urgent CGRs prior to or during the LGBCE review could lead to a piecemeal approach as opportunities for improving community governance within broader localities might be missed if reviews were carried out on a single parish basis. There would also be the potential for a further review having to be undertaken within 2 years following the LGBCE review should changes be made which did not align with the recommendations of the LGBCE.

4.0 FINANCIAL IMPLICATIONS

4.1 The costs of conducting a CGR must be borne by the North Yorkshire Council including the expenses incurred by undertaking public consultation, i.e., printing and postage and officer time.

5.0 LEGAL IMPLICATIONS

5.1 The Local Government and Public Involvement in Health Act 2007 makes provision for principal authorities to carry out CGRs and the duties of councils when undertaking a review.

6.0 CLIMATE CHANGE IMPLICATIONS

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

7.0 EQUALITIES IMPLICATIONS

7.1 There are no significant equalities implications arising from this report

8.0 RECOMMENDATIONS

8.1 That the Standards and Governance Committee adopt the Community Governance Reviews – protocol for consideration of requests attached at Appendix 1.

8.2 That authority be delegated to the Assistant Chief Executive (Legal and Democratic Services) in consultation with the Executive Member for Corporate Services to determine if requests for Community Governance Reviews should be treated as urgent and brought forward to the Standards and Governance Committee to recommend approval of terms of reference to Council.

Appendices:

Appendix 1 - Community Governance Reviews – protocol for consideration of requests

Background Documents: None

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer
County Hall
Northallerton

7 September 2023

Report Authors: Jennifer Norton – Assistant Director (Legal)
Elizabeth Jackson – Democratic Services Manager

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

This page is intentionally left blank

Community Governance Reviews

Protocol for consideration of requests

1. Introduction

A community governance review is a legal process under the Local Government & Public Involvement in Health Act 2007 (LG&PIHA 2007) that provides an opportunity for North Yorkshire Council as a principal authority to review and make changes to community governance within its area.

A community governance review can be used for the following:

- the creation of a parish
- establishing a council for a parish
- naming a parish
- the alteration of boundaries of existing parishes
- the abolition of a parish
- the dissolution of a parish council
- changes to the electoral arrangements of a parish council
- grouping a parish under a common parish council or de-grouping it.

The process involves consulting those living in the area and other interested parties and making sure they have a say in how their local communities are represented.

It can be initiated in one of the following four ways:

- 1) A community governance petition
- 2) A community governance application from a neighbourhood forum
- 3) A request
- 4) The council's own initiative

The process for carrying out a review is outlined in the LG&PIHA 2007 and guidelines. In summary the process is:

- terms of reference and a timetable for the review is published
- initial proposals are published and consultation on these takes place
- feedback and any counter proposals are invited from all interested parties
- the feedback is considered and initial recommendations are drafted
- further consultation on the initial recommendations take place
- feedback is considered and final recommendations are prepared and published
- the final recommendations are considered for approval by North Yorkshire Council
- if approved, a Reorganisation Order is made to put the recommendations into effect.

Further details in relation to each mechanism for initiating a review are in the appendix.

The purpose of this protocol is to set out how the council will approach requests for CGRs. The protocol covers the period up until the scheduled May 2027 North Yorkshire Council elections and proposes the following activity:

2. Considering requests for CGRs

2.1 Making a Request

Requests for CGRs should be submitted to the Democratic Services team and can be made by

- Parish councils – requests from parish councils should be accompanied by a copy of the minute detailing the resolution of the parish council to request a CGR. Such requests will be considered favourably and a written response will be provided detailing how the council intends to respond to the request.
- Division councillors – requests for CGRs should be provided in writing.
- Local electors – requests for CGRs should be provided in writing.

2.2 Context in which requests are received

Following local government reorganisation the Local Government Boundary Commission for England (LGBCE) has indicated that a review of divisions will commence in 2024. It is anticipated that this review will finish in 2025, for implementation at the next NYC elections in 2027.

Once division boundaries have been agreed there may be consequential matters to be dealt with before 2027 and any CGRs in relation to consequential matters will take place in 2025/26. Consequential matters might include amendments to warding patterns in parish/town councils which cover areas greater than a single division, or amendments to parish boundaries where division boundaries have changed.

The council receives requests for CGRs from time to time. The request will be reviewed in the context of the planned North Yorkshire Council division boundary review.

The government and LGBCE guidance on CGRs explains that in the interests of effective governance, the principal council should consider the benefits of undertaking a review of the whole of its area in one go, rather than carrying out small scale reviews in a piecemeal fashion of two or three areas. Furthermore careful consideration is required when looking at changes to parish boundaries as these can have consequential effects on the boundaries for other tiers of local government. For that reason it is often preferable to carry out a review of parish boundaries after the review of Division boundaries for the principal council.

2.3 Timetable

This protocol covers the period up until the scheduled May 2027 North Yorkshire Council elections and proposes the following activity:

Timeframe	CGR's undertaken
May 2023 to commencement of LGBCE review (expected mid-2024)	Petitions Applications from neighbourhood forums Urgent requests (<i>see below</i>)
Period of LGBCE review (2024-25)	Petitions Applications from neighbourhood forums
Post LGBCE review (2025 – December 2026)	CGRs in relation to consequential matters following the LGBCE review Whole area CGR by locality Non-urgent requests dealt with at this time
May 2027 elections	Implementation of CGRs

2.4 Urgent requests

There may be requests where it will be considered expedient to undertake a CGR in advance of the whole area CGR in 2025/26. In determining whether a request should be expedited as an urgent request, the council will consider:

1. Is a parish council / parish meeting able to function? In cases where parish councils are dormant, are persistently inquorate and meetings are not taking place a CGR may be the only way to ensure effective and convenient local governance. If all parish councils within the area covered by a request are functioning correctly the presumption will be that any review can be held over until after the LGBCE review.
2. Is the request in response to a large scale change in population or housing development? If there are issues of electoral inequality across a parish a review might be needed to improve representation across the parish. Preparatory work would need to be undertaken to determine the extent of any inequality to determine how urgently a review might be needed. The outcome could then be taken into account in the LGBCE review.
3. Has a CGR been undertaken within the last two years? The council would not be expected to carry out a review where a CGR covering part or all of the area in question within the previous two years, although it may carry out a further review if it chose
4. Is the request reasonable? A request will be considered unreasonable if it disrupts community cohesion or does not result in effective and convenient local government arrangements

2.5 Assessment of requests

The Assistant Chief Executive (Legal & Democratic Services) in consultation with the Executive Member for Corporate Services will assess each request and determine whether a request is an urgent request. If it is an urgent request then a report will be taken to the Council's Standards and Governance Committee to propose terms of reference for the review.

If the Assistant Chief Executive (Legal & Democratic Services) in consultation with the Executive Member for Corporate Services determines that a request is not urgent then it will be carried forward for consideration when the whole area CGRs take place after the LGBCE boundary review.

A written response should be provided to the individual or body making the request stating when it is proposed to consider the request.

Appendix

Mechanisms For Initiating a Community Governance Review

1) Community Governance Petition

Principal councils must undertake a review when presented with a valid community governance petition by local government electors.

To be valid, a petition must be signed by the following number of local government electors from the petition area:

Petition area	Required	Number of signatories
Less than 500 electors		At least 37.5% of the electors
500 – 2,499 electors		At least 187 electors
More than 2,500 electors		At least 7.5% of the electors

The petition needs to define the area for the review, ideally by way of a map. The petition needs to specify one or more recommendations for review.

Petitions must be signed by the required number of local government electors, staff are permitted to use the council's copy of the register for checking signatures. The petition must be signed by way of handwritten signatures, there is no provision in the Act for electronic signatures. The petition should also include names and addresses so that the electoral register can be checked.

2) Community Governance Application

Principal councils must undertake a review when presented with a valid community governance application.

A community governance application may only be made by an organisation or body designated as a neighbourhood forum under section 61F of the town and Country Planning Act 1990(b).

The application must relate to the whole or any part of an area specified in a neighbourhood development plan made under section 38A of the Planning and Compulsory Purchase Act 2004.

The application must define the area for the review, ideally by way of a map. The application needs to specify one or more recommendations for review.

If a petition or application is received within two years of a previous CGR, the principal council is not required to carry out a review, although it may carry out a further review if it decides to.

If a petition or application is received it must be validated before a review can commence.

3) General duty

There is a general “may undertake” power to conduct a CGR of any part of the council’s area at any time (LG&PIHA 2007 section 82). A CGR can only be carried out by resolution of Council.

The council may wish to undertake a review:

1. As part of a general duty to keep an area under review - Government guidance states it is good practice to conduct a review every 10-15 years, except in areas with very low populations.
2. In response to significant changes in population
3. In response to changes recommended following a Local Government Boundary Commission review

4) Request

This general power also enables the council to carry out a review in response to a reasonable request. If the council receives a request it is empowered, but not obliged, to undertake a review. This protocol sets out how the council will approach requests for CGRs.

This page is intentionally left blank

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

Broadcasting and recording of public committee meetings

1.0 PURPOSE OF REPORT

- 1.1 To report back to Members on the broadcasting and recording of public committee meetings.

2.0 BACKGROUND

- 2.1 At a previous meeting of the Committee, Members requested an update report be brought to the Committee regarding arrangements for the broadcasting and recording of public committee meetings.

3.0 BROADCASTING AND RECORDING OF PUBLIC COMMITTEE MEETINGS

- 3.1 Before 1 April 2023, the district, borough and county councils in North Yorkshire all differed in their approaches to the recording and broadcasting of public meetings. In an attempt to avoid issues arising during the important initial few months of North Yorkshire Council, each former council area has been continuing with their previous policy and precedent with regards to the recording and broadcasting of meetings. What this then means for the new North Yorkshire Council is that meetings of Full Council, the Executive, the Police Fire and Crime Panel and Planning and some Area Constituency Committee meetings are routinely recorded/broadcast. In addition, a number of meetings are recorded/broadcast where there is significant public interest.
- 3.2 Moving beyond this interim or transition stage a consistent approach needs to be agreed upon and implemented.
- 3.3 A report will shortly be taken to Management Board and then Cabinet regarding the provision of the necessary technology at key sites in the county to enable some or all of the Council's public committee meetings (over 250 a year – see Appendix 1) to be recorded, broadcast and have hybrid access. The report will propose a range of costed options from carrying on as we are to recording/broadcasting all public committee meetings of the Council.
- 3.4 The majority of committee meetings are currently held at County Hall Northallerton but there are a significant number of committee meetings held in the former district and borough council areas. These tend to be meetings of planning, licensing and the Area Constituency Committees and are usually held at the former district and borough council offices. Consideration will also be given to additional sites for meetings in Ripon and Whitby and some form of mobile unit to enable recording/broadcasting of and hybrid access to committee meetings held elsewhere in the county.
- 3.5 The equipping of a number of sites to the same standard for recording/broadcasting and hybrid access to committee meetings will be a significant piece of work. Consideration will also need to be given to long term technical and staff support. As such, it is likely that any and work on the IT infrastructure may need to be phased.

3.6 Members will be kept informed of developments.

4.0 FINANCIAL IMPLICATIONS

4.1 The financial implications are unclear at this point as the preferred solution has yet to be identified. It is clear, however, that the standardisation of facilities at a number of sites to enable the recording/broadcasting of and hybrid access to some or all committee meetings will necessitate initial capital investment and longer term funding for support and maintenance.

5.0 LEGAL IMPLICATIONS

5.1 There is no legal requirement to record and broadcast public meetings of the Council's committees. At present, a councillor attending a public committee meeting of the Council remotely as opposed to in-person cannot fully participate in the meeting in so far as they cannot propose, second or amend a motion and cannot vote on any matter in the meeting.

6.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

6.1 The provision of facilities that enable recording/broadcasting of and hybrid access to committee meetings will reduce the need of members of the public, officers and some councillors to travel to meetings and so help reduce carbon emissions associated with transport and so the Council's overall carbon footprint.

7.0 EQUALITIES IMPLICATIONS

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

8.0 RECOMMENDATIONS

8.1 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 2023

Appendix 1 – List of Committees and Frequency of Meetings

Committee	Frequency of meetings
Full Council	Quarterly
Executive	18 scheduled in 2023/24
Shareholder committee	Quarterly
Scrutiny Board	Quarterly
Scrutiny of Health	Quarterly
Care and Independence and Housing OSC	Quarterly
Corporate and Partnerships OSC	Quarterly
Transport, Economy, Environment and Enterprise OSC	Quarterly
Children and Families OSC	Quarterly
Transition (LGR) OSC	Quarterly
Strategic Planning Committee	Monthly 12
Harrogate and Knaresborough Area Constituency Planning Committee	Monthly 12
Scarborough and Whitby Area Constituency Planning Committee	Monthly 12
Skipton and Ripon Area Constituency Planning Committee	Monthly 12
Thirsk and Malton Area Constituency Planning Committee	Monthly 12
Selby and Ainsty Area Constituency Planning Committee	Monthly 12
Richmond (Yorks) Area Constituency Planning Committee	Monthly 12
Statutory Licensing Committee	5 scheduled in 2023/24
Sub-Committees of the Statutory Licensing Committee	36 scheduled to date in 2023/24
General Licensing and Registration Committee	6 scheduled in 2023/24
Sub-Committees of the General Licensing and Registration Committee	12 scheduled in 2023/24
Harrogate and Knaresborough Area Constituency Committee	Quarterly
Scarborough and Whitby Area Constituency Committee	Quarterly
Skipton and Ripon Area Constituency Committee	Quarterly
Thirsk and Malton Area Constituency Committee	Quarterly
Selby and Ainsty Area Constituency Committee	Quarterly
Richmond (Yorks) Area Constituency Committee	Quarterly
Audit	5 times a year
Pension Fund Committee	5 times a year
Standards and Governance Committee	4 times a year
Chief Officer Appointments and Disciplinary Committee	As required
Chief Officer Appointments and Disciplinary Sub-Committee	As required
Appeals (Home to School Transport) committee	14 scheduled in 2023/24
Employment Appeals Committee	As required
Standing Advisory Council on Religious Education	Quarterly
North Yorkshire Health and Wellbeing Board	Quarterly
North Yorkshire Police Fire and Crime Panel	Quarterly
Joint Devolution Committee	Quarterly
North Yorkshire Local Access Forum	3 times a year
	268 meetings a year

NORTH YORKSHIRE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE

15 September 2023

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 The production of the Standards Bulletin helps 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 circulated to 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/CLIMATE CHANGE IMPLICATIONS

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

7.0 EQUALITIES IMPLICATIONS

7.1 There are no significant equalities implications arising from this report

8.0 RECOMMENDATIONS

8.1 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 Documents: None

County Hall
NORTHALLERTON

6 September 2023

The Standards and Governance Committee

The Members of the Committee:

- **Councillor Nick Brown**
- **Councillor Sam Cross**
- **Councillor Melanie Davis**
- **Councillor David Ireton**
- **Councillor Nigel Knapton**
- **Councillor Clive Pearson**
- **Councillor Heather Phillips**
- **Councillor Monika Slater**
- **Councillor Andy Solloway**
- **Councillor Peter Wilkinson**

Independent Persons for Standards

- **Ms Gill Baker**
- **Mrs Hilary Gilbertson MBE**
- **Mrs Louise Holroyd**
- **Mr Roy Martin**
- **Mr James Nelson**
- **Ms Richinda Taylor**

Officers

Barry Khan

Assistant Chief Executive Legal & Democratic Services
and Monitoring Officer

Tel: 01609 532173

barry.khan@northyorks.gov.uk

Jennifer Norton

Assistant Director Legal
and Deputy Monitoring Officer

Tel: 01423 556036

jennifer.norton@northyorks.gov.uk

Stephen Loach

Principal Democratic Services Officer

Tel: 01609 532216

stephen.loach@northyorks.gov.uk

Moira Beighton

Senior Lawyer (Governance)

Tel: 01609 532458

moira.beighton@northyorks.gov.uk

Introduction

This first edition of the Standards Bulletin for North Yorkshire Council sets out the latest developments in the national standards regime, particularly in relation to the work by the Committee on Standards in Public Life and the Local Government Association.

Members will continue 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.

Councillor Clive Pearson

Chair of the Standards and Governance Committee

In this issue:

- Members' expenses
- Interests' regime
- Sensitive Interests
- Bias, Predetermination, Predisposition
- Members' Gifts and Hospitality
- LGA Local Leadership Framework for Councillors
- Online Safety Bill
- LGA: "Debate not hate: ending abuse In public life for councillors"
- CSPL Annual Report 2022-23
- CSPL - upholding standards in public life recommendation tracker
- LGA survey re model code of conduct for members
- 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 Council](#)

Interests' Regime

Under the Council's Code of Conduct for Members ([Councillors' code of conduct | North Yorkshire Council](#)), 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:

- 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)**

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. It is published on the Council's website (as required by the Localism Act 2011) - [Your Councillors | North Yorkshire 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 (DPIs)

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 (ORIs)

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 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

LGA Local Leadership Framework for Councillors

The Local Government Association (LGA) has published a framework to support councillors in their local leadership role "as they work with communities to make a difference. It includes suggestions, prompts and further resources to help councillors think about the skills they use as a councillor."

The Framework covers areas such as:

- Being a councillor
- Your councillor profile
- Foundation skill sets
- Knowledge-based skills
- Personal/practical skills

- Local leadership skill sets
- Network-building
- Political skills
- Community Engagement
- Communicating with the community
- Influencing
- Challenging
- Bringing people together
- Having difficult conversations
- Using the Framework

The Framework can be accessed via the following hyperlink:

[Local Leadership Framework for Councillors | Local Government Association](#)

Online Safety Bill

The LGA has called on the Government to amend its Online Safety Bill to include stronger provisions to protect members from abuse online.

The aim of the Online Safety Bill is to protect people from online abuse and to make social media companies more responsible for their users' safety whilst on their social media sites.

The Bill is awaiting its third reading in the House of Lords.

Further information about the Bill can be found here:

[A guide to the Online Safety Bill - GOV.UK \(www.gov.uk\)](#)

LGA: "Debate not hate: ending abuse In public life for councillors"

A survey conducted by the LGA in June 2023 has found that 81% of councillors "reported experiencing intimidation and/or abuse in their role as a councillor in the last year, which is an 8% increase from the year before."

In July 2023, the LGA published a new publication "Debate Not Hate: Ending abuse in public life for councillors", outlining how councils can better support councillors to prevent and handle abuse and intimidation. It includes principles for councils to consider,

top tips and good practice case studies, including ways to collaborate with the police.

Further information is available via the following hyperlink:

[Debate Not Hate: Ending abuse in public life for councillors | Local Government Association](#)

CSPL Annual Report 2022-23

The LGA has The Committee on Standards in Public Life (CSPL) has published its Annual Report for the period July 2022 to June 2023, describing the work it has carried out during that time in its priority areas. The CSPL is an advisory non-departmental public body which advises the Government on arrangements for maintaining high standards of conduct in public life.

The work of the CSPL is reported to the Standards and Governance Committee periodically through the standing reports to the Committee re local ethical framework developments.

Further information is available via the following hyperlink:

[Annual Report 2022-2023 - GOV.UK \(www.gov.uk\)](#)

CSPL - upholding standards in public life recommendation tracker

The CSPL published its report on Upholding Standards in Public Life on 1 November 2021 - [Upholding Standards in Public Life - Published Report - GOV.UK \(www.gov.uk\)](#). This was the final report of the Standards Matter 2 review re strengthening ethics and integrity in central government.

The Government issued its detailed response on 20 July 2023 - [Strengthening Ethics and Integrity in Central Government - GOV.UK \(www.gov.uk\)](#), stating that it was introducing a wide-ranging programme of reform, particularly in relation to the Business Appointments Rules to modernise the system, to improve accountability and transparency.

The CSPL has now published a table noting a summary of the Government's response to each of the Committee's recommendations - [Upholding Standards in Public Life recommendation tracker - GOV.UK \(www.gov.uk\)](#)

The CSPL has also published a blog on the Government's response, welcoming the Government's response and the progress made and encouraging the Government to keep the remainder of the CSPL's recommendations under review - [Reforming standards in central government - a step forward - Committee on Standards in Public Life \(blog.gov.uk\)](#)

LGA survey re model code of conduct for members

The LGA In June 2023, the LGA undertook a survey regarding the model Code of Conduct for Members, to assess the impact of the model Code with relevant authorities - [Model Councillor Code of Conduct Survey 2023 | Local Government Association](#).

Key findings from the survey are:

- All the respondents were aware of the Model Code.
- 82% of respondents said they had adopted the Model Code to some extent, with 25% adopting it in full and 40% adopting it with some additions or minor amendments.
- Almost all respondents had reviewed their code of conduct since the Model Code of Conduct was launched in December 2020.
- Of the councils which reviewed their code of conduct, 97% used the code to inform their review.
- A light touch review of the constitutions of councils that did not respond to the survey indicated that 54 per cent of non-respondent councils had adopted the Model Code in full or in part.
- In total across England, 63% of councils have adopted the Model Code either completely or partially and 37% have not.

Full details of the survey can be accessed via the following hyperlink:

[Code of Conduct survey - 2023](#)
(local.gov.uk)

NYC STANDARDS COMPLAINT STATISTICS

The Standards and Governance Committee monitors complaints raised with the Monitoring Officer under the standards regime.

As well as considering complaints that a member of North Yorkshire Council may have breached the Members' Code of Conduct, North Yorkshire Council is the principal authority for parish and town councils in North Yorkshire for the purposes of the standards provisions in the Localism Act 2011.

It is therefore also responsible for receiving and handling complaints that a parish/town councillor may have breached that authority's code of conduct for Members.

That is the extent of North Yorkshire Council's jurisdiction in respect of parish/town council governance; parish/town councils are separate legal entities and North Yorkshire Council has no jurisdiction to consider other complaints for example about the way in which the parish council has or has not done something, or about particular parish council decisions

For the year 1 April 2023 to date, the Council has received 86 complaints that members may have breached the relevant authority's code of conduct for members.

- 9 cases relate to NYC Members;
 - 5 are connected in relation to a particular parish council;
- 77 cases relate to members of town/parish councils;
 - 47 are connected complaints, brought by the same complainant in relation to a particular town council;
- 25 of the 86 cases have been assessed by the Monitoring Officer in

consultation with the Independent Person for Standards and of those 25:

- 12 cases did not merit any further action;
- 1 case was resolved informally;
- 12 cases are to be investigated:
 - ❖ 11 of those 12 cases are connected and only one allegation within the complaints is to be investigated (no action on the other complaint allegations);
- the remainder of the complaints are in preparatory stages or awaiting assessment by the Monitoring Officer in consultation with the Independent Person for Standards.

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

NATIONAL CASES

The Local Government Lawyer website recently reported on the following cases:

- a Welsh authority councillor was found to have breached the code, and was suspended by the authority's standards committee, by responding in German to an email from a Welsh language campaigner (NB Wales has a different standards regime to England).
- A councillor who appeared to have predetermined his view was found to have breached the code by intervening at a planning committee meeting, thereby using his position improperly to disadvantage the applicant, and also by failing to treat the senior planning officer with respect by implying they were trying to lie to members.
- A Welsh authority councillor was found to have breached the code's disrepute provisions by providing misleading information to residents while raising funds for a legal challenge against a planning application. He was suspended for three months.

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

BBC news website
Local Government & Social Care Ombudsman
website