

North Yorkshire County Council

Informal meeting of Standards Committee

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

Present:-

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

Apology for Absence:-

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

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

70. Welcome and Introductions

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

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

71. Minutes

Resolved –

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

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

72. Declarations of Interest

There were no declarations of interest from Members.

73. Public Questions or Statements

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

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

Considered-

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

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

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

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

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

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

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

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

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

Resolved –

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

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

75. Local Ethical Framework Developments

Considered -

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

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

- New Model Code of Conduct for Members
- Committee on Standards in Public Life Reviews
- CSPL – Annual Report 2020/21
- CSPL Report on the Regulation of Election Finance
- CSPL Findings from "Standards Matters 2" Review
- Civility in Public Life - Digital Citizenship Resources

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

Resolved -

That the contents of the report be noted.

76. Annual Report of Standards Committee

Considered –

The report of the Monitoring Officer presenting, for Members' comments and suggested amendments, a draft of the Annual Report of the Standards Committee for the period 1 April 2020 to 31 March 2021.

No amendments were suggested by Members.

Resolved –

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

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

77. Complaints Update

Considered -

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

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

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

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

Resolved -

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

78. Standards Bulletin

Considered -

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

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

Resolved –

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

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

The meeting concluded at 12.10 pm.
SML