

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

11 March 2022

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

**1.0 PURPOSE OF REPORT**

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

**2.0 BACKGROUND**

- 2.1 The LGA published the new, voluntary Model Code of Conduct for Members in advance of a response from the Government regarding the recommendations made by the Committee on Standards in Public Life (CSPL) in their report on Local Government Ethical Standards. Should any of the recommendations be implemented this may necessitate a change to the Model Code in the future. The LGA has stated it will review the Model Code on an annual basis.
- 2.2 Since the Committee's last informal meeting, the Minister for Levelling Up Communities is reported to have said that she is actively considering the recommendations set out in the CSPL report on local government ethical standards and will respond "shortly".

**3.0 APPROVAL PROCESS RE DRAFT AMENDMENTS TO COUNCIL'S CODE**

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

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

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

#### **4.0 GUIDANCE ON CODE OF CONDUCT FOR MEMBERS**

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

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

## **5.0 FINANCIAL IMPLICATIONS**

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

## **6.0 LEGAL IMPLICATIONS**

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

## **7.0 ENVIRONMENTAL IMPLICATIONS**

7.1 There are no significant environmental implications arising from this report

## **8.0 CONCLUSION**

8.1 The Committee is requested to note:

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

## **9.0 RECOMMENDATIONS**

9.1 That Members note:

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

BARRY KHAN

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

Background Papers: None

County Hall  
NORTHALLERTON

2 March 2022