

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

17 October 2022

Update re revised Code of Conduct for Members

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

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

3.0 CONSEQUENTIAL AMENDMENTS RE THE REVISED CODE

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

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

5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
 - You have the permission of a person authorised to give it; or
 - You are required by law to disclose the information; or
 - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

6. You must not prevent another person gaining access to information which that person is entitled to by law.
- ...
12. You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.

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

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

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

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

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

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

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

4.0 GUIDANCE ON CODE OF CONDUCT FOR MEMBERS

4.1 The Standards Committee has previously considered the LGA online supporting Guidance on the new model Code ([Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)). The LGA Guidance spans over 60 pages and the Monitoring Officer is drafting Guidance for Members, based on the LGA online guidance but tailored to the County Council's Code (which is very slightly different to the model Code) and a draft will be presented to Standards Committee Members as soon as the draft tailored Guidance is ready.

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

5.0 FINANCIAL IMPLICATIONS

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

6.0 LEGAL IMPLICATIONS

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

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 **RECOMMENDATIONS**

8.1 That Members note the contents of this report.

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

BARRY KHAN

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

Background Papers: None

County Hall
NORTHALLERTON

7 September 2022