

# North Yorkshire County Council

## Standards Committee

Minutes of the meeting held at County Hall, Northallerton on Monday 17<sup>th</sup> October 2022 at 10am.

### **Present:-**

County Councillors Clive Pearson (Chair), Nick Brown, Sam Cross, Melanie Davis, Heather Phillips and Monica Slater; together with Louise Holroyd and Hilary Gilbertson MBE (Independent Persons for Standards).

Members undertook a training session on the Code of Conduct and Standards Complaints handling prior to the start of the meeting.

---

**Copies of all documents considered are in the Minute Book**

---

### **1. Welcome and Introductions**

The Chairman welcomed everyone to the first meeting of the Standards Committee since the County Council elections.

### **2. Minutes**

#### **Resolved –**

That the Minutes of the remote meeting held on 11 March 2022, having been printed and circulated, be taken as read, be confirmed by the Chairman and signed as a correct record .

### **3. Declarations of Interest**

There were no declarations of interest from Members.

### **4. Public Questions or Statements**

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

### **5. Update – Revised Code of Conduct for Members**

Considered-

The report of the Monitoring Officer updating Members in respect of the implementation of the revised Council's Code of Conduct for Members in light of the new voluntary Model Code of Conduct for Members.

The updated Code of Conduct, which was highlighted during the training session immediately prior to this meeting, had been implanted for the newly elected County Council in May 2022. Details of the suite of updated documents, in line with the revised Code, were provided in the report.

The new unitary authority, due to be in place from 1<sup>st</sup> April 2023, would take account of the Codes currently in place for each of the authorities to develop an appropriate Code of Conduct for the single authority. Going forward, it was expected that the Code would provide a strong message from the Council of an authority that is working together for the good of North Yorkshire.

Members discussed the report and the following issues were highlighted:-

- It was requested that officers that dealt with contracts should be subject to a declarations of interest regime. In response it was stated that officers were subject to the same declarations of interest registration as County Councillors. It was requested that details of how this was organised and undertaken be brought to a subsequent meeting.
- A Member asked whether the County Council had a whistleblowing policy. In response it was stated that there was a policy that assisted with the protection of individuals working within the Council who had raised concerns in relation to Council matters. Details of the whistleblowing policy and the Officer/Member relationship protocol would be circulated to Members.
- The need to be pro-active and to work together for the good of the public were emphasised, however, it was difficult for these to be incorporated in the Code, as potential breaches of these could be generated from misunderstandings, therefore it was better to incorporate these details in the guidance provided alongside the Code. It was expected that the guidance would be available for consideration by Members at the next meeting of the Committee.
- It was noted that the Internal Auditor, Veritau, operated as a stand-alone company, and were totally separated from the County Council.
- It was noted that the threshold for Gifts and Hospitality had been set differently than that of the Model Code, with the previous Committee opting to set this at £25.

#### **Resolved –**

That the report be noted.

## **6. Local Ethical Framework Developments**

Considered -

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

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

- Amendments to County Council's Code of Conduct in light of the New Model Code of Conduct for Members
- Committee on Standards in Public Life Report on Local Government Ethical Standards
- CPSL Review on embedding of Nolan Principles
- LGA Councillors' Guide to handling harassment, abuse and intimidation
- Previous CSPL reports and reviews

#### **Resolved -**

That the contents of the report be noted.

## **7. Standards Committee – Annual Report**

Considered -

The report of the Monitoring Officer presenting Members with a draft Annual Report of the work of the Standards Committee for the period 1 April 2021 to 31 March 2022.

Following approval of the report by Members, and subject to any suggested amendments, the report would be referred to the next meeting of the full County Council for consideration.

### **Resolved –**

That the Annual Report be approved and submitted to the full County Council for consideration and adoption.

## **8. Dispensation Requests**

Considered -

The report of the Monitoring Officer providing details of dispensation requests from County Councillors Michael Harrison, Gareth Dadd and Peter Lacey.

Details of the legislation relating to dispensations and the process involved were provided in the report. It was explained the dispensations could be granted under the following circumstances:-

- (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.

### **County Councillor Michael Harrison**

Councillor Harrison's dispensation request was in place during the previous County Council and related to him being employed by Lloyd Bank in their security team, which he had entered in his registration of interests. As a Member of the Executive, and with the Authority putting reserves into several banks, including Lloyds, he felt it appropriate to apply for a dispensation, enabling him to take part in Executive meetings when Treasury Management was considered.

Members considered that the request related to a technicality and would support his dispensation request.

## **County Councillor Gareth Dadd.**

Councillor Dadd's dispensation request was in respect of him being Deputy leader of the Council and the portfolio holder for Finance and the potential legislation that could see Council Tax being able to be obtained from second homes, which would impact his position on the Executive. The dispensation related to him having a holiday let, with these properties potentially not been included within the second homes requirements. In the interests of public perception he considered it appropriate to request a dispensation for any forthcoming consideration of these issues.

Members considered the request and the following issues were raised:-

- As a business it could be argued that there should be no Council Tax to pay on the holiday let. A Member considered that he would prefer to see the accounts for the business before making a decision on the dispensation.
- It was suggested that some second homes owners could change the designation of their properties to avoid paying Council Tax and proof of that would be required. It could be unfair, therefore, if Councillor Dadd was involved in such discussions. The Monitoring officer noted that Councillor Dadd was one Member of a Company that operated the holiday let, and did not have sole control of the business.
- An Independent Person for Standards stated that having read the details of the request she was comfortable with offering the dispensation, as she felt that the company was responsible for the holiday let and did not have sole control over the business.
- It was noted that the business had been declared in Councillor Dadd's register of interests.
- A Member considered that taking account of the circumstances outlined she would think it reasonable for Councillor Dadd not to take part in the decision making process on this matter.
- An Independent Person for Standards agreed with other Members that further information regarding the status of the company and details of the accounts should be sought before a decision on the dispensation was made.
- It was acknowledged that Councillor Dadd was not affected by the proposal as he was only part of a company that owned the holiday let and he had sought the dispensation due to this appearing in his Register of Interests and the public perception of him taking part in the decision making process related to this issue.
- A Member highlighted the position of Councillor Dadd as Deputy Leader and the potential for him to influence other Members within the consideration of this issue.
- The opinion of the Monitoring Officer was sought and it was stated that, if the holiday let was not seen as a second home, Councillor Dadd would be entitled to take part in the consideration of this matter and it was emphasised that the dispensation was being sought in view of potential public perception.

A proposal to reject the application was defeated by the casting vote of the Chair. The application was approved, again on the casting vote of the Chair, which is reflected in the resolution, below.

## **County Councillor Peter Lacey**

Councillor Lacy had sent a late request for a dispensation, which did not feature in the report, relating his service on the Scrutiny of Health Committee and his work as a

consultant with a systems partnership that was in the process of developing contracts with the NHS across the whole area. Details were set out in an email from Councillor Lacey which was circulated to Members of the Committee.

Members suggested that it would be beneficial to obtain more information for greater clarity on the relationship between the Councillor, the consultancy and the contracts with the NHS, before a decision was made.

It was suggested that the decision on this application be delegated to the Chair, in consultation with the Monitoring Officer, Members and Independent Persons of the Committee, allowing the additional information to be obtained and taken account of.

#### **Resolved –**

- (i) That the applications for dispensations submitted by County Councillors Michael Harrison and Gareth Dadd, in respect of the circumstances outlined above, allowing them to fully participate in meetings where the issues outlined are considered, subject to them declaring the dispensation, for the Full term of the Council, be approved:
- (ii) That the application for a dispensation submitted by County Councillor Peter Lacey be delegated to the Chair in consultation with the Monitoring Officer, Members and Independent Persons of the Committee, allowing the additional information to be obtained and taken account of.

## **9. Complaints Update**

Considered -

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

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

NYCC/SC/80 - 83

A member of the public has made connected complaints against various councillors, arising out of the same set of circumstances, relating to allegations of making, or failing to take action in relation to hearing, racist comments made. These continued to be investigated.

For the year 1 April 2022 to date, the Council had received four formal standards complaints, referred to above.

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

- Historically there had been very few Standards complaints submitted in relation to County Councillors. It was expected that the workload would rise when the authority became a unitary, with Parish Council complaints coming under the workload of the unitary authority. Members considered that there would need to be a focus with complaints being dealt with as soon as they arose. The Monitoring Officer stated that the filter process, involving the Independent Persons and the Monitoring Officer, initially, to determine whether the complaint would be progressed, would remain in place, which would continue to assist with the speed of the process.
- A Member considered that it may be beneficial to arrange additional meetings given the expected extra workload. The Monitoring Officer stated that the workload was unlikely to change until April therefore he considered it

unnecessary to arrange additional meetings at this stage, but would monitor the situation, going forward.

- In terms of the Independent Persons currently on the District Council's Standards Committees, encouragement would be given to them to apply for the additional positions being created for the new authority's Committee.
- In terms of the existing Monitoring Officers, all staff would be TUPEd to the new authority, however, there would be only one statutory Monitoring Officer role.

**Resolved -**

That the current position, regarding complaints received, be noted, together with the other issues raised.

**10. 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.

**Resolved –**

That the Bulletin be approved for circulation.

The meeting concluded at 12.15 pm.

SML