

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

8 March 2023

**Guidance on Code of Conduct for Members**

**1.0 PURPOSE OF REPORT**

- 1.1 To present to Members draft Guidance on the Council's Code of Conduct for Members, based on the national Local Government Association guidance.

**2.0 BACKGROUND**

- 2.1 The Council's Code of Conduct for Members is based on the national voluntary Model Code of Conduct for Members published by the Local Government Association (LGA).
- 2.2 It was previously resolved that tailored Guidance, based on the national guidance but specific to the Council's Code, should be produced for Members. This report updates the Committee on the preparation of such guidance.
- 2.3 Full Council, at its meeting on 22 February 2023, in adopting a Constitution for the new unitary authority, approved a Code of Conduct for Members for the new authority, based on the current County Council Code. A copy of the Code for the new authority is attached at **Appendix 1** to this report for ease of reference.
- 2.4 Given the proximity of Vesting Day (1 April 2023), the draft Guidance has been produced in respect of the new authority's Code of Conduct, to avoid issuing a Guidance document for the County Council and then another for the new authority just a few weeks later.

**3.0 GUIDANCE ON CODE OF CONDUCT FOR MEMBERS**

- 3.1 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 has drafted Guidance for Members, based on the LGA online guidance but tailored to the Council's Code (which is very slightly different to the model Code eg in terms of when the Code may be inferred to apply and the threshold for registering gifts and hospitality).
- 3.2 Proposed changes to the national guidance, to reflect the Council's Code, are tracked on the copy of the draft Guidance attached at **Appendix 2** for Members' consideration.
- 3.3 The rationale for the proposed amendments to the national guidance is as follows:
- (a) to clarify that the Council's Code applies only when a councillor is acting in their official capacity and not their purely private capacity. The law currently, and the Council's Code, does not cover "giving the impression" of acting in official capacity, as contained in the model code and guidance;

- (b) to reflect the Council's Code, which replicates the legal requirement that only co-opted members with voting rights are required to register their interests – it is not extended to non-voting co-optees;
- (c) to reflect the precise wording of the Council's Code;
- (d) to re-order some of the provisions of the guidance to reflect the order of the Council's Code;
- (e) deleting the paragraph relating to "The LGA published "A councillor's workbook on effective councillor/officer relationships 2018"." as the hyperlink no longer appears to work and the document cannot be found on the LGA website;
- (f) including "unpaid directorships" in the categories of Other Registrable Interests, as provided for in the Council's Code.

3.4 Members' comments are therefore sought on the draft Guidance on the Council's Code of Conduct for Members.

#### **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 IMPLICATIONS**

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

#### **7.0 RECOMMENDATIONS**

7.1 That Members note the contents of this report.

7.2 That, subject to any comments Members may have, the Committee approves the draft Guidance on the new Council's Code of Conduct for Members.

BARRY KHAN

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

Background Papers: None

County Hall  
NORTHALLERTON

26 February 2023