

## The Standards and Governance Committee

The Members of the Committee:

- **Councillor Nick Brown**
- **Councillor Sam Cross**
- **Councillor Melanie Davis**
- **Councillor David Ireton**
- **Councillor Nigel Knapton**
- **Councillor Clive Pearson**
- **Councillor Heather Phillips**
- **Councillor Monika Slater**
- **Councillor Andy Solloway**
- **Councillor Peter Wilkinson**

## Independent Persons for Standards

- **Ms Gill Baker**
- **Mrs Hilary Gilbertson MBE**
- **Mrs Louise Holroyd**
- **Mr Roy Martin**
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## Introduction

This first edition of the Standards Bulletin for North Yorkshire Council sets out the latest developments in the national standards regime, particularly in relation to the work by the Committee on Standards in Public Life and the Local Government Association.

Members will continue be kept informed of all ethical framework developments.

Should you wish to discuss any standards matter, please do not hesitate to contact the Monitoring Officer or any of his Team.

### Councillor Clive Pearson

Chair of the Standards and Governance Committee

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## STANDING GUIDANCE FOR MEMBERS

### Members' Expenses

Members are reminded to include sufficient details in their expense claims and to submit them in a timely manner to avoid submitting multiple claims at the same time where possible.

Members should have regard to the current **Scheme of Approved Duties** and the **Protocol on Members' Attendance at Conferences** published in Part 6 of the Constitution, published on the Council website at [Decision Making at the Council | North Yorkshire Council](#)

### Interests' Regime

Under the Council's Code of Conduct for Members ([Councillors' code of conduct | North Yorkshire Council](#)), the following interests' regime now applies.

#### Registration of Interests

Members must register the following interests within 28 days of election/appointment:

- **Disclosable pecuniary interests** (DPs) of the Member and their partner and
- **Other registrable interests (ORIs)** of the Member

and keep their interests under review, registering any changes within 28 days.

A pecuniary interest is a DPI if it is of a description specified in regulations ie

- **Employment, office, trade, profession or vocation (for profit or gain)**
- **Sponsorship**
- **Contracts**
- **Land**
- **Licenses**
- **Corporate tenancies**
- **Securities**

(please see the Code for the detailed descriptions)

**And either:**

(a) it is the Member's interest or

(b) an interest of—

- the Member's spouse or civil partner
- a person with whom the Member is living as husband and wife, or
- a person with whom the Member is living as if they were civil partners

**And** the Member is aware of the interest.

Other Registrable interests (ORIs) are:

**1. Unpaid directorships**

**2. Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority**

**3. Any body:**

- exercising functions of a public nature**
- directed to charitable purposes or**
- one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union/professional association)**

**of which you are a member or in a position of general control or management.**

The Register of Members' Interests is maintained by the Monitoring Officer and is generally available for public inspection during office hours at County Hall, Northallerton. It is published on the Council's website (as required by the Localism Act 2011) - [Your Councillors | North Yorkshire Council](#)

**Members must, within 28 days of becoming aware of a new interest or a change to an existing interest, register the necessary details electronically via the ModGov committee software system.**

## Participation re Interests

### Disclosable Pecuniary Interests (DPIs)

A Member may not participate in the discussion of, or vote on, Council business *directly relating* to a DPI and must declare the existence and nature of the interest and withdraw from the meeting room at the start of the item (unless a dispensation is granted).

### Other Registrable Interests (ORIs)

Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of the Member's ORIs, then the Member must declare the existence and nature of the interest, can speak on the matter if the public can and then must withdraw from the meeting room (unless a dispensation is granted).

### Non-Registrable Interests (NRIs)

These are interests which are not required to be registered in the Register of Members' Interests (ie interests other than DPIs and ORIs):-

- (i) which *directly relate* to the Member's financial interest or well-being, or that of a relative or close associate (of which the Member could reasonably be expected to be aware); or
- (ii) which *affect* the Member's financial interest or well-being or that of a relative or close associate or of a body included under Other Registrable Interests (of which the Member could reasonably be expected to be aware).

For NRIs falling under category (i) above, the Member must declare the existence and nature of the interest, can speak on the matter if the public can and then must withdraw from the meeting room (unless a dispensation is granted).

For NRIs falling under category (ii) above, the Member must declare the existence and nature of the interest, and then consider the 'prejudicial interest' test to determine if and how they may participate:

- Where the matter affects the financial interest or wellbeing more than it affects that of the majority of inhabitants of the ward affected and a reasonable member of the public knowing all the facts would believe that it would affect the Member's view of the wider public interest, then the Member can speak if the public can, but must not take part in any discussion/vote and must leave room (unless a dispensation is granted);
- Where the matter does not so affect the financial interest or wellbeing, then the Member may speak and vote in usual way.

If a **dispensation** is granted to a Member, the Member must still **declare** the existence and nature of the interest and the fact they are relying on a dispensation to the meeting.

### What is the difference between 'relates to' and 'affects'?

Something 'relates to' a Member's interest if it is directly about it, eg the matter being discussed is an application about a particular property in which the Member or somebody associated with them or an outside body they have registered has a financial interest.

'Affects' means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing the Member's property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

### **Please note:**

A Member commits a **criminal offence** if, without reasonable excuse, they —

- fail to:
  - ❖ register disclosable pecuniary interests

- ❖ disclose an interest to a meeting where required
- ❖ notify the Monitoring Officer of an interest disclosed to a meeting
- participate in any discussion or vote where prohibited
- an individual Member decision taker takes any steps in relation to a matter where prohibited

A Member also commits a **criminal offence** if, in relation to the registration/disclosure of disclosable pecuniary interests, they provide information that is false or misleading and —

- know that the information is false or misleading, or
- are reckless as to whether the information is true and not misleading.

A court may also disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

**Please therefore keep your interests form under review** to ensure it is up to date.

**Interests' issues are ultimately Members' responsibility.**

**NB: Even if something is not a Code issue, always bear in mind the rules relating to bias, predetermination and predisposition.**

If you are in any doubt as to your position, please contact the Monitoring Officer or any of his team.

## Sensitive Interests

You do not need to register or declare the details of an interest which you and the Monitoring Officer have agreed is sensitive.

A “sensitive interest” is any interest (whether or not a disclosable pecuniary interest) where **disclosure of the details could lead to you, or a person connected with you, being subject to violence or intimidation.**

The existence of an interest must still be registered/declared but not any detail in relation to it.

**Should you feel that any of your interests are sensitive given any prevailing circumstances, please contact the Monitoring Officer immediately to discuss.**

## Bias, Predetermination, Predisposition

Members involved in making a decision on particular business must always bear in mind the rules relating to **bias and predetermination** and must not participate in, or seek to influence, Council business where their interests may prejudice, or appear to prejudice, their views.

**Predetermination** occurs *where a fair minded and well informed observer, looking objectively at all the circumstances, considers there is a real risk that a decision maker has refused to consider a relevant argument or would refuse.*

Possible examples of bias or predetermination are:

- connection with someone affected by a decision;
- improper involvement of someone with an interest in the outcome;
- prior involvement in a matter;
- commenting before a decision is made.

However, the Localism Act 2011 makes it clear that a Member is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because they had previously done anything that directly or indirectly indicated what view they took, or would or might take, in relation to a matter; this would amount to **predisposition** to a view and is acceptable. This ensures that Members can freely discuss issues, including expressing a view and/or campaigning on an issue, and then later speak or vote on those issues.

**Unless there is positive evidence of a closed mind, prior observations or apparent favouring of a particular decision is unlikely to suffice as predetermination.**

**Members are entitled to have and express their own views, as long as they are prepared to reconsider their position in the light of all the evidence and arguments. They must not give the impression that their mind is closed.**

## Members' Gifts and Hospitality

Members' gifts and hospitality are recorded with their Register of Interests, electronically via the ModGov committee software system.

Under the Council's Code of Conduct, you should not accept gifts/hospitality, of any value, which could create an impression of obligation upon you or the Council or substantive personal gain or propensity to show favour. You should inform the Monitoring Officer of any such offers.

Otherwise, you should register any gifts/hospitality received or offered worth £25 or more.

Should you have any queries in relation to the registration of any gifts or hospitality received/offered, then please feel free to contact the Monitoring Officer or any of his team.

## LATEST NEWS

### LGA Local Leadership Framework for Councillors

The Local Government Association (LGA) has published a framework to support councillors in their local leadership role "as they work with communities to make a difference. It includes suggestions, prompts and further resources to help councillors think about the skills they use as a councillor."

The Framework covers areas such as:

- Being a councillor
- Your councillor profile
- Foundation skill sets
- Knowledge-based skills
- Personal/practical skills

- Local leadership skill sets
- Network-building
- Political skills
- Community Engagement
- Communicating with the community
- Influencing
- Challenging
- Bringing people together
- Having difficult conversations
- Using the Framework

The Framework can be accessed via the following hyperlink:

[Local Leadership Framework for Councillors | Local Government Association](#)

## Online Safety Bill

The LGA has called on the Government to amend its Online Safety Bill to include stronger provisions to protect members from abuse online.

The aim of the Online Safety Bill is to protect people from online abuse and to make social media companies more responsible for their users' safety whilst on their social media sites.

The Bill is awaiting its third reading in the House of Lords.

Further information about the Bill can be found here:

[A guide to the Online Safety Bill - GOV.UK \(www.gov.uk\)](#)

### LGA: "Debate not hate: ending abuse In public life for councillors"

A survey conducted by the LGA in June 2023 has found that 81% of councillors "reported experiencing intimidation and/or abuse in their role as a councillor in the last year, which is an 8% increase from the year before."

In July 2023, the LGA published a new publication "Debate Not Hate: Ending abuse in public life for councillors", outlining how councils can better support councillors to prevent and handle abuse and intimidation. It includes principles for councils to consider,



top tips and good practice case studies, including ways to collaborate with the police.

Further information is available via the following hyperlink:

[Debate Not Hate: Ending abuse in public life for councillors | Local Government Association](#)

## CSPL Annual Report 2022-23

The LGA has The Committee on Standards in Public Life (CSPL) has published its Annual Report for the period July 2022 to June 2023, describing the work it has carried out during that time in its priority areas. The CSPL is an advisory non-departmental public body which advises the Government on arrangements for maintaining high standards of conduct in public life.

The work of the CSPL is reported to the Standards and Governance Committee periodically through the standing reports to the Committee re local ethical framework developments.

Further information is available via the following hyperlink:

[Annual Report 2022-2023 - GOV.UK \(www.gov.uk\)](#)

## CSPL - upholding standards in public life recommendation tracker

The CSPL published its report on Upholding Standards in Public Life on 1 November 2021 - [Upholding Standards in Public Life - Published Report - GOV.UK \(www.gov.uk\)](#). This was the final report of the Standards Matter 2 review re strengthening ethics and integrity in central government.

The Government issued its detailed response on 20 July 2023 - [Strengthening Ethics and Integrity in Central Government - GOV.UK \(www.gov.uk\)](#), stating that it was introducing a wide-ranging programme of reform, particularly in relation to the Business Appointments Rules to modernise the system, to improve accountability and transparency.

The CSPL has now published a table noting a summary of the Government's response to each of the Committee's recommendations - [Upholding Standards in Public Life recommendation tracker - GOV.UK \(www.gov.uk\)](#)

The CSPL has also published a blog on the Government's response, welcoming the Government's response and the progress made and encouraging the Government to keep the remainder of the CSPL's recommendations under review - [Reforming standards in central government - a step forward - Committee on Standards in Public Life \(blog.gov.uk\)](#)

## LGA survey re model code of conduct for members

The LGA In June 2023, the LGA undertook a survey regarding the model Code of Conduct for Members, to assess the impact of the model Code with relevant authorities - [Model Councillor Code of Conduct Survey 2023 | Local Government Association](#).

Key findings from the survey are:

- All the respondents were aware of the Model Code.
- 82% of respondents said they had adopted the Model Code to some extent, with 25% adopting it in full and 40% adopting it with some additions or minor amendments.
- Almost all respondents had reviewed their code of conduct since the Model Code of Conduct was launched in December 2020.
- Of the councils which reviewed their code of conduct, 97% used the code to inform their review.
- A light touch review of the constitutions of councils that did not respond to the survey indicated that 54 per cent of non-respondent councils had adopted the Model Code in full or in part.
- In total across England, 63% of councils have adopted the Model Code either completely or partially and 37% have not.

Full details of the survey can be accessed via the following hyperlink:

[Code of Conduct survey - 2023](#)  
([local.gov.uk](http://local.gov.uk))

## NYC STANDARDS COMPLAINT STATISTICS

The Standards and Governance Committee monitors complaints raised with the Monitoring Officer under the standards regime.

As well as considering complaints that a member of North Yorkshire Council may have breached the Members' Code of Conduct, North Yorkshire Council is the principal authority for parish and town councils in North Yorkshire for the purposes of the standards provisions in the Localism Act 2011.

It is therefore also responsible for receiving and handling complaints that a parish/town councillor may have breached that authority's code of conduct for Members.

That is the extent of North Yorkshire Council's jurisdiction in respect of parish/town council governance; parish/town councils are separate legal entities and North Yorkshire Council has no jurisdiction to consider other complaints for example about the way in which the parish council has or has not done something, or about particular parish council decisions

For the year 1 April 2023 to date, the Council has received 86 complaints that members may have breached the relevant authority's code of conduct for members.

- 9 cases relate to NYC Members;
  - 5 are connected in relation to a particular parish council;
- 77 cases relate to members of town/parish councils;
  - 47 are connected complaints, brought by the same complainant in relation to a particular town council;
- 25 of the 86 cases have been assessed by the Monitoring Officer in

consultation with the Independent Person for Standards and of those 25:

- 12 cases did not merit any further action;
- 1 case was resolved informally;
- 12 cases are to be investigated:
  - ❖ 11 of those 12 cases are connected and only one allegation within the complaints is to be investigated (no action on the other complaint allegations);
- the remainder of the complaints are in preparatory stages or awaiting assessment by the Monitoring Officer in consultation with the Independent Person for Standards.

Members will be kept informed of statistical information in relation to standards complaints received.

## NATIONAL CASES

The Local Government Lawyer website recently reported on the following cases:

- a Welsh authority councillor was found to have breached the code, and was suspended by the authority's standards committee, by responding in German to an email from a Welsh language campaigner (NB Wales has a different standards regime to England).
- A councillor who appeared to have predetermined his view was found to have breached the code by intervening at a planning committee meeting, thereby using his position improperly to disadvantage the applicant, and also by failing to treat the senior planning officer with respect by implying they were trying to lie to members.
- A Welsh authority councillor was found to have breached the code's disrepute provisions by providing misleading information to residents while raising funds for a legal challenge against a planning application. He was suspended for three months.

**Resources**

Localism Act 2011 and subordinate legislation.

[www.gov.uk/government/organisations/the-committee-on-standards-in-public-life](http://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life)

Information published on [www.gov.uk](http://www.gov.uk)

Local Government Lawyer website

BBC news website  
Local Government & Social Care Ombudsman  
website