

NORTH YORKSHIRE COUNCIL

15 May 2024

Annual Report of the Standards and Governance Committee**1.0 PURPOSE OF REPORT**

- 1.1 To provide the Council with an Annual Report on the work of the Standards and Governance Committee for the municipal year commencing 1 April 2023.

2.0 BACKGROUND

- 2.1 The Standards and Governance Committee is part of the Council's ethical framework under the Localism Act 2011 ("the Act").
- 2.2 The Committee has agreed that it would be helpful to publish an Annual Report on its work to the Council in order to raise the profile of the Committee and strengthen awareness of its work and ethical standards generally. An Annual Report also assists in discharging the Council's statutory duty to promote and maintain high standards of conduct and also ensures that the Council has an overview of work undertaken by the Committee in discharging the Council's standards responsibilities.

3.0 THE ETHICAL FRAMEWORK

- 3.1 The ethical framework introduced under the Act includes:
- i. **The Standards and Governance Committee:** The Committee has two scheduled ordinary meetings per annum, but other meetings have been convened as required given the Committee's expanded role. During the period in question, the Committee met on 17 May 2023, 5 July 2023, 15 September 2023, 13 December 2023, 17 January 2024 and 15 March 2024. The Committee is responsible for:
- **Standards Functions:**
 - All functions of the Council under the Act relating to ethical standards (save as delegated to the Monitoring Officer) including the granting of dispensations and certain elements of standards complaint handling as appropriate under the standards complaints procedure;
 - The Committee also has a role in relation to issues raised by or in relation to persistent and/or vexatious complainants.
 - **Governance Functions:**
 - making temporary appointments to parish councils under section 91 Local Government Act 1972;
 - making recommendations to Council in relation to Community Governance reviews;
 - all functions of the Council relating to elections (save as may be delegated elsewhere through the Constitution and statute) including:
 - ❖ recommending to Council the appointment of an Electoral Registration Officer and the appointment of a Returning Officer for local government elections under the Representation of the People Act 1983;

- ❖ dividing Parliamentary constituencies into polling districts and dividing electoral divisions into polling districts at local government elections under the Representation of the People Act 1983;
 - recommending to Council the conferring of the title of Honorary Alderman or Alderwoman;
 - recommending to Council the opposition or approval of local or personal Bills under Section 239 of the Local Government Act 1972 (save as may be delegated elsewhere).
- ii. **Independent Persons for Standards:** Each relevant authority must appoint at least one “Independent Person” under the Act. At its meeting on 19 July 2023, full Council agreed to extend, for four years, the terms of office of the predecessor authority NYCC’s two Independent Persons for Standards, Hilary Gilbertson MBE and Louise Holroyd (whose terms of office automatically continued post Vesting Day); and further approved the appointments, for four years, of Gillian Baker, Roy Martin, James Nelson and Richinda Taylor as additional Independent Persons for Standards for North Yorkshire Council. Full Council also delegated power to the Monitoring Officer to extend the Independent Persons’ terms of office, in consultation with the Chair of the Standards and Governance Committee. The Independent Persons are invited to all meetings of the Standards and Governance Committee and are consulted on all key standards matters including at all stages of standards complaints’ handling.
- iii. **Principal authority for parish and town councils regarding the Act’s standards provisions**
- iv. **A statutory duty to promote and maintain high standards of conduct**
- v. **Members’ Code of Conduct** - parish and town councils may adopt the Council’s or their own. The Monitoring Officer has encouraged them to adopt North Yorkshire Council’s Code (based on the voluntary LGA model code) in an aim to have standardised provisions across North Yorkshire for consistency and clarity;
- vi. **Register of NYC Members’ Interests and gifts and hospitality** and the publication on the Council’s website of parish and town councils’ registers of members’ interests;
- vii. **Complaint handling process** for Members and voting co-opted Members of North Yorkshire Council and parish and town councils in North Yorkshire;
- viii. **Ethical Statements**
- ix. **Standards Bulletins**
- x. **Protocol re the role of the Leader and Chief Executive Officer in the Ethical Framework**
- xi. **Protocol for Member/Officer Relations**

3.2 The **Monitoring Officer** and **Deputy Monitoring Officer** support the Committee in its work, including dealing with complaints that Members may have breached the relevant Code of Conduct for Members.

4.0 WORK UNDERTAKEN BY THE COMMITTEE

4.1 The work undertaken by the Standards and Governance Committee in its inaugural municipal year is set out below:

- (a) Review of ethical framework developments: the Committee has considered developments in the national standards regime and provided guidance to Members, for example in relation to:
 - i. Documents published by the Local Government Association (LGA), for example, the LGA Local Leadership Framework for Councillors, the LGA

- publication “Debate not Hate – Ending abuse in public life for Councillors” and the LGA survey re Model Code of Conduct for Members;
- ii. The Online Safety Bill and the subsequent Online Safety Act 2023;
 - iii. documents published by the Committee on Standards in Public Life, for example its Annual Report 2022/23 and Upholding standards in public life recommendation tracker;
- (b) Training: The Committee ensures that Members receive appropriate training to maintain their awareness of ethical standards. Standards training was provided to Members in 2022 prior to Vesting Day and refresher training will be scheduled through the Member seminar programme and as may be required. Guidance on the Code and standards regime is also provided in the Standards Bulletins. Standards training was provided to the Standards and Governance Committee on 16 September 2022. The Monitoring Officer and his team undertook training on the Members’ Code of Conduct and Complaint Handling for the Independent Persons for Standards on 15 September 2023. The Committee has also received feedback from the Independent Persons for Standards regarding external training they have attended in February and March 2024.
- (c) Register of Members’ Interests: The Register of Members’ Interests is published on the Council’s website. The Committee monitors the operation of the Register. The Committee received a report from the Monitoring Officer in response to question raised by the Committee as to whether membership of a masonic lodge would need to be registered and declared at meetings. The Committee noted the guidance relating to registration and declaration of interests provided by the Monitoring Officer. The Committee has also been briefed as to the process for the registration of officers’ interests.
- (d) Review of standards documentation: The Committee has reviewed documentation related to the standards regime, for example:
- i. The Protocol re Unreasonably Persistent/Vexatious Complainants – the Committee took the opportunity to update the Protocol following Vesting Day on 1 April 2023. Consequential amendments to the standards complaints procedure were also agreed by the Committee.
 - ii. The Committee considered a Protocol re the relationship between code of conduct complaints and local authority grievance procedures.
- (e) Review of other related matters: The Committee has received briefing reports on matters such as the appointment of the additional Independent Persons for Standards and the broadcasting and recording of public committee meetings.
- (f) Dispensation requests: the Committee considered five dispensation requests from North Yorkshire Councillors, four of which were approved and one of which was refused.
- (g) Standards Bulletin: The Committee has issued three Standards Bulletins during the period covered by this Report, aimed at keeping Members and officers up to date regarding developments in the standards regime. Copies of the Bulletin are published on the website and have also been requested by, and circulated to, other authorities.
- (h) Complaints: The Committee receives a Complaints Update report at each scheduled ordinary meeting. Since Vesting Day on 1 April 2023, to 28 February 2024, the Council has received 147 complaints that Members may have breached the relevant authority’s code of conduct for Members:
- a) 24 of those complaints are complaints about Members of North Yorkshire Council. Of those 24 complaints:

- i. 5 are connected complaints against the same Councillor raised by connected complainants in relation to a particular parish council (also linked to the 10 such connected parish council complaints);
 - ii. 1 complaint is connected to 15 connected complaints against members of a particular town council.

- b) the other 123 complaints relate to complaints about members of parish and town councils in the North Yorkshire area. Of those 123 complaints:
 - i. 10 are connected complaints against parish councillors raised by connected complainants in relation to a particular parish council (also linked to the connected 5 NYC complaints mentioned above);
 - ii. 47 are connected complaints, brought by the same complainant, against members of a particular town council, in relation to connected issues. These 47 cases are linked to another 2 of the 123 parish/town council complaints;
 - iii) 15 are connected complaints against members of a particular town council (also linked to an NYC complaint mentioned above).

- c) 123 of the 147 cases have so far been assessed by the Monitoring Officer/Deputy Monitoring Officer in consultation with the Independent Person for Standards and of those 123 cases:
 - i. 100 cases did not merit any further action;
 - ii. 5 cases were recommended for informal resolution;
 - iii. 17 cases are to be investigated through a total of five Investigations:
 - ♦ One investigation covers related complaints made against 11 town councillors. Only one allegation within the complaints is to be investigated (no action on the other complaint allegations);
 - ♦ one investigation covers related complaints made against two parish councillors,
 - ♦ one investigation covers two related complaints about the same town councillor,
 - ♦ two investigations are in relation to complaints against a single councillor (one an NYC councillor and one a parish councillor)
 - iv. One case was closed as the subject Member was no longer a Councillor.

All the investigations are currently live.

- d) the remainder of the complaints are in preparatory stages or awaiting assessment by the Monitoring Officer/Deputy Monitoring Officer in consultation with the Independent Person for Standards.

- (i) Standards Committee Annual Report: the consideration of an Annual Report of the Committee for the municipal year commencing 1 April 2023 for presentation to full Council on 15 May 2024.

- (j) Elections: Regarding the Committee's responsibilities regarding elections functions:
 - i. The Committee delegated to the Electoral Registration Officer the power to appoint one Deputy Electoral Registration Officer per legacy district and to revoke or vary such appointments as necessary;

- ii. The Committee approved an interim Schedule of Election Fees for by-elections in May and June 2023 re employing staff to work at the scheduled by-elections and subsequently approved a final Schedule of Election Fees for Elections and By-elections in North Yorkshire. The Committee agreed that the fee Schedule be amended in line with amendments made to the national indicative fee schedule in future years;
 - iii. North Yorkshire Polling District and Polling Place Review – the Committee approved its final recommendations for polling districts and designated polling places.
- (k) Temporary appointments to Parish Councils: the Committee agreed to invoke the power to temporarily appoint a North Yorkshire Council division Member to sit on inquorate parish Councils on four occasions - Hellifield Parish Council, Aldbrough St John Parish Council, Irton Parish Council and Welburn Parish Council.
- (l) Community Governance Reviews: Regarding the Committee’s responsibilities regarding community governance reviews:
- i. The Committee approved a Protocol re Requests for Community Governance Reviews, covering the period up to the scheduled May 2027 elections, setting out how the Council will respond to such requests. The Committee also granted authority to the Assistant Chief Executive Legal and Democratic Services, in consultation with the Executive Member for Corporate Services, to determine if requests for Community Governance Reviews should be treated as urgent and brought forward to the Standards and Governance Committee to recommend approval of terms of reference to the Council;
 - ii. The Committee determined its final recommendations to full Council on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough;
 - iii. The Committee supported the request from Dishforth Parish Council for a Community Governance Review and determined its recommendations to Council.
- 4.2 The Committee will continue its work in the promotion of high ethical standards and governance and in the training of officers and Members at an appropriate stage.

5.0 RECOMMENDATION

- 5.1 That the Council receives and notes the Annual Report of the Standards and Governance Committee.

COUNCILLOR CLIVE PEARSON
Chair of NYC Standards and Governance Committee

Background Papers:
Minutes of and reports to the Standards and Governance Committee

29 February 2024