

## The Standards and Governance Committee

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- **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**

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## Introduction

This 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 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 or a person with whom the Member is living with as such

and the Member is aware of the interest.

**Members may request to have, for example, their home address treated as sensitive and not disclosed in the Register of Interests or in their contact details on the Council website, if they feel this is necessary for their personal safety.**

Please see the later section in the Bulletin on Sensitive Interests and contact the Monitoring Officer to discuss any concerns in this regard.

**Should Members have any immediate concerns around Member safety, please contact the Head of Democratic Services and Scrutiny to discuss.**

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:

- i. **exercising functions of a public nature**
- ii. **directed to charitable purposes or**
- iii. **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.

## **Social media and the Members' Code of Conduct**

Social media is an important means of communication and engagement, however the use of social media frequently features in many of the standards complaints received by the Monitoring Officer.

Aspects of the Members' Code of Conduct will apply to your online activity, as in other communications, if you are, or appear to be, acting in your capacity as a councillor, rather than a private individual. The same standards of conduct apply online as would be expected offline.

The key issue is whether you are acting in your official capacity as a councillor when using your social media platforms. Be clear as to the capacity in which you are posting, official or private.

Use of the title "Councillor" may give rise to an inference that you are acting in your official capacity, when the Code can be engaged.

If you publish information you can only access as a Member, you are likely to be viewed as acting in your official capacity.

"...These are ordinary descriptive English words. Their application is inevitably fact sensitive and so whether or not a person is so acting inevitably calls for informed judgment by reference to the facts of a given case. This also means that there is the potential for two decision makers, both taking the correct approach, to reach different decisions..."

You may wish to set up different social media accounts for your private life and councillor role to maintain professional boundaries.

You are personally responsible for the content you publish on social media, in the same way that you are responsible for letters or emails you send. It is less formal but is still a form of communication and posts can be capable of being misunderstood - the immediacy of social media can magnify this problem.

Being misunderstood is likely to lead to rapid and wide broadcasting (particularly with something perceived as being more controversial than was intended) almost instantly.

Be approachable, polite and respectful in your language and tone. Irony and sarcasm are very difficult to convey in writing and therefore should be avoided, as should profanity.

North Yorkshire Council has a Social Media Policy available on the Council's Intranet, which Members may find helpful.

Members should ensure that they are familiar with the provisions and that they do not put the Council's systems and information at risk, or be damaging to the reputation of the Council or the office of Member.

## LATEST NEWS

### Government consultation on strengthening the standards regime

The Government is currently consulting on proposed changes to the standards regime - [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#).

The Standards and Governance Committee has responded to the consultation and associated LGA questionnaire and copies of the Committee's responses, submitted via the relevant online platform, are available here - [Agenda for Standards and Governance Committee on Monday, 6 January 2025, 2.00 pm | North Yorkshire Council](#)

Members will be kept informed of developments.

### LGA – personal safety for councillors

The LGA has recently published a presentation on Personal safety for Councillors from its event on 9 October 2024 - [Personal safety for councillors, 9 October 2024 | Local Government Association](#) covering the principles of personal safety, use of mobiles and technology and personal safety tips, which Members may find informative.

### LGA – Debate not Hate: survey of councillors

The LGA has previously published its report "Debate Not Hate: Ending abuse in public life for councillors" outlining "how councils can better support councillors to prevent and handle abuse and includes principles for councils to consider, top tips and good practice case studies." - [Debate Not Hate: Ending abuse in public life for councillors | Local Government Association](#).

In October 2024, the LGA published the results of its survey in August 2024 regarding the extent to which councillors in England and

Wales had experienced abuse or intimidation, as part of the LGA Debate not Hate campaign - [Debate Not Hate: Survey of councillors, August 2024 | Local Government Association](#).

The survey received a 10% response rate (1734 councillors responded) and the key findings published are:

- **73%** of respondents reported experiencing abuse or intimidation in the past 12 months. This was lower than the 2023 survey but remains in line with the 2022 Councillors' Census.
- **49%** of respondents reported that abuse and intimidation had increased in the past 12 months.
- **57%** of respondents reported that their authority's arrangements for protecting councillors were very or fairly effective.
- **23%** of respondents had reported an incident of abuse or intimidation to the police.
- **22%** of respondents had experienced a threat of violence due to their role, whilst **10%** had experienced a threat of damage to their property, and **5%** had experienced actual damage to property.
- **19%** of respondents had experienced abuse or intimidation relating to a protected characteristic. Sex was the most commonly cited characteristic for which respondents had suffered abuse or intimidation.

### CSPL reflections on 30<sup>th</sup> anniversary

In October 2024, the Committee on Standards in Public Life (CSPL) published its reflections on the 30<sup>th</sup> anniversary of the Nolan Principles (general principles of conduct) and the formation of the CSPL. Its publications are published here:

[30th Anniversary of the Nolan Principles - GOV.UK](#)

[The Nolan Principles - keeping the public front of mind - GOV.UK](#)

and conclude that "*The Nolan Principles were developed in part to help steer those in public office in ways that would help re-cement trust in public life. They clearly have the potential to*

*do that, but only as part of a wider and continued drive to maintain high ethical standards in public life. Nolan's Principles have served us well for nearly thirty years in expressing the nature of the understanding between those in public office and the public. The challenge now is how to continue articulating their value and meaning for new generations in an increasingly complex world."*

## **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.

### **Context for complaints**

There are currently:

- 729 Individual Parishes
- 412 Parish and Town Councils, including Harrogate and Scarborough
- 160 Parish Meetings; and
- 90 NYC councillors.

In terms of the national context:

- NYC has the largest number of parish and town councils of any local authority in the country;
- The next nearest council has 327

- 51% have less than 30
- 97.5% of councils have less than 200
- There are only 6 councils with over 200 parish councils
- Only 2 councils have over 300 parish councils

### **Complaints received**

During the period 1 April 2023 to 31 March 2024, the Council received 174 complaints that members may have breached the relevant authority's code of conduct for Members. A full breakdown of the complaint statistics and complaint outcomes for this period is published on the Council's website - [Councillors' code of conduct | North Yorkshire Council](#)

During the period 1 April 2024 to 28 February 2025, a further 130 complaints have been received.

### **Assessments**

Of the 304 complaints received since Vesting Day which have so far been assessed by the Monitoring Officer/Deputy Monitoring Officer, in consultation with the Independent Person for Standards:

- a) 223 complaints did not merit referral for formal investigation;
- b) 6 complaints were recommended for informal resolution;
- c) 31 complaints were referred for investigation, through 9 investigations.

### **Determinations**

Since the last Standards Bulletin, the Standards and Governance Committee Hearings Panel has met on three occasions:

- 18 October 2024 – these connected cases concerned two councillors from different parish/town councils, when it was concluded that the subject Members had breached the relevant Code of Conduct and the following recommendations on sanctions were made to the respective parish/town councils:

- the subject Members apologise to the Complainant for the disrespectful language used;
- the subject Members undertake training;
- one of the councils reviews and updates its Code of Conduct.

The decision notice is published on the Council's website.

- 7 November 2024 – this complaint concerned a parish councillor. The Panel determined that there had been a breach of the relevant Code of Conduct and recommended to the parish council that it issue a private letter of censure to the subject Member and made some further recommendations to the parish council. The decision notice is published on the Council's website.
- 9 December 2024 - this complaint concerned a parish councillor. The Panel determined that there had been a breach of the relevant Code of Conduct and recommended to the parish council that the subject Member undertake inclusion and diversity training. The decision notice is published on the Council's website.

A detailed Complaints Update report is taken to each ordinary meeting of the Standards and Governance Committee, giving an update on complaints received and their progress. The Committee's agenda and papers are published here - [Browse meetings - Standards and Governance Committee | North Yorkshire Council](#)

The full statistics for the first municipal year 2023-2024 for NYC are now published on the website at: [Councillors' code of conduct | North Yorkshire Council](#)

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 council leader was found to have breached their authority's Code's provision relating to treating others with respect and was sanctioned to apologise to an officer. The councillor made a written apology and issued a press statement to say they had apologised, however the officer had not received it. The standards sub-committee concluded that the officer had not been offered an apology and the matter had been misrepresented in the press.
- A councillor was found guilty of persistently using a public communication network to cause annoyance, inconvenience and anxiety and of harassment without violence. He was sentenced to an 18 week jail sentence for the sustained "tirade of abuse" against senior officers. A restraining order was also imposed.

### 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