

North Yorkshire County Council

Standards Committee

Minutes of the remote meeting held on Thursday 4 March 2021 at 3.30pm.

Present:-

County Councillor Caroline Patmore (Chairman); County Councillors Andy Paraskos, Peter Sowray and Cliff Trotter, together with Louise Holroyd (Independent Person for Standards).

Apology for Absence:-

Apologies for absence was received from County Councillor Stuart Parsons and Hilary Gilbertson MBE (Independent Person for Standards).

Copies of all documents considered are in the Minute Book

62. Minutes

Resolved -

That the Minutes of the remote meeting held on 18 September 2020, having been printed and circulated, be taken as read, be confirmed by the Chairman as a correct record and signed at the next available opportunity.

63. Declarations of Interest

There were no declarations of interest from Members.

64. Public Questions or Statements

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

65. New voluntary Model Code of Conduct for Members

Considered-

The report of the Monitoring Officer presenting Members with the new voluntary model Code of Conduct for Members and requesting the Committee to determine whether the new model Code should be recommended for adoption by the Council or whether any amendments to the Council's current Code of Conduct for Members, in light of the new model, should be recommended to full Council for approval.

A copy of the new voluntary Code was provided at Appendix 1 together with Council's current Code of Conduct for Members at Appendix 2 to enable comparison.

Members discussed the new model Code of Conduct in comparison to the County Council's existing Code, to determine what changes, if any should be made, to encompass the new model Code. The following issues were highlighted:-

Joint Statement and Introduction

This was much longer and descriptive than the County Council's existing statement.

Members considered that the current statement was adequate and reflected the requirements of the County Council, but acknowledged that it would be beneficial for this to match the statements of other Authorities. It was noted that there was no compulsion to adopt the new Code in its entirety, therefore, other Authorities could still differ.

It was considered appropriate to retain the current wording within the Code.

Definitions

Members did not consider it necessary to add further definitions.

General Principles of Councillor Conduct

Members did not consider it necessary to add anything further.

Application of the Code

The Monitoring Officer noted that the new Code provided more clarity in respect of when a Councillor was acting in their official capacity and when they were considered to be acting privately in a non-official capacity.

A Member asked whether it was an appropriate time to be reviewing the Code of Conduct given that a Local Government Review was underway and the Constitution of the Council could be altered as a result. In response it was emphasised that the review against the new Code was timely with this having recently been published and the LGR would not be implemented until 2023 at the earliest, therefore, it was important to have an appropriate Code of Conduct in place in the interim.

General conduct provisions

The provisions as outlined in the new Code are replicated in the existing Code, but there is some different wording and emphasis. There was also additional guidance on each of the provisions within the new Code.

A discussion took place regarding the use of "not treating people with disrespect" as stated within the existing Code, as opposed to "treating people with respect" as stated in the new Code. Members noted that the "not treating people with disrespect" terminology had been previously agreed as the appropriate wording by this Committee. The Monitoring Officer noted that the wording referred to Councillors being treated with respect, and that it would not appear balanced to require respect without that being provided back. Members acknowledged the position indicated.

It was suggested, therefore, that the terminology in the existing Code should be changed to reflect the new Code in terms of "treating with respect".

In relation to bullying, harassment and discrimination it was noted that the new Code added guidance as to how these issues should be considered, and Members were asked whether the guidance should be added to the existing Code.

Members agreed that the guidance included in the new Code should be added to the existing Code.

Impartiality of officers of the council Confidentiality and access to information

Members considered that these issues were adequately covered in the existing Code.

Disrepute

Members considered it appropriate to add in the guidance on disrepute included in the new model Code as alterations were to be made to the existing Code.

Use of position Use of local authority resources and facilities

Members considered that both of these issues were adequately covered in the existing Code.

Complying with the Code of Conduct

The new Code requires Standards training to be mandatory. There was also a requirement to comply with Standards Investigations and accept sanctions imposed within the new Code that was not outlined in the existing Code.

Members considered that mandatory training and compliance with investigations and sanctions should be included in the Code as suggested.

Gifts and hospitality

Members noted that the current Code did not contain as much detail on gifts and hospitality as the new Code and suggested that it was appropriate to provide the additional details contained in the new Code.

The financial threshold in the new Code was set at £50, which was considered to be excessive by Members. It was noted that, currently, there was no minimum amount identified in the NYCC Code, for the receipt of gifts and hospitality. Members, whilst agreeing that a declaration should be made in terms of the receipt of gifts and hospitality, agreed that a minimum amount of what could be received should be set at £25. It was emphasised that no gifts or hospitality should be accepted from anyone who had an application of any type with the Council, but particularly where this was of a significant nature, ie above £25, and it was considered that any such approach should automatically be referred to the Monitoring Officer. As this obligation was not included in the existing Code Members suggested that it should be.

The seven principles of public life

These were already incorporated into the NYCC Code.

Interests Regime

The current NYCC Code requires statutory interests to be registered, however, the new Code included a number of additional issues for registration as declarable interests. Members discussed the inclusion of additional issues as disclosable interests and considered some to be unnecessary, although greater transparency was acknowledged as a factor for their inclusion. It was noted that a number of the issues would be covered under bias or predetermination in relation to declaring these interests, when a specific matter was being considered, rather than these being registered. Concern was expressed that extending the declarable interests could become a complex, overly bureaucratic matter, therefore the Monitoring Officer

suggested a number of issues such as bodies Members were appointed to or took part in as part of a charitable organisation, unless there was some management role, should not be included. A definitive list would be drawn up in respect of this. Members agreed with this suggestion.

Declaration of Interests

It was noted that the new Code returned to the system of declaring personal interests that allowed participation in the meeting while retaining the declaration of prejudicial, pecuniary interests, which should be declared and participation would only be allowed should a dispensation have been granted by the Standards Committee.

Members agreed that it was important that interests were declared at Meetings, particularly in respect of prejudicial, pecuniary interests, to provide an understanding of why a Member would not be participating in the meeting.

It was noted that the new Code made provision for a Member who declared a prejudicial, pecuniary interest to make a statement to the meeting, as a member of the public would be allowed to, before leaving the room. This provision was currently included in the NYCC Code. Members suggested that this provision should be included, however it was stated that precise wording as to how this could be undertaken would need to be formulated and details of when this would take place would need to be included within the Code.

In terms of extending the reasons for declarable interests, it was noted that should this endanger the quorum for a meeting to take place Members could apply for a dispensation from the Standards Committee to ensure a decision could still be made.

Within the new Code was a requirement for Members to declare, only speak as a Member of the public and leave the meeting if the issue being considered involved a member of their family or a close associate. In the discussion of this issue, while feeling it should be included within the NYCC Code, concern was expressed as to the definition of family member and close associate, and what could result from a person being involved in an issue without the knowledge of the Councillor, and that being identified subsequently. The Monitoring Officer stated that he would look to provide guidance as to how a close associate or relative was defined, should Members wish this to be included in a revised Code.

The Committee on Standards in Public Life included 15 Best Practice Recommendations in their report on Local Government Ethical Standards. Members suggested that these should be adopted and adhered to.

Resolved –

- (i) That a further report on the Code of Conduct, taking account of the issues raised, and suggested amendments to the existing Code, be submitted to a subsequent meeting of the Standards Committee, allowing a complete recommendation to be submitted to a meeting of the Full Council for approval and adoption;
- (ii) That arrangements be made for an additional meeting of the Standards Committee to be held to consider the report outlined above prior to the next meeting of the Committee scheduled for September 2021.

66. 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:-

- New Model Code of Conduct for Members
- Committee on Standards in Public Life Reviews
- CSPL – follow up to Best Practice recommendations
- Misconduct in Public Office.
- CSPL review of intimidation in Public Life

The Monitoring Officer noted that the next stage of the review, taking account of new concerns, would now be implemented, ensuring that those in public life were appropriately held to account and good governance was prevalent.

Resolved -

That the contents of the report be noted.

67. Complaints Update

Considered -

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

There had been no new complaints received since the last Complaints Update report to the Committee. Complaint NYCC/SC/77 had been referred for investigation.

The Monitoring Officer noted that the number of complaints against Members' use of Social Media continued to rise and suggested that further training on this matter would be appropriate. Members agreed and suggested that this issue should also be included in the induction training for new Members.

Resolved -

That the current position, regarding complaints received, be noted and appropriate action be taken in respect of Members' training on the use of Social Media.

68. Members' Attendance at Committees

Considered -

The report of the Assistant Chief Executive (Legal and Democratic Services) outlining the record of attendance of Members of the County Council at meetings of the County Council and its Committees for the period 1 April 2019 until 31 March 2020 and 1 April 2020 to date.

Previously, the Committee had received information as to the attendance of County Councillors at meetings of the County Council and its Committees and it was agreed that this practice should continue.

In the past the Committee has subsequently forwarded this information to the Leaders of each political group represented on the County Council.

It was noted that, initially at the time of the first lockdown due to the pandemic, a number of meetings had been cancelled, but, subsequently, these had been reinstated utilising virtual platforms. It was emphasised that all Members had a requirement to attend at least one meeting in a six month period, and action would be taken against a Member who failed to do that. The Monitoring Officer also wrote to Members for an explanation when their attendance fell below 50%.

It was noted that following the publication of these attendance figures Members often came forward to clarify the figures shown, therefore the details would be subject to clarification before they were circulated to Group Leaders.

Resolved –

- (i) that the report be noted;
- (ii) that subject to clarification of the published figures, copies of the statistics be circulated to the Leaders of the Political Groups of the County Council

69. 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.

No amendments were suggested by Members.

Resolved -

That the Bulletin be approved for circulation.

The meeting concluded at 17.30 pm.

SML