

# North Yorkshire County Council

## Report to the Chief Executive Officer

October 2021

### Decision matters arising from the informal meeting of Standards Committee Members on 17 September 2021

#### Report of the Assistant Chief Executive (Legal and Democratic Services)

#### **1.0**      Purpose of report

- 1.1      To seek approval from the Chief Executive Officer, under his delegated emergency decision-making powers, to decision matters arising out of the informal meeting of the Standards Committee Members and Independent Person for Standards on 17 September 2021.

#### **2.0**      Background

- 2.1      Under his delegated decision-making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee.
- 2.2      Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations"), which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, as informal meetings of the committee Members, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision-making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members and all relevant information. This approach is being kept under review and will be reviewed again by full Council at its November 2021 meeting.
- 2.3      Members of the Standards Committee met informally, remotely, on 17 September 2021. One of the Independent Persons for Standards was also in virtual attendance. The agenda and report pack is attached at **Appendix 1** for ease of reference and is also published online:

[Agenda for Standards Committee on Friday, 17th September, 2021, 10.00 am | North Yorkshire County Council](#)

Several of the items considered require a formal decision and the Chief Executive Officer is therefore requested to consider the items below under his emergency delegated powers. The different agenda items requiring decisions are the subject of separate sections in the report below.

2.4 The views of the Standards Committee Members and Independent Person as expressed at the informal meeting on 17 September 2021 are set out in the draft minutes of the informal meeting attached at **Appendix 2**.

### **3.0 Minutes of the Standards Committee meeting held on 4 March 2021**

3.1 Standards Committee Members had no comments on the draft minutes of the formal Standards Committee meeting held on 4 March 2021. **It is therefore recommended to the Chief Executive Officer** that, having considered the draft Minutes of the meeting of Standards Committee held on 4 March 2021 (set out in **Appendix 1**), which had been printed and circulated, and all relevant information, he agree that the Minutes be signed as a correct record.

### **4.0 Proposed amendments to Council's Members' Code of Conduct in light of new voluntary model Code**

4.1 The informal meeting on 17 September 2021 carefully considered the proposed amendments to the Council's Members' Code of Conduct in light of the new voluntary model Code, and made various suggestions for further amendment, as set out in the draft minutes of the informal meeting. Standards Committee Members also felt that in terms of how to best disseminate information from the LGA Guidance on the Model Code, this would best be done by creating a specific Council guidance note if the proposed changes to the Council's Code were ultimately approved.

4.2 Since the informal meeting on 17 September, further proposed revisions have been suggested to the Council's Code, as set out in **Appendix 3**, to take into account the views expressed at the informal meeting.

4.3 In order to ensure consistency with developments in the national standards regime, **it is therefore recommended to the Chief Executive Officer** that, having considered the report to the informal meeting of Standards Committee Members held on 17 September 2021; the views of the Committee Members and Independent Person for Standards expressed at that informal meeting; and the revised proposed amendments to the Members' Code of Conduct at **Appendix 3** to this report taking into account those views, the Chief Executive Officer agrees that:

- a) the proposed amendments to the Council's current Members' Code of Conduct as set out in **Appendix 3** to this report be recommended to full Council for approval;
- b) it be recommended to full Council that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code of Conduct for Members; and
- c) tailored guidance, specific to the Council's Members' Code of Conduct, be circulated to Members if the proposed amendments to the Code are ultimately approved by full Council.

### **5.0 Annual Report of Standards Committee**

5.1 No amendments were suggested to the Annual Report of the Standards Committee (set out in **Appendix 1**) at the informal meeting of Standards Committee Members on 17 September 2021.

5.2 **It is recommended to the Chief Executive Officer** that, having considered the report to the informal meeting of Standards Committee Members held on 17 September 2021, and the views of the Committee Members and the Independent Person for Standards as expressed at that informal meeting, the Chief Executive Officer agrees that the Annual Report of the Standards Committee for 2020/2021 (as set out in **Appendix 1**) be approved for presentation to a future meeting of the Authority, as an accurate record of the Committee's work over the relevant period.

## **6.0 Standards Bulletin**

6.1 At the informal meeting of Standards Committee Members held on 17 September 2021, Members requested that the Standards Bulletin be updated following the meeting to take into account the views expressed at the meeting, particularly in relation to the further proposed amendments to the Members' Code of Conduct. A revised version of the Standards Bulletin is attached at **Appendix 4** to this report.

6.2 **It is recommended to the Chief Executive Officer** that, having considered the report to the informal meeting of Standards Committee Members held on 17 September 2021, the views of the Committee Members and Independent Person for Standards expressed at that informal meeting, and the revised Standards Bulletin attached at **Appendix 4** taking into account those views, the Chief Executive Officer agrees that the Standards Bulletin be approved for circulation. This will keep Members and Officers informed of key developments in the standards regime and help to maintain the Council's statutory duty to promote and maintain high standards of conduct.

## **7.0 Consultation**

7.1 As the Council's Members' Code of Conduct forms part of the Constitution, the proposed amendments to the Code in light of the new voluntary model Code will go forward to be considered by the Members Working Group on the Constitution on 25 November 2021, the Executive on 25 January 2022, and full Council for approval on 16 February 2022.

## **8.0 Financial Implications**

8.1 There are no significant financial implications.

## **9.0 Legal Implications**

9.1 The legal implications are set out in the body of this report and the appendices.

## **10.0 Equalities Implications**

10.1 There are no specific equality implications.

## **11.0 Climate Change Implications**

11.1 There are no significant climate change implications arising from this report.

## **12.0 Recommendations**

12.1 That the Chief Executive Officer:

- a) agrees that the draft Minutes of the meeting of the Standards Committee held on 4 March 2021 (as set out in **Appendix 1**), be signed as a correct record;
- b) agrees to recommend the proposed amendments to the Council's current Members' Code of Conduct as set out in **Appendix 3** to this report to full Council for approval;
- c) agrees that it be recommended to full Council that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code of Conduct for Members;
- d) agrees that tailored guidance, specific to the Council's Members' Code of Conduct, be circulated to Members if the proposed amendments to the Code are ultimately approved by full Council;
- e) approves the Annual Report of the Standards Committee for 2020/2021 (as set out in **Appendix 1**) for presentation to a future meeting of the Authority; and
- f) approves the Standards Bulletin attached at **Appendix 4** to this report for circulation.

BARRY KHAN

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

County Hall  
NORTHALLERTON

22 October 2021

Background Documents:

- The Council's Constitution
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020



## Agenda

**Meeting Standards Committee**

**Venue: Remote Meeting via Microsoft Teams**

**Date: Friday, 17 September 2021**

**Time: 10.00 am**

**County Councillors: Caroline Patmore (Chair), Andy Paraskos, Stuart Parsons, Peter Sowray OBE and Cliff Trotter.**

**Independent Persons for Standards: Hilary Gilbertson MBE (Independent Member) and Louise Holroyd (Independent Member).**

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach was reviewed by full Council at its July meeting and will be subject to a further review at the County Council Meeting in November.

The meeting will be available to view once the meeting commences, via the following link – [www.northyorks.gov.uk/livemeetings](http://www.northyorks.gov.uk/livemeetings)

Recordings of previous live broadcast meetings are also available there.

### Business

1. **Welcome, introductions and apologies**
2. **Minutes of the Committee Meeting held on 4th March 2021** (Pages 3 - 8)
3. **Declarations of Interest**

#### **4. Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to Steve Loach of Democratic Services (contact details at the foot of page 1 of the Agenda sheet) by midday on Tuesday 14th September 2021. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

- 5. Proposed amendments to Council's Members' Code of Conduct in light of new voluntary Model Code - Report of the Monitoring Officer** (Pages 9 - 60)
- 6. Local Ethical Framework Developments - Report of the Monitoring Officer** (Pages 61 - 64)
- 7. Annual Report of Standards Committee - Report of the Monitoring Officer** (Pages 65 - 70)
- 8. Complaints Update - Report of the Monitoring Officer** (Pages 71 - 72)
- 9. Standards Bulletin - Report of the Monitoring Officer** (Pages 73 - 82)
- 10. Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency**

Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)  
County Hall  
Northallerton

9<sup>th</sup> September 2021

For all enquiries relating to this agenda or to register to speak at the meeting, please contact Stephen Loach, Democratic Services Officer on Tel: 01609 532216 or by e-mail at: [stephen.loach@northyorks.gov.uk](mailto:stephen.loach@northyorks.gov.uk)

## 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).

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**Copies of all documents considered are in the Minute Book**

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**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

## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

17 September 2021

#### **Proposed amendments to Council's Members' Code of Conduct in light of new voluntary Model Code**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To present to Members for their consideration, proposed amendments to the Council's Members' Code of Conduct in light of the new voluntary model Code of Conduct for Members and, subject to any comments they may have, to request the Committee to determine whether the proposed amendments to the Code should be recommended to full Council for approval.
- 1.2 To inform Members about the publication of supporting Guidance in relation to the Model Code of Conduct for Members and to seek Members' views as to how best use may be made of the Guidance.

#### **2.0 BACKGROUND**

- 2.1 At the Committee's last meeting, it considered the Local Government Association (LGA) new, voluntary model Code of Conduct for Members and determined that certain draft amendments to the Council's Code should be brought back to the Committee for its consideration.
- 2.2 The model Code is published on the LGA website at <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0> and appears to have been revised in May 2021, following the Committee's last meeting. The latest Model Code is attached at **Appendix 1** to this report for ease of reference.
- 2.3 A copy of the Council's current Code of Conduct for Members is attached at **Appendix 2** to this report for ease of comparison purposes.
- 2.4 The new model Code is voluntary and local authorities are able to adopt the model in its entirety or not at all, or adapt it to suit their local circumstances so there is plenty of scope for the Standards Committee to make the recommendations it deems appropriate to full Council.
- 2.5 The LGA has published the new model Code in advance of a response from the Government regarding the recommendations made by the Committee on Standards in Public Life (CSPL) in their report on Local Government Ethical Standards. Should any of the recommendations be implemented this may necessitate a change to the Model Code in the future. The LGA has stated it will review the Model Code on an annual basis.
- 2.6 Since the Committee's last meeting, the LGA has published Guidance in support of the Model Code. This is discussed later in the report.

### **3.0 DRAFT AMENDMENTS TO COUNCIL'S CODE OF CONDUCT FOR MEMBERS**

3.1 Proposed amendments to the Council's Code of Conduct for Members have been drafted, in line with Members' comments at the Committee's last meeting, by way of tracked changes on the current Code for ease of reference. A copy of all the proposed amendments and a commentary on them are attached at **Appendix 3** for Members' consideration.

3.2 These changes relate to matters such as:

- including in the Council's Code, relevant guidance extracts from the model code, to aid understanding of the Code's requirements;
- including in the Council's Code, further general conduct obligations eg complying with the Council's standards regime, and refraining from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members, in order to comply with the model Code and the Committee on Standards in Public Life's Report on Local Government Ethical Standards Best Practice Recommendation 2;
- expanding, clarifying and including a £25 threshold in relation to the gifts and hospitality provisions;
- the expansion of the registration and declaration of interests regime, including:
  - the inclusion of a specific requirement for a Member with a Disclosable Pecuniary Interest (DPI) to declare the existence and nature of the interest before leaving the meeting;
  - the inclusion of a specific requirement (to reflect current practice) for a Member with a DPI to leave the meeting room after declaring the interest (subject to the dispensation provisions);
  - the expansion of the range of interests other than DPIs ("Other Registrable Interests") (ORIs) required to be registered to cover not only membership of trade unions and professional associations but also:
    1. Unpaid directorships;
    2. Any body of which the Member is a member or is in a position of general control or management and to which they are nominated or appointed by the 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 the Member is a member and in a position of general control or management

- making specific provision for the declaration of those Other Registrable Interests in matters considered at meetings and participation in relation to them, ie:
  - where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of the Other Registrable Interests, the Member must disclose the interest to the meeting, may speak on the matter if the public can, but otherwise must not take part in any discussion or vote and must leave the room (subject to the provisions on sensitive interests);
- making specific provision for the declaration of other Non-Registrable Interests (NRIs) (ie those other than DPIs and ORIs) in matters considered at meetings and participation in relation to them, ie:
  - where a matter arises at a meeting which **directly relates** 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), the Member must disclose the interest to the meeting, may speak on the matter if the public can, otherwise they must not take part in any discussion or vote on the matter and must not remain in the room;
  - where a matter arises at a meeting which **affects** 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), the Member must disclose the interest to the meeting BUT may be able to remain in the meeting after considering the prejudicial interest test:
    - ❖ where the matter affects the financial interest or wellbeing:
      - to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision 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 may speak on the matter if the public can, but must not take part in any discussion or vote on the matter and must not remain in the room;
    - ❖ where the matter does not so affect the financial interest or wellbeing, then the Member may speak and vote on the matter in the usual way.
- making similar provision for Other Registrable and Non-Registrable Interests, as for DPIs, in matters considered by a single member;

3.3 The opportunity has also been taken to make some more minor suggested amendments by way of update and clarification to the Code.

- 3.4 It should be noted that by making the new model Code voluntary, it is unlikely to achieve its aim of standardisation across all authorities for dual hatted Members, as authorities will not necessarily be minded to take the same approach for their respective Codes of Conduct. The Monitoring Officer is making enquiries of neighbouring authorities as to the approach they are taking to the new model Code and Members will be kept updated.

#### **4.0 LGA GUIDANCE ON MODEL CODE OF CONDUCT FOR MEMBERS**

- 4.1 On 8 July 2021 the LGA published, online, supporting Guidance on the new model Code of Conduct for Members, which was circulated to members of the Standards Committee and the Independent Persons for Standards. The Guidance can be accessed online here:

[Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

- 4.2 Members will see that the LGA Guidance on the Model Code is a lengthy and detailed online document containing further explanation of the model code and case examples and direct links to other guidance documents. It does contain guidance on interests to be registered and declared, 'relatives and close associates', 'directly relates' and 'affects' which the Committee noted was lacking in the model code. It is not recommended that any further guidance extracts are included in the Council's Code itself to avoid making the Code any longer (it is already almost 20 pages long) and to avoid blurring Code obligations and guidance/explanation points.
- 4.3 Should Members be minded to recommend the proposed amendments to the Code to full Council, Members are requested to consider how relevant information from the Guidance should be disseminated to Members, particularly given that not all the Guidance will be relevant to the Council's Code as amended, as not all parts of the model code are being recommended for inclusion in the Council's Code or are being tailored to fit the Council's requirements; for example:

- the model Code seeks to extend the scope of the Code to cover actions of Members when they misuse their position as a councillor and when their actions would give the impression to a reasonable member of the public, with knowledge of all the facts, that they are acting as a councillor. The Localism Act 2011, under which the ethical framework (including the code of conduct) is established only applies to Members when they are acting in their official capacity of a Member or voting co-opted Member. It does not cover 'giving the impression' that they are so acting and there has been no change, yet, to the relevant legislation to make this permissible; therefore at the Committee's last meeting Members agreed that the current Code should not be amended in this regard and therefore this section of the LGA Guidance will not be relevant to the Council Code as amended;
- a £25 threshold for the registration of gifts and hospitality is being proposed, not £50 as stated in the model code;

The options for disseminating relevant information from the Guidance to Members appear to be:

- a) send the hyperlink to the LGA Guidance to all Members with a strong caveat that not all parts are relevant to, or nuanced exactly in relation to the Council's Code; or



- b) create a Council guidance note based on the LGA Guidance but only containing extracts which are relevant and tailored to the Council's Code.

4.4 Members may feel that option (a) would present a burden on Members, having to unpick what is relevant and what is not from a lengthy and detailed online publication. Members may feel that option (b) is a better course of action once the actual changes to the Council's Code have been determined.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 There are no significant financial implications arising from this report.

## **6.0 LEGAL IMPLICATIONS**

6.1 The legal implications are set out in the body of this report.

## **7.0 ENVIRONMENTAL IMPLICATIONS**

7.1 There are no significant environmental implications arising from this report

## **8.0 CONCLUSION**

8.1 Subject to any comments Members may have, the Committee is requested to consider the proposed amendments to the Council's current Code of Conduct for Members to determine whether it wishes to recommend them to full Council for adoption and to further consider how any relevant guidance extracts from the LGA Guidance on the Model Code might be best disseminated to all Members.

8.2 Should Members be minded to recommend the proposed amendments to full Council, the changes to the interests regime will necessitate consequential changes to the registration of interests form proforma and changes to the Code will require consequential amendments to the Constitution. It is therefore recommended that the Committee recommends to full Council that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code.

## **9.0 RECOMMENDATIONS**

9.1 That, subject to any comments Members may have, the Committee:

- a) recommends the proposed amendments to the Council's current Members' Code of Conduct to full Council for approval;
- b) recommends to full Council that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code; and
- c) determines how best to disseminate relevant information from the LGA Guidance on the Model Code to Members.

BARRY KHAN

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

Background Papers: None

County Hall  
NORTHALLERTON

8 September 2021



## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

### **As a councillor:**

#### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a councillor:**

#### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a councillor:**

#### **7.1 I do not misuse council resources.**

#### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport



- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

### **As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) 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
- c) 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)

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



## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

## **CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL**

This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of North Yorkshire County Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the County Council and references in this Code should be construed accordingly.

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member (“Members”).

The Code has been adopted by the County Council and also requires compliance with the general principles of public life set out at the end of the document. The Council has established a Standards Committee, consisting of members of the Council, to deal with any allegations of breaches of the Code.

1. You must not treat others with disrespect.
2. You must not do anything which may cause the County Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
  - You have the permission of a person authorised to give it; or
  - You are required by law to disclose the information; or
  - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.

6. You must not prevent another person gaining access to information which that person is entitled to by law.

7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Member into disrepute.
8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.
10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Member. If you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
11. You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.
12. You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.
13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have. This includes complying with any procedure rule adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

## **INTERESTS**

### ***Disclosable Pecuniary Interests***

14. (1) A pecuniary interest is a "disclosable pecuniary interest" in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:
  - (a) it is your interest; or
  - (b) it is an interest of:
    - (i) your spouse or civil partner;

- (ii) a person with whom you are living as husband and wife; or
- (iii) a person with whom you are living as if you are civil partners;

and you are aware that that other person has the interest.

***Disclosure of pecuniary interests on taking office***

15. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

***Pecuniary interests in matters considered at meetings***

16. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Council or Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the Council or Executive;
  - (b) have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
  - (c) are aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the Council's Register, you must disclose the interest to the meeting, but this is subject to this Code's provisions on sensitive interests.

- (3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not:
  - (a) participate, or participate further, in any discussion of the matter at the meeting; or
  - (b) participate in any vote, or further vote, taken on the matter at the meeting;

but this is subject to this Code's provisions on dispensations.

***Pecuniary interests in matters considered by a single member***

- (5) Sub-paragraphs (6) and (7) apply if:
  - (a) a function of a relevant authority may be discharged by a member of the authority acting alone;
  - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
  - (c) the member is aware that the condition in paragraph (b) is met.
- (6) If the interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.
- (7) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- (8) Where you give a notification for the purposes of sub-paragraph (3) or (6), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (9) The Council's Constitution provides for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.
- (10) An interest is "subject to a pending notification" if:

- (a) the interest has been notified to the Monitoring Officer, but
- (b) has not been entered in the Register in consequence of that notification.

### **Other Interests**

- 16A. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. This relates only to your *own* interests.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Council's register when the notification is given.
  - (3) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.
  - (4) 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 (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

### ***Sensitive interests***

- 17.(1) Sub-paragraphs (2) and (3) apply where:
- (a) you have an interest (whether or not a disclosable pecuniary interest); and
  - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the

details of which are withheld under section 32(2) of the Localism Act 2011).

- (3) If paragraph 16(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

### **DISPENSATIONS FROM NON-PARTICIPATION**

18. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from either or both of the restrictions in paragraph 16(4) in cases described in the dispensation.
- (2) Paragraph 16(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

### **OFFENCES**

19. (1) You commit a criminal offence if, without reasonable excuse, you:-
    - (a) fail to comply with an obligation imposed on you by paragraph 15(1) or 16(2), (3) or (6);
    - (b) participate in any discussion or vote in contravention of paragraph 16(4); or
    - (c) take any steps in contravention of paragraph 16(7).
  - (2) You commit an offence if under paragraph 15(1) or 16(2), (3) or (6) you provide information that is false or misleading and you:
    - (a) know that the information is false or misleading; or
    - (b) are reckless as to whether the information is true and not misleading.
  - (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
20. **If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**



**DISCLOSABLE PECUNIARY INTERESTS**

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

## SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of

the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For these purposes:-

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (corresponding provision in this Code is paragraph 14(1)(b)), namely:

- M’s spouse or civil partner;
- a person with whom M is living as husband and wife; or
- a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS**

The interests other than pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

**1. Membership of Trade Unions/Professional Associations**

In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association.

## GENERAL PRINCIPLES OF PUBLIC LIFE

<b>Principle</b>	<b>Revised description</b>
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.

*Leadership*

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL

This Code sets out the standards of behaviour required of you whenever you are acting in your official capacity as a Councillor of North Yorkshire County Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the County Council when acting in their official capacity and references in this Code should be construed accordingly.

**Commented [MB1]:** To make it absolutely clear that the Code only applies to Members when they are acting in their official capacity as a county councillor.

**Commented [MB2]:** To make it absolutely clear that the Code only applies to voting-co-opted members when they are acting in their official capacity as such.

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member ("Members").

The Code has been adopted by the County Council and also requires compliance with the General Principles of Public Life set out at the end of the document. The Council has established a Standards Committee, consisting of members of the Council, assisted by two Independent Persons for Standards, to deal with any allegations of breaches of the Code oversee the Council's ethical framework.

**Commented [MB3]:** Making them a defined term to reflect the status of the General Principles.

**Commented [MB4]:** To highlight the role of the Independent Persons for Standards.

**Commented [MB5]:** I've amended the wording as complaints are rarely determined by the full Standards Committee.

*Notes in italics in this Code are guidance extracts from the national voluntary model code of conduct for Members, to aid understanding of the Code's requirements.*

**Commented [MB6]:** At the Committee's last meeting, Members wished to include the relevant guidance points contained with the model code.

### GENERAL CONDUCT OBLIGATIONS

1. You must ~~not~~ treat others with disrespect.

**Commented [MB7]:** To separate the conduct obligations from the introductory section above.

**Commented [MB8]:** The general conduct obligations have been emboldened to make the requirements stand out from the guidance extracts.

*Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.*

*In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.*

*In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.*

2. You must not unlawfully discriminate against any person or do anything which may cause the County Council to breach any equality enactment.

OFFICIAL - SENSITIVE

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. You must not bully, ~~or intimidate~~ or harass any person, or attempt to ~~bully or intimidate them~~ do so.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**Commented [MB9]:** To add in the guidance from the model Code for consistency with the other general conduct obligations.

5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:

- You have the permission of a person authorised to give it; or
- You are required by law to disclose the information; or
- You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
- The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

OFFICIAL - SENSITIVE



Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

6. You must not prevent another person gaining access to information which that person is entitled to by law.

7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Member into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.

10. You must give careful consideration to gifts or hospitality offered to you:

a) You must not accept any gift or hospitality (of any value) which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Member, or which could give rise, or give the appearance of giving

**Commented [MB10]:** To add in the guidance from the model Code for consistency with the other general conduct obligations. This guidance extract also covers paragraph 6 of the Council's Code below.

**Commented [MB11]:** To add in the guidance from the model Code for consistency with the other general conduct obligations.

**Commented [MB12]:** To add in the guidance from the model Code for consistency with the other general conduct obligations.

**Commented [MB13]:** This is not specified in the model code so there is no guidance extract from the model code.

**Commented [MB14]:** That must be right? If it creates the wrong perception, then irrespective of the value it should be declined?

rise, to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, for example from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage. Where such a person does make a significant offer (estimated value of more than £25) of gifts and/or hospitality to you, you should inform the Monitoring Officer.

**Commented [MB15]:** I've suggested also adding 'appearance of' – not in model code.

**Commented [MB16]:** Amended to 'your' – model code says 'my'.

**Commented [MB17]:** Added 'for example' so as not to limit the application of the paragraph.

**Commented [MB18]:** Changed to 'Council' – says 'local authority' in model code.

**a)b) If you do accept any gift or hospitality of estimated value £25 or more which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality you decline, to the Monitoring Officer within 28 days of its offer/receipt.**

**Commented [MB19]:** Included this requirement to inform the Monitoring Officer of all significant offers (so he can monitor offers made), as per Members' comments at the last Committee meeting.

**Commented [MB20]:** £25 was the threshold agreed by the Committee at its last meeting (not the £50 stated in the model code).

**Commented [MB21]:** Suggesting we add in this timescale for completeness and clarification.

*In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.*

**Commented [MB22]:** To add in the guidance from the model Code for consistency with the other general conduct obligations.

**4.11. You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.**

*You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:*

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

*These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.*

**Commented [MB23]:** To add in the guidance from the model code for consistency with the other general conduct obligations.

**4.12. You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions,**

OFFICIAL - SENSITIVE

in accordance with any requirements imposed by statute or the Council.

**Commented [MB24]:** No guidance extract contained in model code.

13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have. ~~This includes complying with any procedure rule adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.~~

**Commented [MB25]:** Deleted as the requirement to leave the room for a DPI is now proposed to be specifically stated in the Code itself in paragraph 17(4)(c). In addition, the requirement to leave the room is also contained in the Constitution.

14. You must, **as far as you are able**, comply with the Council's standards regime relating to the Code of Conduct, including but not limited to:

**Commented [MB26]:** Do we want such a caveat? There isn't one in the model Code but it seems fair. What if the Member is ill?

a) attending standards training provided/arranged by the Council;

b) co-operating with any standards **assessment, investigation and/or determination;**

**Commented [MB27]:** I suggest also including 'assessment' to ensure all stages of complaint handling are covered ('assessment' is not referenced specifically in the model code).

c) not intimidating or attempting to intimidate any person **who is likely to be a party in, witness in or involved with the administration of any standards complaint, assessment, investigation or determination;**

**Commented [MB28]:** Words highlighted suggested for completeness (not referenced specifically in model code).

d) refraining from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members.

**Commented [MB29]:** (d) is not in the model code but "prohibiting trivial or malicious allegations by councillors" is included in the CSPL Report on Local Government Ethical Standards Best Practice Recommendation 2. At the Committee's last meeting, Members agreed that the authority should seek to comply with all the Best Practice Recommendations. I have suggested extending the wording further to cover similar such motivated complaints to be consistent with the wording in the Council's Jurisdiction and Assessment Criteria.

*It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.*

**Commented [MB30]:** To add in the guidance from the model code for consistency with the other general conduct obligations.

## INTERESTS

### Disclosable Pecuniary Interests (DPI)

**Commented [MB31]:** To reflect terminology used in the model code.

42:15.(1) A pecuniary interest is a "disclosable pecuniary interest" (DPI) in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:

- (a) it is your interest; or
- (b) it is an interest of:
  - (i) your spouse or civil partner;
  - (ii) a person with whom you are living as husband and wife; or

OFFICIAL - SENSITIVE

- (iii) a person with whom you are living as if you are civil partners;

and you are aware that that other person has the interest.

#### ***Disclosure of pecuniary interests on taking office***

- ~~43.16.~~ (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) ~~Where~~ Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph ~~4725~~ (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

#### ***Pecuniary interests in matters considered at meetings***

176. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Council or Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the Council or Executive;
  - (b) have a disclosable pecuniary interest ~~in~~ **directly relating to** any matter to be considered, or being considered, at the meeting; and
  - (c) are aware that the condition in paragraph (b) is met.
- (2) ~~If the interest is not entered in the Council's Register, you~~ **you** must disclose the **existence and nature of the** interest to the meeting, but this is subject to this Code's provisions on sensitive interests.

**Commented [MB32]:** To pick up wording in the model code.

**Commented [MB33]:** To reflect the model code requirement to declare the interest to the meeting irrespective of whether it is already registered or not in the Register of Members' Interests ie to extend the Code beyond the statutory minimum.

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- (3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not:
  - (a) participate, or participate further, in any discussion of the matter at the meeting; or
  - (b) participate in any vote, or further vote, taken on the matter at the meeting;
  - ~~(b)~~(c) remain in the meeting room;

but this is subject to this Code's provisions on dispensations.

*Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.*

**Commented [MB34]:** To make the Council's current practice and legal requirement explicitly clear in the Code.

**Commented [MB35]:** To add in the guidance from the model code.

#### ***Pecuniary interests in matters considered by a single member***

- (5) Sub-paragraphs (6) and (7) apply if:
  - (a) a function of a relevant authority may be discharged by a member of the authority acting alone;
  - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
  - (c) the member is aware that the condition in paragraph (b) is met.
- (6) If the interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.

OFFICIAL - SENSITIVE

- (7) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- (8) Where you give a notification for the purposes of sub-paragraph (3) or (6), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (9) The Council's Constitution provides for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.
- (10) An interest is "subject to a pending notification" if:
  - (a) the interest has been notified to the Monitoring Officer, but
  - (b) has not been entered in the Register in consequence of that notification.

**Other Registrable Interests (ORI)**

18. The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out in Appendix 2.

**Disclosure of Other Registrable Interests on taking office**

- 169A. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. **This relates only to your own interests.**
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Council's register when the notification is given.
- (3) Subject to paragraph 4725 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

**Commented [MB36]:** To reflect terminology in the model code.

**Commented [MB37]:** Amendments to and expansion of the Council's Interests regime are suggested, to reflect the interests regime in the model code, as per Members' comments at the last Committee meeting.

**Commented [MB38]:** Emboldened to highlight that the requirement to register these Other Interests does not cover partners' interests.

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~~(4) 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 (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.~~

**Commented [MB39]:** Deleted from the 'Other Interests' section and made a standalone paragraph below as it relates to both DPIs and Other Interests

### **Other Registrable Interests in matters considered at meetings**

20.(1) Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registrable Interests (ORI) (as set out in Appendix 2), you must disclose the interest to the meeting.

(2) You may speak on the matter only if members of the public are also allowed to speak **on it** but otherwise must not take part in any discussion or vote on the matter and must not remain in the **room** for that matter. If it is a sensitive interest, you should declare that you have an interest but do not need to disclose the nature of it.

**Commented [MB40]:** The model code includes the words "at the meeting" after 'speak' but I have deleted them and added "on it" as they may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

**Commented [MB41]:** The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so I am not proposing that we reference a dispensation here.

### **Non-Registrable Interests (NRI) in matters considered at meetings**

21.(1) Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Appendix 1 or **Other Registrable Interest set out in Appendix 2**) or a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware), you must disclose the interest to the meeting.

**Commented [MB42]:** The model code only refers to DPIs – I've proposed to also refer to the ORIs in Appendix 2 for completeness.

**Commented [MB43]:** The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the last Committee meeting.

**Commented [MB44]:** "To the meeting" not included in the model Code but included for clarity.

(2) You may speak on the matter only if members of the public are also allowed to **speak on it**. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the **room** for that matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

**Commented [MB45]:** The model code includes the words "at the meeting" after 'speak' but I have deleted them and added "on it" as they may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

22.(1) Where a matter arises at a meeting which **affects**:

- a) your own financial interest or well-being;
- b) a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware); or
- c) a financial interest or the wellbeing of a body included under Other Registrable Interests as set out in Appendix 2 (of which you could reasonably be expected to be aware);

**Commented [MB46]:** The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so I am not proposing that we reference a dispensation here.

**Commented [MB47]:** The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the last Committee meeting.

**Commented [MB48]:** The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the last Committee meeting.

you must disclose the interest to the meeting (subject to the rules on sensitive interests). In order to determine whether you can **remain in the meeting** after disclosing your interest the following test in paragraph 22(2) should be considered.

**Commented [MB49]:** The words "(subject to the rules on sensitive interests)" are not in the model code in this part but are added for clarity.

**Commented [MB50]:** Does this mean remain and fully participate? It's not clear from the wording in the model code but this must surely be the logical conclusion or why have a test to differentiation?

(2) Where a matter (referred to in paragraph 22(1) above) affects the financial interest or wellbeing:

a) to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision and;

b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

then you may speak on the matter only if members of the public are also allowed to speak on it, otherwise you must not take part in any discussion or vote on the matter and must not remain in the room for that matter.

(3) Where the test in paragraph 22(2)(a) and (b) is not met, then you may speak and vote on the matter in the usual way.

#### **Other Registrable and Non-Registrable Interests in matters considered by a single member**

23.(1) Where:

a) a function of a relevant authority may be discharged by a member of the authority acting alone;

b) the member has an Other Registrable Interest or Non-Registrable Interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and

c) the member is aware that the condition in paragraph (b) is met;

if an Other Registrable Interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (1)(b) is met in relation to the matter.

(2) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

#### **Bias/Predetermination**

24. 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 (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

**Commented [MB51]:** The words "or wellbeing" are not included in (a) in the model code but should be included given that the test specifically applies to both financial interests and wellbeing.

**Commented [MB52]:** The model code includes the words "at the meeting" after 'speak' but I have deleted them and added "on it" as they may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

**Commented [MB53]:** The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so I am not proposing that we reference a dispensation here.

**Commented [MB54]:** This is not included in the model code but I think it must be what is intended, as why otherwise would the model code state what it is included in paragraph 22(1) ie "...In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraph 22(2) should be considered..." So the alternative of not meeting the test must be that you can remain in the meeting. It is far from clear in the model code eg does it mean that if you don't meet the test that you can remain and vote or remain but not vote? I have drafted something to say that if the test is not met then a member can declare the interest and participate in the usual way, as under the old personal/prejudicial interests regime.

**Commented [MB55]:** Added this section for completeness, given that there is a section relating to single member decision making with a DPI.

**Commented [MB56]:** This paragraph was previously in the NYCC Code but has been given a discrete section as it applies to all types of interest.

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### **Sensitive interests**

- ~~257~~. (1) Sub-paragraphs (2) and (3) apply where:
- (a) you have an interest (whether or not a disclosable pecuniary interest); and
  - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- (3) If paragraph ~~167~~(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

### **DISPENSATIONS FROM NON-PARTICIPATION**

- ~~2648~~. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from ~~either any or both~~ all of the restrictions in paragraph ~~167~~(4) in cases described in the dispensation.
- (2) Paragraph ~~167~~(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

**Commented [MB57]:** Amended to 'any or all' as para 17(4) now has three proposed restrictions (we're proposing adding leaving the room).

**Commented [MB58]:** To keep cross reference accurate, as legally the dispensation provisions only apply to DPLs.

### **OFFENCES**

- ~~27~~.(1) You commit a criminal offence if, without reasonable excuse, you:-
- (a) fail to comply with an obligation imposed on you by paragraph ~~156~~(1) or ~~167~~(2), (3) or (6);
  - (b) participate in any discussion or vote in contravention of paragraph ~~167~~(4); or
  - (c) take any steps in contravention of paragraph ~~167~~(7).

**Commented [MB59]:** The amendments to this section 27 are to keep cross-references accurate,

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- | (2) You commit an offence if under paragraph 1~~56~~(1) or 1~~67~~(2), (3) or (6) you provide information that is false or misleading and you:
  - (a) know that the information is false or misleading; or
  - (b) are reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

| ~~208~~. **If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**

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**APPENDIX 1**

**DISCLOSABLE PECUNIARY INTERESTS**

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of

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	the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For these purposes:-

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

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“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (corresponding provision in this Code is paragraph 14(1)(b)), namely:

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

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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## APPENDIX 2

### INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

#### 1. Membership of Trade Unions/Professional Associations

~~In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association.~~

**Commented [MB60]:** Deleted as now covered by para 3 (iii).

#### 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

**Commented [MB61]:** Are we happy with "or" (as per the model code) or do we want to change it to "and" to make it a narrower registration requirement?

#### 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)

**Commented [MB62]:** I've included 'professional association' (not in model code) as per previous DCLG guidance, so we can cover para 1 here.

of which you are a member ~~and~~ in a position of general control or management

**Commented [MB63]:** The model code says "or" – I've changed to 'and' to reflect Members' comments at the last meeting. Are Members still happy with that or do they wish to use the model code wording (which would potentially expand the registration requirements).

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## GENERAL PRINCIPLES OF PUBLIC LIFE

<b>Principle</b>	<b>Revised description</b>
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.

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*Leadership*

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

17 September 2021

#### **Local Ethical Framework Developments**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To update Members on the development of the ethical framework under the Localism Act 2011.

#### **2.0 BACKGROUND**

- 2.1 Members receive a report at each Standards Committee meeting setting out any recent developments in the ethical framework.

#### **3.0 NEW MODEL CODE OF CONDUCT FOR MEMBERS SUPPORTING GUIDANCE**

- 3.1 The main area of development is that the Local Government Association has now published Guidance in respect of the new, voluntary national Model Code of Conduct for Members. This is the subject of a separate report to the Committee.

#### **4.0 REVIEW OF COMMITTEE ON STANDARDS IN PUBLIC LIFE**

- 4.1 The Minister of the Cabinet Office has requested a review of the membership and remit of the Committee on Standards in Public Life (CSPL), including in relation to its diversity, following a letter from the Chair of the CSPL explaining that CSPL members had “expressed concerns about our lack of visible diversity now as a group”.

- 4.2 Members will be kept informed of developments.

#### **5.0 CSPL – ANNUAL REPORT 2020/21**

- 5.1 On 15 July 2021 the CSPL published its Annual Report covering the period July 2020 - June 2021:

[Annual Report 2020-2021 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- 5.2 The Report sets out the work the CSPL has carried out in its priority areas over the period July 2020 - June 2021, including:

- two major reviews; one on election finance and one on the strengths and weaknesses of the standards landscape – “Standards Matter 2”. The published findings from that review will inform the CSPL’s final report and recommendations to Government later in 2021;
- monitoring the impact of the Covid-19 pandemic on public standards and standards issues arising as a result of the pandemic. The CSPL will continue to monitor the impact of the pandemic on ethical standards in public life;

- following up previous reviews on intimidation in public life and local government ethical standards;
- 5.3 The CSPL noted that the Local Government Association had taken forward the CSPL’s 2019 recommendation of a model code of conduct for councilors, in an effort to enhance the consistency and quality of local codes, and to support action against bullying and harassment.
- 5.4 The CSPL “remains concerned” that the Government has not yet formally responded to its January 2019 Report on Local Government Ethical Standards, some two and a half years after it was published and urges the Government to look at the recommendations made in the report as a matter of urgency. The Government has previously acknowledged that its response to the CSPL’s review is “overdue” (citing the reasons of the 2019 election and then the Covid-19 pandemic) and will follow in due course.
- 5.5 Going forwards, the CSPL’s next review, later in 2021, will highlight best practice in education, culture, and leadership on ethical standards. The CSPL aims to report to Government in 2022.
- 5.6 Members will be kept informed of developments.

## **6.0 CSPL REPORT ON THE REGULATION OF ELECTION FINANCE**

- 6.1 In July this year, the CSPL has published its 22<sup>nd</sup> report, on the regulation of election finance. The report is detailed, spanning 167 pages and is available on the website:

[Regulating Election Finance: report - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

and makes 47 separate recommendations in relation to the following broad areas:

- principles underpinning the regulation of election finance;
  - electoral law and legal framework (and its simplification);
  - the role of the Electoral Commission;
  - regulating donations and loans;
  - regulated periods (periods during which spending limits and reporting obligations apply) and campaign expenditure;
  - digital campaigning and election finance;
  - reporting campaign expenditure timeframes;
  - non-party campaigning;
  - the framework for the enforcement of election finance offences (the criminal and civil regimes);
  - a civil sanctions regime for candidates, overseen by the Electoral Commission.
- 6.2 The CSPL states that the report “focuses on practical proposals that seek to modernise and reform aspects of the regime.... Together, the recommendations we have made in this report will deliver significant improvements to the current framework for regulating election finance, creating a more transparent, proportionate and effective system.”
- 6.3 Members will be kept informed of developments.

## **7.0 CSPL FINDINGS FROM ‘STANDARDS MATTER 2’ REVIEW**

7.1 The CSPL has published its findings from its ‘Standards Matter 2’ review, in advance of its final report:

[Standards Matter 2: The Committee's Findings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/standards-matter-2-the-committee-s-findings)

The Committee launched its Standards Matter 2 review ([Standards Matter 2 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/standards-matter-2-the-committee-s-findings)) last autumn “to evaluate the strengths and weaknesses of the institutions, processes and structures in place to support high standards of conduct in public life.... In light of sustained public scrutiny on standards in public life and a number of ongoing parliamentary and government inquiries into standards issues, the Committee is publishing findings from the review. The Committee’s final report and recommendations to the Prime Minister will follow later this year”.

7.2 The findings cover the following broad areas:

- four areas of standards regulation require significant reform: the Ministerial Code and the Independent Adviser on Ministers' Interests, the business appointment rules and the Advisory Committee on Business Appointments (ACOPA), transparency around lobbying, and the regulation of public appointments;
- immediate issues with the current operation of the standards regulatory regime, and point in the direction of necessary reforms.

7.3 The CSPL states that its final report will be published later in 2021, and it will include the CSPL’S assessment of the relevance of the General Principles of Public Life, on how ethical standards are being upheld and the CSPL’s formal recommendations to Government.

## **8.0 CIVILITY IN PUBLIC LIFE - DIGITAL CITIZENSHIP RESOURCES**

8.1 As part of its work on Civility in Public Life, the LGA is publishing a range of new resources and tools to support councillors with online communications:

[Digital citizenship: support and resources for councillors | Local Government Association](https://www.local.gov.uk/digital-citizenship-support-and-resources-for-councillors)

8.2 The resources currently cover matters such as:

- new “Rules of engagement” and “Handling online abuse” infographics and accompanying accessible text;
- handling intimidation in public life;
- the Model Code of Conduct.

and will be developed over time, as the LGA works with partners on a long-term project to improve civility in public life.

## **9.0 FINANCIAL IMPLICATIONS**

9.1 There are no significant financial implications arising from this report.

## **10.0 LEGAL IMPLICATIONS**

10.1 The legal implications are set out in the body of this report.

**11.0 ENVIRONMENTAL IMPLICATIONS**

11.1 There are no significant environmental implications arising from this report.

**12.0 RECOMMENDATIONS**

12.1 That the Committee notes the contents of this report.

BARRY KHAN

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

Background Papers:

None

County Hall  
NORTHALLERTON

8 September 2021

## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

17 September 2021

#### **Annual Report of Standards Committee**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To present Members with a draft Annual Report of the work of the Standards Committee for the period 1 April 2020 to 31 March 2021.

#### **2.0 BACKGROUND**

- 2.1 The Committee has previously agreed that it would be helpful to publish an Annual Report on its work to the Authority 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 Authority's statutory duty to promote and maintain high standards of conduct and also ensures that the Authority has an overview of work undertaken by the Committee in discharging the Authority's standards responsibilities.
- 2.2 The Committee previously resolved that each Annual Report should be 'light touch' and as brief as possible

#### **3.0 DRAFT ANNUAL REPORT**

- 3.1 A draft Annual Report of the Committee, for the period 1 April 2020 to 31 March 2021 is attached for Members' consideration and approval at **Appendix 1**. The Report, if approved by the Committee, will be presented to a future meeting of the Authority.
- 3.2 Members' views are welcomed.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no significant financial implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 There are no significant legal implications arising from this report.

#### **6.0 ENVIRONMENTAL IMPLICATIONS**

- 6.1 There are no significant environmental implications arising from this report.

#### **7.0 RECOMMENDATIONS**

- 7.1 Subject to any comments Members may have, the Committee is asked to approve the draft Annual Report for presentation to a future meeting of the Authority.

BARRY KHAN

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

Background Papers:

- The Localism Act 2011
- Minutes of NYCC Standards Committee meetings

County Hall  
NORTHALLERTON

8 September 2021

NORTH YORKSHIRE COUNTY COUNCIL

17 November 2021

Annual Report of the Standards Committee

**1.0 PURPOSE OF REPORT**

- 1.1 To provide the Authority with an Annual Report on the work of the Standards Committee from 1 April 2020 to 31 March 2021.

**2.0 BACKGROUND**

- 2.1 The Standards Committee was established in 2012 as part of the ethical framework for local government introduced by the Localism Act 2011.
- 2.2 The Committee has previously agreed that it would be helpful to publish an Annual Report on its work to the Authority 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 Authority's statutory duty to promote and maintain high standards of conduct and also ensures that the Authority has an overview of work undertaken by the Committee in discharging the Authority's standards responsibilities.

**3.0 THE ETHICAL FRAMEWORK**

- 3.1 The ethical framework introduced under the 2011 Act includes:
- i. **The Standards Committee:** The Committee usually meets twice per annum. During the period in question, the Committee met remotely (due to the Covid-19 pandemic) on 18 September 2020 and 4 March 2021. The Committee is responsible for:
    - standards;
    - standards complaints handling issues;
    - the granting of dispensations; and
    - also has a role in relation to issues raised by or in relation to persistent and/or vexatious complainants.
  - ii. **Independent Persons for Standards:** Each relevant authority must appoint at least one "Independent Person". In 2012, the Authority approved the appointments of Mrs Hilary Gilbertson MBE and Mrs Louise Holroyd as Independent Persons for the Authority. The Independent Persons are invited to all meetings of the Standards Committee and are consulted on all key standards matters.
  - iii. **A statutory duty to promote and maintain high standards of conduct**
  - iv. **Members' Code of Conduct**
  - v. **Register of Members' Interests** (hard copy and online)
  - vi. **Complaint Handling**
  - vii. **Ethical Statements**
  - viii. **Standards Bulletin**

- 3.2 The **Monitoring Officer** supports the Committee in its work, including maintaining the Register of Members' Interests and dealing with any complaints made against Members under the local standards regime.

#### **4.0 WORK UNDERTAKEN BY THE COMMITTEE**

- 4.1 The work undertaken by the Standards Committee between the period 1 April 2020 to 31 March 2021 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. new Model Code of Conduct for Members: the Committee considered and responded to the LGA's consultation on a new Model Code and subsequently considered the new national voluntary Model Code published by the LGA and proposed amendments to the Council's Members' Code of Conduct in light of the new model;
  - ii. various blogs published by the Committee on Standards in Public Life (CSPL) during the Covid-19 pandemic. The blogs aimed to ensure that standards were still kept at the forefront of people's mind whilst authorities were dealing with Covid-19 and its consequences;
  - iii. the intention of the Committee on Standards in Public Life to seek information from local authorities regarding progress made against best practice recommendations regarding local government ethical standards;
  - iv. documents published by the Committee on Standards in Public Life, for example its Reviews, its follow up to its Best Practice recommendations, and its consideration of Misconduct in Public Office;
- (b) Members' attendance at Committees: the Committee considered and noted statistical information relating to Members' attendance at meetings of the County Council and its Committees for the period 1 April 2019 until 31 March 2020 and 1 April 2020 to 4 March 2021.
- (c) Training: The Committee ensures that Members receive appropriate training to maintain their awareness of ethical standards. Given the Covid-19 pandemic, standards training for Members during 2020/21 mainly took place via guidance in the Standards Bulletins.
- (d) Register of Members' Interests: The Register of Members' Interests is also published on the Authority's website. The Committee monitors the operation of the Register.
- (e) Standards Bulletin: The Committee has issued two Standards Bulletins during the period covered by this Report, aimed at keeping Members and Officers apprised of developments in the ethical regime. Copies of the Bulletin are published on the website and have also been requested by, and circulated to, other authorities.
- (f) Complaints: The Committee receives a Complaints Update report at each meeting. During the period covered by this Report, there was one complaint received that a Member may have breached the Authority's Members' Code of Conduct. The complaint has been referred for investigation.



(g) Liaison with neighbouring authorities: The Monitoring Officer has continued to liaise with the neighbouring authority Heads of Legal/Monitoring Officers' Group and attend meetings of the Group.

(h) Standards Committee Annual Report: an Annual Report of the Committee covering the period 1 April 2019 to 31 March 2020 was presented to full Council on 18 November 2020.

4.2 The Committee will continue its work in the promotion of high ethical standards and further involvement in training of officers and Members at an appropriate stage.

## **5.0 RECOMMENDATION**

5.1 That the Authority receives and notes the Annual Report of the Standards Committee.

CAROLINE PATMORE  
Chair of NYCC Standards Committee

Background Papers:  
Minutes of and reports to the Standards Committee

17 September 2021

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## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

17 September 2021

#### **Complaints Update**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To update the Committee regarding ethical framework complaint activity.

#### **2.0 BACKGROUND**

- 2.1 A standing report regarding complaint activity under the ethical framework is brought to each meeting of the Standards Committee.

#### **3.0 COMPLAINTS**

##### **New Complaints**

- 3.1 There has been one new complaint received since the last Complaints Update report to the Committee:

##### **NYCC/SC/78**

The complaint arose in the context of comments and behaviour at an informal remote committee meeting. The Complainant, a Member of the committee, alleged that the Subject Member failed to chair the meeting correctly, treated the Complainant with disrespect and failed to take the Complainant's comments seriously in relation an officer report, brought the Council into disrepute and behaved in such a manner as to bring his position as a Councillor into disrepute. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards when it was concluded that no action should be taken in relation to the complaint as there was no evidence to suggest a breach of the Code by the Subject Member.

##### **Existing complaints**

##### **NYCC/SC/77**

- 3.2 This complaint is currently under consideration by the Monitoring Officer and has been referred for investigation. Further details will be reported to the Committee at a future meeting.

#### **4.0 STATISTICS**

- 4.1 For the year 1 April 2020 to 31 March 2021, the Council received one formal standards complaint (NYCC/SC/77 referred to above).
- 4.2 For the year 1 April 2021 to date, the Council has received one formal standards complaint (NYCC/SC/78 referred to above).
- 4.3 Members will be kept updated.

**5.0 FINANCIAL IMPLICATIONS**

5.1 There are no significant financial implications arising from this report.

**6.0 LEGAL IMPLICATIONS**

6.1 There are no significant legal implications arising from this report.

**7.0 ENVIRONMENTAL IMPLICATIONS**

7.1 There are no significant environmental implications arising from this report.

**8.0 RECOMMENDATIONS**

8.1 That the Committee notes the current position on complaints received.

BARRY KHAN

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

Background Documents: None

County Hall  
NORTHALLERTON

8 September 2021

## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

17 September 2021

#### **Standards Bulletin**

#### **1.0 PURPOSE OF REPORT**

1.1 To present to the Committee, for consideration, a draft Standards Bulletin.

#### **2.0 BACKGROUND**

2.1 The Standards Bulletin is produced periodically and circulated to Members and relevant Officers of the Council to keep them informed of key developments in the standards regime.

2.2 In adopting the ethical framework under the Localism Act 2011, the Council decided that the continued production of the Standards Bulletin would help to maintain the Council's statutory duty to promote and maintain high standards of conduct.

#### **3.0 THE STANDARDS BULLETIN**

3.1 The latest draft edition of the Bulletin is attached at **Appendix 1** to this report.

3.2 The Committee is requested to consider the Bulletin with a view to its subsequent circulation to Members and Officers and publication on the Council's website. The Bulletin is also now circulated to neighbouring authorities via the Monitoring Officer Group, parish councils and certain other authorities at their request.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no significant financial implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 There are no significant legal implications arising from this report.

#### **6.0 ENVIRONMENTAL IMPLICATIONS**

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

#### **7.0 RECOMMENDATIONS**

7.1 That, subject to any comments Members may have, the Bulletin be updated as necessary following the outcome of the Committee's meeting and approved for circulation.

BARRY KHAN

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

Background Papers:

- The Localism Act 2011

County Hall  
NORTHALLERTON

8 September 2021



# Standards Bulletin

## The Standards Committee

The Members of the Standards Committee:

- **County Councillor Andy Paraskos**
- **County Councillor Stuart Parsons**
- **County Councillor Caroline Patmore**
- **County Councillor Peter Sowray MBE**
- **County Councillor Cliff Trotter**

Also invited to meetings of the Committee are:

- **Mrs Hilary Gilbertson MBE**, Independent Person for Standards
- **Mrs Louise Holroyd**, Independent Person for Standards

**If in doubt, please seek advice from the following:**

### **Barry Khan**

Assistant Chief Executive (Legal & Democratic Services) & Monitoring Officer  
Tel: 01609 532173  
([barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk))

### **Stephen Loach**

Principal Democratic Services Officer  
Tel: 01609 532216  
([stephen.loach@northyorks.gov.uk](mailto:stephen.loach@northyorks.gov.uk))

### **Moira Beighton**

Senior Lawyer (Governance)  
Tel: 01609 532458  
([moira.beighton@northyorks.gov.uk](mailto:moira.beighton@northyorks.gov.uk))

## Introduction

This edition of the Standards Bulletin sets out the latest developments in the national standards regime, particularly in relation to the new model Code of Conduct for Members and the supporting Guidance issued by the Local Government Association.

Members will 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.

**Caroline Patmore**  
**Chair of the Standards Committee**

### In this issue:

- Members' expenses
- Interests' regime
- Sensitive Interests
- Bias, Predetermination, Predisposition
- Members' Gifts and Hospitality
- Model Code of Conduct for Members and supporting Guidance
- Committee on Standards in Public Life Annual Report 2020/21
- CSPL report on the regulation of election finance
- CSPL findings from 'Standards Matter 2' review
- Civility in public life - digital citizenship resources
- Complaint statistics
- Cases

# 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 [New Council Constitutions \(northyorks.gov.uk\)](http://northyorks.gov.uk)

## Interests' Regime

Under the Council's current Code of Conduct for Members, Members must register and disclose '**disclosable pecuniary interests**' as set out in regulations and detailed in the Members' Code of Conduct, and **membership of any trade unions or professional associations** (as 'interests other than a disclosable pecuniary interests'), but generally no wider, non-pecuniary, interests (eg membership of public and charitable bodies) unless a Member holds a position/office within the body for profit or gain.

A pecuniary interest is a disclosable pecuniary interest ("DPI") if it is of a description specified in regulations ie

- **Employment, office, trade, profession or vacation (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.

A Member with a DPI may not participate in the discussion of, or vote on, Council business (unless a dispensation is granted) and must withdraw from the meeting room.

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

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 (subject to any necessary Covid-19 restrictions). Electronic copies of Members' interests forms (redacted to remove signatures) are also published on the Council's website (as required by the Localism Act 2011).

Members must, within 28 days of becoming aware of a new interest or a change to an existing interest, register the necessary details by providing written notification to the Monitoring Officer.

### Please note:

A Member commits a **criminal offence** if, without reasonable excuse, s/he —

- fails to:
  - ❖ register disclosable pecuniary interests
  - ❖ disclose an interest to a meeting where required



- ❖ notify the Monitoring Officer of an interest disclosed to a meeting
- participates 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, s/he provides information that is false or misleading and —

- knows that the information is false or misleading, or
- is 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.

**Should you wish to amend your interests form during the Covid-19 pandemic, when Members are unable to physically attend the Council offices, please email the Monitoring Officer ([barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk)) setting out the details of any required amendment(s) to your form. A note of the amendment(s) will be placed by the Monitoring Officer with your form in the online and physical Register of Members Interests pro tem until you can attend the office to personally amend your interests form.**

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

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**

Although gifts and hospitality offered and declined or received are no longer required to be registered in the Register of Members' Interests, Members do **still need to register** them with the Monitoring Officer, for filing in the Register of Gifts and Hospitality, by completing the appropriate form and returning it to the Monitoring Officer.

The current ethical framework does not stipulate a financial threshold over which gifts and hospitality should be registered (previously, under the old regime, the threshold was £25). The Standards Committee is currently considering guidance to Members in this respect.

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**

### **Model Code of Conduct for Members and supporting Guidance**

The Local Government Association (LGA) published a new, voluntary Model Code of Conduct for Members on 3 December 2020. The model Code and further information can be accessed on the [LGA website](#).

The LGA published the Model Code in advance of a response from the Government regarding the recommendations made by the Committee

on Standards in Public Life (CSPL) in their report on Local Government Ethical Standards. Should any of the recommendations be implemented this may necessitate a change to this Model Code and the LGA has stated it will review the Model Code on an annual basis.

The Model Code is voluntary and local authorities are able to adopt the model in its entirety or not at all, or adapt it to suit their local circumstances.

The Standards Committee has considered the Model Code and reviewed the Council's Code of Conduct for Members in light of it. The Committee has determined that the Council's Code should be partially amended to take account of certain aspects of the Model Code, particularly in relation to the registration and declaration of interests and will recommend proposed amendments to full Council for approval.

These proposed changes relate to matters such as:

- including in the Council's Code, relevant guidance extracts from the Model Code, to aid understanding of the Code's requirements;
- including in the Council's Code, further general conduct obligations eg obligations to comply with the Council's standards regime, and to refrain from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members;
- expanding, clarifying and including a £25 threshold in relation to the gifts and hospitality provisions;
- the expansion of the registration and declaration of interests regime, akin to the previous personal/prejudicial interests process, including:
  - the inclusion of a specific requirement for a Member with a Disclosable Pecuniary Interest ("DPI") to declare the existence and nature of the interest before leaving the meeting (to reflect current practice);
  - the inclusion of a specific requirement (to reflect current practice) for a

- Member with a DPI to leave the meeting room after declaring the interest (subject to the dispensation provisions);
- the expansion of the range of interests other than DPIs (“Other Registrable Interests”) (“ORIs”) required to be registered, to cover not only membership of trade unions and professional associations but also:
    1. Unpaid directorships;
    2. Any body of which the Member is a member or is in a position of general control or management and to which they are nominated or appointed by the 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 the Member is a member and in a position of general control or management
  - making specific provision for the declaration of those Other Registrable Interests in matters considered at meetings and participation in relation to them, ie:
    - where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of the Other Registerable Interests, the Member must disclose the interest to the meeting, may speak on the matter if the public can, but otherwise must not take part in any discussion or vote and must leave the room (subject to the provisions on sensitive interests);
    - where a matter arises at a meeting which **directly relates** 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), the Member must disclose the interest to the meeting, may speak on the matter if the public can, otherwise they must not take part in any discussion or vote on the matter and must not remain in the room;
    - where a matter arises at a meeting which **affects** 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), the Member must disclose the interest to the meeting BUT may be able to remain in the meeting after considering the prejudicial interest test:
      - ❖ where the matter affects the financial interest or wellbeing:
        - to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision 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 may speak on the matter if the public can, but must not take part in any discussion or vote on the matter and must not remain in the room;
      - ❖ where the matter does not so affect the financial interest or

wellbeing, then the Member may speak and vote on the matter in the usual way.

- making similar provision for Other Registrable and Non-Registrable Interests, as for DPs, in matters considered by a single member.

On 8 July 2021 the LGA published, online, supporting **Guidance** on the new Model Code, which can be accessed online here:

[Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

HOWEVER, given that the Standards Committee is only recommending some of the Model Code provisions for the Council's Code, tailored to the Council, not all of the LGA Guidance will be relevant to the Council. The Standards Committee is considering how best to disseminate guidance to Members.

Members will be kept informed of developments.

## **Committee on Standards in Public Life – Annual Report 2020/21**

On 15 July 2021 the CSPL published its Annual Report covering the period July 2020 - June 2021:

[Annual Report 2020-2021 - GOV.UK \(www.gov.uk\)](#)

The Report sets out the work the CSPL has carried out in its priority areas over the period July 2020 - June 2021, including:

- two major reviews; one on election finance and one on the strengths and weaknesses of the standards landscape – “Standards Matter 2”. The published findings from that review will inform the CSPL’s final report and recommendations to Government later in 2021;
- monitoring the impact of the Covid-19 pandemic on public standards and standards issues arising as a result of the pandemic. The CSPL will continue to

monitor the impact of the pandemic on ethical standards in public life;

- following up previous reviews on intimidation in public life and local government ethical standards.

The CSPL noted that the Local Government Association had taken forward the CSPL’s 2019 recommendation of a model code of conduct for councilors, in an effort to enhance the consistency and quality of local codes, and to support action against bullying and harassment.

The CSPL “remains concerned” that the Government has not yet formally responded to its January 2019 Report on Local Government Ethical Standards, some two and a half years after it was published and urges the Government to look at the recommendations made in the report as a matter of urgency. The Government has previously acknowledged that its response to the CSPL’s review is “overdue” (citing the reasons of the 2019 election and then the Covid-19 pandemic) and will follow in due course.

Going forwards, the CSPL’s next review, later in 2021, will highlight best practice in education, culture, and leadership on ethical standards. The CSPL aims to report to Government in 2022.

## **CSPL report on the regulation of election finance**

In July this year, the CSPL has published its 22<sup>nd</sup> report, on the regulation of election finance. The report is detailed, spanning 167 pages and is available on the website:

[Regulating Election Finance: report - GOV.UK \(www.gov.uk\)](#)

and makes 47 separate recommendations in relation to the following broad areas:

- principles underpinning the regulation of election finance;
- electoral law and legal framework (and its simplification);
- the role of the Electoral Commission;
- regulating donations and loans;

- regulated periods (periods during which spending limits and reporting obligations apply) and campaign expenditure;
- digital campaigning and election finance;
- reporting campaign expenditure timeframes;
- non-party campaigning;
- the framework for the enforcement of election finance offences (the criminal and civil regimes);
- a civil sanctions regime for candidates, overseen by the Electoral Commission.

The CSPL states that the report “focuses on practical proposals that seek to modernise and reform aspects of the regime.... Together, the recommendations we have made in this report will deliver significant improvements to the current framework for regulating election finance, creating a more transparent, proportionate and effective system.”

## CSPL findings from ‘Standards Matter 2’ review

The CSPL has published its findings from its ‘Standards Matter 2’ review, in advance of its final report:

[Standards Matter 2: The Committee's Findings - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The Committee launched its Standards Matter 2 review ([Standards Matter 2 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)) last autumn “to evaluate the strengths and weaknesses of the institutions, processes and structures in place to support high standards of conduct in public life.... In light of sustained public scrutiny on standards in public life and a number of ongoing parliamentary and government inquiries into standards issues, the Committee is publishing findings from the review. The Committee’s final report and recommendations to the Prime Minister will follow later this year”.

The findings cover the following broad areas:

- four areas of standards regulation require significant reform: the Ministerial Code and the Independent Adviser on Ministers' Interests, the business appointment rules and the Advisory Committee on Business Appointments (ACOBA), transparency around lobbying, and the regulation of public appointments;

- immediate issues with the current operation of the standards regulatory regime, and point in the direction of necessary reforms.

The CSPL states that its final report will be published later in 2021, and it will include the CSPL’S assessment of the relevance of the General Principles of Public Life, on how ethical standards are being upheld and the CSPL’s formal recommendations to Government.

## Civility in public life - digital citizenship resources

As part of its work on Civility in Public Life, the LGA is publishing a range of new resources and tools to support councillors with online communications:

[Digital citizenship: support and resources for councillors | Local Government Association](#)

The resources currently cover matters such as:

- new “Rules of engagement” and “Handling online abuse” infographics and accompanying accessible text;
- handling intimidation in public life;
- the Model Code of Conduct;

and will be developed over time, as the LGA works with partners on a long-term project to improve civility in public life.

## NYCC COMPLAINT STATISTICS

For the year 1 April 2020 to 31 March 2021, the Council received one formal standards complaint, which is currently under consideration by the Monitoring Officer and awaiting investigation.

For the year 1 April 2021 to date, the Council has received one formal standards complaint. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards when it was concluded that no action should be taken in relation to the complaint as there was no evidence to suggest a breach of the Code by the Subject Member.

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

## CASES

The Local Government Lawyer publication recently published reports on the following cases:

- A council leader resigned after an external report raised concerns about his conduct in relation to planning applications by his son and a friend. There were complaints that the Subject Member had “attempted to encourage support” for his son’s application (in respect of which officers had recommended refusal). The Subject Member’s friend’s application was refused but the Member tried to persuade another member to call the matter in. It was found that the lobbying of members and officers in relation to the applications was improper as he had attempted to confer on or secure an advantage for his son and friend .
- The First Tier Tribunal has upheld a decision by a council to refuse to disclose the views of two independent persons on a complaint about the conduct of a councillor, in respect to a request under the Freedom of Information Act.

The Information Commissioner upheld the council’s decision, concluding that it was reasonable to withhold information comprising the IPs’ views on the complaint, on the basis that publication would be likely to inhibit the free and frank provision of future advice, and would be likely to be otherwise prejudicial to the effective conduct of public affairs. In addition, the public interest in the withheld information being disclosed was outweighed by the public interest in the exemption being maintained.

On appeal, the FTT acknowledged that the public interests of transparency,

openness and accountability in relation to public sector activities were always important public interests but was satisfied that they should not be afforded especial weight in the context of local democracy. “Rather, the weight afforded must always be fact dependant and varies according to context.”

The FTT was satisfied that the ability of the IPs to provide candid and uncensored advice to the monitoring officer was an important part of the council’s complaint system - “We find in addition that there is a strong public interest in avoiding detriment to the Council’s process for dealing with complaints made against elected officials.”

The FTT concluded that the public interests of transparency, openness and accountability were outweighed in this case by the significant public interest in avoiding the risk of inhibition of the IPs’ candid advice, and in maintaining the effectiveness of the council’s complaint process which might otherwise be undermined.

### Contributors:

**Moira Beighton**

North Yorkshire Legal and Democratic Services

### 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 case reports

# North Yorkshire County Council

## Informal meeting of Standards Committee

Minutes of the remote meeting held on Friday 17 September 2021 at 10am.

### Present:-

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

### Apology for Absence:-

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

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**Copies of all documents considered are in the Minute Book  
All decisions made by the Committee are subject to the procedure set out in Minute  
70, below.**

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### 70. Welcome and Introductions

The Chairman welcomed everyone to the meeting and highlighted the following:-.

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach was reviewed by full Council at its July meeting and it was agreed to continue with this approach with a further review taking place at the County Council Meeting in November.

### 71. Minutes

#### Resolved –

That the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

That the Minutes of the remote meeting held on 4 March 2021, 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.

## **72. Declarations of Interest**

There were no declarations of interest from Members.

## **73. Public Questions or Statements**

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

## **74. Proposed amendments to Council's Members' Code of Conduct in light of new voluntary Model Code**

Considered-

The report of the Monitoring Officer presenting Members with proposed amendments to the Council's Members' Code of Conduct in light of the new voluntary model Code of Conduct for Members and, subject to any comments they may have, to request the Committee to determine whether the proposed amendments to the Code should be recommended to full Council for approval.

The report also informed Members about the publication of supporting Guidance in relation to the Model Code of Conduct for Members and sought Members' views as to how best use may be made of the Guidance.

At the Committee's previous meeting, it considered the Local Government Association (LGA) new, voluntary model Code of Conduct for Members and determined that certain draft amendments to the Council's Code should be brought back to the Committee for its consideration. The latest Model Code was attached at Appendix 1 to the report for reference. A copy of the Council's current Code of Conduct for Members was attached at Appendix 2 for comparison purposes.

Proposed amendments to the Council's Code of Conduct for Members had been drafted, in line with Members' comments at the previous meeting, by way of tracked changes on the current Code for ease of reference. A copy of all the proposed amendments and a commentary on them was attached at Appendix 3 for Members' consideration.

In July 2021 the LGA published, online, supporting Guidance on the new model Code of Conduct for Members, which was circulated to members of the Standards Committee and the Independent Persons for Standards and a link to the Guidance was provided in the report. Should Members be minded to recommend the proposed amendments to the Code to full Council, they were requested to consider how relevant information from the Guidance should be disseminated to Members, particularly given that not all the Guidance would be relevant to the Council's Code as amended, as not all parts of the model code were being recommended for inclusion in the Council's Code or were being tailored to fit the Council's requirements.

The options for disseminating relevant information from the Guidance to Members were:

- a) send the hyperlink to the LGA Guidance to all Members with a strong caveat that not all parts were relevant to, or nuanced exactly in relation to the Council's Code; or
- b) create a Council guidance note based on the LGA Guidance but only containing extracts which were relevant and tailored to the Council's Code.



Members considered the proposed amendments to the Code of Conduct and the dissemination of Guidance to Members, and the following issues and points were raised:-

- Members noted the section relating to the acceptance of hospitality, with offers of £25 or more being reported to the Monitoring Officer within 28 days and the non-acceptance of any gifts or hospitality, at any level, from anyone involved in contract negotiations or applications with the County Council. Members agreed that £25 or more should be the level set for the registration of gifts or hospitality, with that reflected in the revised Code.
- Members discussed the expectation of County Council Members to undertake training, either as a sanction following a complaint or as a mandatory requirement to serve on certain Committees, recognising that some Members did not undertake the required training, as there was nothing to compel them to do this. In view of this Members agreed that a statement should be included in the revised Code outlining that Members should attend relevant training when directed to, unless they had agreed otherwise with the Monitoring Officer prior to the event.
- A discussion took place in relation to the proposed changes to the registration and declaration of interests and the expansion of the interests regime in line with the model code. Clarification was provided in respect of the different types of interest to be registered and when Members were expected to declare and leave the room, in the revised Code. A discussion was then undertaken on Other Registerable Interests (ORI) and the new category of Non-Registrable Interests (NRI) and noted that when members of the public were provided with a speaking opportunity at a meeting, then generally Members with these interests would also be provided with the same opportunity to speak before leaving the meeting. Members discussed the wording within the revised Code in terms of action taken by Members following the declaration of interests and agreed to leave it as stated. It was recognised that the interests' regime would become more complex under the proposed revisions but would be in line with the model code. Further clarification was provided in relation to situations when NRIs would be declared, and the nature of those interests. It was suggested that the revised Code should refer Members to contact the Monitoring Officer when they had any doubts around any interests, to allow clarification to be provided, and Members agreed that this would be an appropriate approach.
- In respect of the LGA Guidance relating to the revised Code, Members considered it appropriate to develop a guidance document relevant to the specific Code of the County Council, rather than issue all of the national guidance, not all of which would be relevant to the Council's Code.
- The Monitoring Officer explained the process for the adoption of the revised Code of Conduct, highlighting the need for the report to be considered and approved by the full County Council, via the Executive. He re-iterated that the formal decision on this matter would be referred to the Chief Executive Officer for him to make under his emergency powers, taking into account the recommendations of the Committee Members and all relevant information. The Monitoring Officer also stated that the Code would be utilised until the Unitary Council came into place in April 2023, when the Code would again be reviewed to take account of the new administration.

### **Resolved –**

That the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

- a) That the proposed amendments to the Council's current Members' Code of Conduct be recommended to full Council for approval subject to the amendments outlined above;
- b) That it be recommended to full Council that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code; and
- c) That a specific guidance document be created, relevant to the County Council's revised Code to disseminate relevant information from the LGA Guidance on the Model Code to Members.

## **75. 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 – Annual Report 2020/21
- CSPL Report on the Regulation of Election Finance
- CSPL Findings from “Standards Matters 2” Review
- Civility in Public Life - Digital Citizenship Resources

The Monitoring Officer noted that the further reviews being undertaken by CSPL would result in further reports being brought back to the Committee.

**Resolved -**

That the contents of the report be noted.

## **76. Annual Report of Standards Committee**

Considered –

The report of the Monitoring Officer presenting, for Members' comments and suggested amendments, a draft of the Annual Report of the Standards Committee for the period 1 April 2020 to 31 March 2021.

No amendments were suggested by Members.

**Resolved –**

That the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

That the Annual Report 2020-21 be submitted to a forthcoming meeting of the County Council.

## **77. Complaints Update**

Considered -

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

There had been one new complaint received since the last Complaints Update report to the Committee. Complaint NYCC/SC/78 was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and it was concluded that no action should be taken in relation to the complaint as there was no evidence to suggest a breach of the Code by the Subject Member.

The existing complaint NYCC/SC/77 was currently under consideration by the Monitoring Officer and has been referred for investigation.

The Monitoring Officer noted that the new Unitary Council, commencing in April 2023, would take over the ethical framework of the existing District Councils which could lead to additional work for the Standards Committee.

**Resolved -**

That the current position, regarding complaints received, be noted.

## **78. 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.

Members noted that the Bulletin would require updating in accordance with discussions at the informal meeting.

**Resolved –**

That the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

That the Bulletin, as updated following the informal meeting on 17 September 2021, be approved for circulation.

The meeting concluded at 12.10 pm.

SML

## CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL

This Code sets out the standards of behaviour required of you whenever you are acting in your official capacity as a Councillor of North Yorkshire County Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the County Council when acting in their official capacity and references in this Code should be construed accordingly.

**Commented [MB1]:** To make it absolutely clear that the Code only applies to Members when they are acting in their official capacity as a county councillor.

**Commented [MB2]:** To make it absolutely clear that the Code only applies to voting-co-opted members when they are acting in their official capacity as such.

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member ("Members").

The Code has been adopted by the County Council and also requires compliance with the General Principles of Public Life set out at the end of the document. The Council has established a Standards Committee, consisting of members of the Council, assisted by two Independent Persons for Standards, to oversee the Council's ethical framework.

**Commented [MB3]:** Making them a defined term to reflect the status of the General Principles.

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**Commented [MB4]:** To highlight the role of the Independent Persons for Standards.

**Commented [MB5]:** Wording amended as complaints are rarely determined by the full Standards Committee.

**Deleted:** deal with any allegations of breaches of the Code

**Commented [MB6]:** At the Committee's last meeting, Members wished to include the relevant guidance points contained with the model code.

**Commented [MB7]:** To separate the conduct obligations from the introductory section above.

**Commented [MB8]:** The general conduct obligations have been emboldened to make the requirements stand out from the guidance extracts.

**Deleted:** not

**Deleted:** dis

*Notes in italics in this Code are guidance extracts from the national voluntary model code of conduct for Members, to aid understanding of the Code's requirements.*

### GENERAL CONDUCT OBLIGATIONS

#### 1. You must **respect** others with **respect**.

*Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.*

*In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.*

*In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.*

#### 2. You must not **unlawfully discriminate against any person or do anything which may cause the County Council to breach any equality enactment.**

*Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a*

person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. **You must not bully, intimidate or harass any person, or attempt to do so.**

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Deleted: bully or intimidate them

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

4. **You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Commented [MB9]: To add in the guidance from the model Code for consistency with the other general conduct obligations.

5. **You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:**

- You have the permission of a person authorised to give it; or
- You are required by law to disclose the information; or
- You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
- The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

**Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.**

*Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.*

**6. You must not prevent another person gaining access to information which that person is entitled to by law.**

**7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Member into disrepute.**

*As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.*

*You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.*

**8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.**

*Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.*

**9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.**

**10. You must give careful consideration to gifts or hospitality offered to you:**

**a) You must not accept any gift or hospitality (of any value) which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Member, or which could give rise, or give the appearance of giving**

**Commented [MB10]:** To add in the guidance from the model Code for consistency with the other general conduct obligations. This guidance extract also covers paragraph 6 of the Council's Code below.

**Commented [MB11]:** To add in the guidance from the model Code for consistency with the other general conduct obligations.

**Commented [MB12]:** To add in the guidance from the model Code for consistency with the other general conduct obligations.

**Commented [MB13]:** This is not specified in the model code so there is no guidance extract from the model code.

**Commented [MB14]:** So if an offer of a gift or hospitality is under £25 in value, but is from, for example, a contractor seeking a contract with the Council, then this could potentially give rise to the appearance of an obligation upon the Council and should be declined, even though under the £25 threshold.

**Deleted:** .

rise, to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, for example from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage. Where such a person does make a significant offer (estimated value £25 or more) of gifts and/or hospitality to you, you should inform the Monitoring Officer.

**Commented [MB15]:** Added 'appearance of' to cover perception point – not in model code.

**Commented [MB16]:** Amended to 'your' – model code says 'my'.

**Commented [MB17]:** Added 'for example' so as not to limit the application of the paragraph.

**Commented [MB18]:** Changed to 'Council' – says 'local authority' in model code.

**Commented [MB19]:** Included this requirement to inform the Monitoring Officer of all significant offers (so he can monitor offers made).

**b) If you do accept any gift or hospitality of estimated value £25 or more which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality you decline, to the Monitoring Officer within 28 days of its offer/receipt.**

**Commented [MB20]:** £25 was the threshold agreed by the Standards Committee to be appropriate at its meeting on 4 March 2021 (not the £50 stated in the model code).

**Commented [MB21]:** Suggesting we add in this timescale for completeness and clarification.

*In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.*

**Commented [MB22]:** To add in the guidance from the model Code for consistency with the other general conduct obligations.

**11. You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.**

*You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:*

- office support*
- stationery*
- equipment such as phones, and computers*
- transport*
- access and use of local authority buildings and rooms.*

*These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.*

**Commented [MB23]:** To add in the guidance from the model code for consistency with the other general conduct obligations.

**12. You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions,**

in accordance with any requirements imposed by statute or the Council.

**Commented [MB24]:** No guidance extract contained in model code.

13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have.

**Deleted:** This includes complying with any procedure rule adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed

14. You must (unless otherwise specifically agreed with the Monitoring Officer), comply with the Council's standards regime relating to the Code of Conduct, including but not limited to:

**Commented [MB26]:** Caveat wording agreed as appropriate recommendation, at virtual informal Standards Committee meeting on 17 September 2021.

a) attending standards training provided/arranged by the Council;

b) co-operating with any standards assessment, investigation and/or determination;

**Commented [MB27]:** 'assessment' included to ensure all stages of complaint handling are covered ('assessment' is not referenced specifically in the model code).

c) not intimidating or attempting to intimidate any person who is likely to be a party in, witness in or involved with the administration of any standards complaint, assessment, investigation or determination;

**Commented [MB28]:** "...a party in, witness in..." and "...complaint, assessment, investigation or..." suggested for completeness (not referenced specifically in model code).

d) refraining from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members.

**Commented [MB29]:** (d) is not in the model code but "prohibiting trivial or malicious allegations by councillors" is included in the CSPL Report on Local Government Ethical Standards Best Practice Recommendation 2. At the Standards Committee's meeting on 4 March 2021, Members agreed that the authority should seek to comply with all the Best Practice Recommendations. The proposed amendments extend the wording further to cover similar such motivated complaints, to be consistent with the wording in the Council's Jurisdiction and Assessment Criteria.

*It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.*

**Commented [MB30]:** To add in the guidance from the model code for consistency with the other general conduct obligations.

## **INTERESTS**

### **Disclosable Pecuniary Interests (DPI)**

**Commented [MB31]:** To reflect terminology used in the model code.

15. (1) A pecuniary interest is a "disclosable pecuniary interest" (DPI) in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:

- (a) it is your interest; or
- (b) it is an interest of:
  - (i) your spouse or civil partner;
  - (ii) a person with whom you are living as husband and wife; or
  - (iii) a person with whom you are living as if you are civil partners;



and you are aware that that other person has the interest.

**Disclosure of pecuniary interests on taking office**

- 16. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 25 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

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**Pecuniary interests in matters considered at meetings**

- 17. (1) Sub-paragraphs (2) to (4) apply if you:
  - (a) are present at a meeting of the Council or Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the Council or Executive;
  - (b) have a disclosable pecuniary interest **directly relating to** any matter to be considered, or being considered, at the meeting; and
  - (c) are aware that the condition in paragraph (b) is met.
- (2) You must disclose the **existence and nature of the** interest to the meeting, but this is subject to this Code's provisions on sensitive interests.
- (3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the

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Commented [MB32]: To pick up wording in the model code.

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Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

- (4) You may not:
- (a) participate, or participate further, in any discussion of the matter at the meeting; or
  - (b) participate in any vote, or further vote, taken on the matter at the meeting;
  - (c) remain in the meeting room;

**Commented [MB34]:** To make the Council's current practice and legal requirement explicitly clear in the Code.

but this is subject to this Code's provisions on dispensations.

*Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority . You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.*

**Commented [MB35]:** To add in the guidance from the model code.

### ***Pecuniary interests in matters considered by a single member***

- (5) Sub-paragraphs (6) and (7) apply if:
- (a) a function of a relevant authority may be discharged by a member of the authority acting alone;
  - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
  - (c) the member is aware that the condition in paragraph (b) is met.
- (6) If the interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.
- (7) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

- (8) Where you give a notification for the purposes of sub-paragraph (3) or (6), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (9) The Council's Constitution provides for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.
- (10) An interest is "subject to a pending notification" if:
  - (a) the interest has been notified to the Monitoring Officer, but
  - (b) has not been entered in the Register in consequence of that notification.

**Other Registrable Interests (ORI)**

18. The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out in Appendix 2.

**Disclosure of Other Registrable Interests on taking office**

- 19. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. **This relates only to your own interests.**
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Council's register when the notification is given.
- (3) Subject to paragraph 25 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

**Other Registrable Interests in matters considered at meetings**

20.(1) Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registrable

**Commented [MB36]:** To reflect terminology in the model code.

**Commented [MB37]:** Amendments to and expansion of the Council's Interests regime are suggested, to reflect the interests regime in the model code, as per Members' comments at the Standards Committee meeting on 4 March 2021.

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**Commented [MB38]:** Emboldened to highlight that the requirement to register these Other Interests does not cover partners' interests.

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 (4) 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 (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views

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Interests (ORI) (as set out in Appendix 2), you must disclose the interest to the meeting.

- (2) You may speak on the matter only if members of the public are also allowed to speak on it but otherwise must not take part in any discussion or vote on the matter and must not remain in the room for that matter. If it is a sensitive interest, you should declare that you have an interest but do not need to disclose the nature of it.

### **Non-Registrable Interests (NRI) in matters considered at meetings**

21.(1) Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Appendix 1 or Other Registrable Interest set out in Appendix 2) or a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware), you must disclose the interest to the meeting.

- (2) You may speak on the matter only if members of the public are also allowed to speak on it. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room for that matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

22.(1) Where a matter arises at a meeting which affects:

- a) your own financial interest or well-being;
- b) a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware); or
- c) a financial interest or the wellbeing of a body included under Other Registrable Interests as set out in Appendix 2 (of which you could reasonably be expected to be aware);

you must disclose the interest to the meeting (subject to the rules on sensitive interests). In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraph 22(2) should be considered.

(2) Where a matter (referred to in paragraph 22(1) above) affects the financial interest or wellbeing:

- a) to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

then you may speak on the matter only if members of the public are also allowed to speak on it, otherwise you must not take part in any

**Commented [MB40]:** The model code includes the words "at the meeting" after 'speak' but we propose to add "on it" instead, as the model code wording may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

**Commented [MB41]:** The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so it is not proposed that dispensations are referenced here.

**Commented [MB42]:** The model code only refers to DPis – it is proposed to also refer to the ORIs in Appendix 2 for completeness.

**Commented [MB43]:** The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the Standards Committee meeting on 4 March 2021.

**Commented [MB44]:** "To the meeting" not included in the model Code but included for clarity.

**Commented [MB45]:** The model code includes the words "at the meeting" after 'speak' but it is proposed to delete them and add "on it" as they may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

**Commented [MB46]:** The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so it is not proposed to reference a dispensation here.

**Commented [MB47]:** The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the Standards Committee meeting on 4 March 2021.

**Commented [MB48]:** The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the Standards Committee meeting on 4 March 2021.

**Commented [MB49]:** The words "(subject to the rules on sensitive interests)" are not in the model code in this part but are added for clarity.

**Commented [MB50]:** The words "or wellbeing" are not included in (a) in the model code but should be included given that the test specifically applies to both financial interests and wellbeing.

**Commented [MB51]:** The model code includes the words "at the meeting" after 'speak' but it is proposed to delete them and add "on it" as they may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

discussion or vote on the matter and must not remain in the room for that matter.

(3) Where the test in paragraph 22(2)(a) and (b) is not met, then you may speak and vote on the matter in the usual way.

### **Other Registrable and Non-Registrable Interests in matters considered by a single member**

23.(1) Where:

- a) a function of a relevant authority may be discharged by a member of the authority acting alone;
- b) the member has an Other Registrable Interest or Non-Registrable Interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
- c) the member is aware that the condition in paragraph (b) is met;

if an Other Registrable Interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (1)(b) is met in relation to the matter.

(2) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

### **Bias/Predetermination**

24. 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 (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

If you are in any doubt as to whether you have an interest in a matter under the Code of Conduct, please seek advice from the Monitoring Officer.

### **Sensitive interests**

25.(1) Sub-paragraphs (2) and (3) apply where:

- (a) you have an interest (whether or not a disclosable pecuniary interest); and
- (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details

**Commented [MB52]:** The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so it is not proposed to reference a dispensation here.

**Commented [MB53]:** This is not included in the model code but must be what is intended, as why otherwise would the model code state what it is included in paragraph 22(1) ie "...In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraph 22(2) should be considered..." So the alternative of not meeting the test must be that you can remain in the meeting. It is far from clear in the model code eg does it mean that if you don't meet the test that you can remain and vote or remain but not vote? Standards Committee Members felt provision should be included in the Council's Code that if the test is not met then a member can declare the interest and participate in the usual way, similar to under the old personal/prejudicial interests regime.

**Commented [MB54]:** Added this section for completeness, given that there is a section relating to single member decision making with a DPI.

**Commented [MB55]:** This paragraph was previously in the NYCC Code but has been given a discrete section as it applies to all types of interest.

**Commented [MB56]:** Added as a guidance point following discussion by Standards Committee Members at the informal meeting on 17 September 2021.

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of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- (3) If paragraph 17(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

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#### DISPENSATIONS FROM NON-PARTICIPATION

26. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from any or all of the restrictions in paragraph 17(4) in cases described in the dispensation.
- (2) Paragraph 17(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

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Commented [MB57]: Amended to 'any or all' as para 17(4) now has three proposed restrictions (as it is proposed to add leaving the room).

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Commented [MB58]: To keep cross reference accurate, as legally the dispensation provisions only apply to DPLs.

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#### OFFENCES

- 27.(1) You commit a criminal offence if, without reasonable excuse, you:-
  - (a) fail to comply with an obligation imposed on you by paragraph 16(1) or 17(2), (3) or (6);
  - (b) participate in any discussion or vote in contravention of paragraph 17(4); or
  - (c) take any steps in contravention of paragraph 17(7).
- (2) You commit an offence if under paragraph 16(1) or 17(2), (3) or (6) you provide information that is false or misleading and you:
  - (a) know that the information is false or misleading; or
  - (b) are reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commented [MB59]: The amendments to this section 27 are to keep cross-references accurate,

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28. If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.

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**APPENDIX 1**

**DISCLOSABLE PECUNIARY INTERESTS**

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of



	the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For these purposes:-

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (corresponding provision in this Code is paragraph 14(1)(b)), namely:

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

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## APPENDIX 2

### INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

#### 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

**Deleted:** ¶  
~~<#> Membership of Trade Unions/Professional Associations¶~~

¶  
In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association

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**Commented [MB61]:** Standards Committee Members debated whether this requirement should say "...of which you are a member or are in a position of general control or management..." (as per the model code), or whether it should say "...of which you are a member and in a position of general control or management..." to make it a narrower registration requirement. Standards Committee Members agreed on balance, taking into account likely public expectations and perceptions, it should be a wider registration requirement and therefore are recommending the wider model code wording.

**Commented [MB62]:** 'professional association' (not in model code) included as per previous DCLG guidance, so paragraph 1 can be covered here.

**Commented [MB63]:** Standards Committee Members debated whether this requirement should say "...of which you are a member or in a position of general control or management..." (as per the model code), or whether it should say "...of which you are a member and in a position of general control or management..." to make it a narrower registration requirement. Standards Committee Members agreed on balance, taking into account likely public expectations and perceptions, it should be a wider registration requirement and therefore are recommending the wider model code wording.

## GENERAL PRINCIPLES OF PUBLIC LIFE

<b>Principle</b>	<b>Revised description</b>
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.

*Leadership*

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



# Standards Bulletin

## The Standards Committee

The Members of the Standards Committee:

- **County Councillor Andy Paraskos**
- **County Councillor Stuart Parsons**
- **County Councillor Caroline Patmore**
- **County Councillor Peter Sowray MBE**
- **County Councillor Cliff Trotter**

Also invited to meetings of the Committee are:

- **Mrs Hilary Gilbertson MBE**, Independent Person for Standards
- **Mrs Louise Holroyd**, Independent Person for Standards

**If in doubt, please seek advice from the following:**

### **Barry Khan**

Assistant Chief Executive (Legal & Democratic Services) & Monitoring Officer  
Tel: 01609 532173  
([barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk))

### **Stephen Loach**

Principal Democratic Services Officer  
Tel: 01609 532216  
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### **Moira Beighton**

Senior Lawyer (Governance)  
Tel: 01609 532458  
([moira.beighton@northyorks.gov.uk](mailto:moira.beighton@northyorks.gov.uk))

## Introduction

This edition of the Standards Bulletin sets out the latest developments in the national standards regime, particularly in relation to the new model Code of Conduct for Members and the supporting Guidance issued by the Local Government Association.

Members will 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.

**Caroline Patmore**  
**Chair of the Standards Committee**

### In this issue:

- Members' expenses
- Interests' regime
- Sensitive Interests
- Bias, Predetermination, Predisposition
- Members' Gifts and Hospitality
- Model Code of Conduct for Members and supporting Guidance
- Committee on Standards in Public Life Annual Report 2020/21
- CSPL report on the regulation of election finance
- CSPL findings from 'Standards Matter 2' review
- Civility in public life - digital citizenship resources
- Complaint statistics
- Cases

# 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 [New Council Constitutions \(northyorks.gov.uk\)](http://northyorks.gov.uk)

## Interests' Regime

Under the Council's current Code of Conduct for Members, Members must register and disclose '**disclosable pecuniary interests**' as set out in regulations and detailed in the Members' Code of Conduct, and **membership of any trade unions or professional associations** (as 'interests other than a disclosable pecuniary interests'), but generally no wider, non-pecuniary, interests (eg membership of public and charitable bodies) unless a Member holds a position/office within the body for profit or gain.

A pecuniary interest is a disclosable pecuniary interest ("DPI") if it is of a description specified in regulations ie

- **Employment, office, trade, profession or vacation (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.

A Member with a DPI may not participate in the discussion of, or vote on, Council business (unless a dispensation is granted) and must withdraw from the meeting room.

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

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 (subject to any necessary Covid-19 restrictions). Electronic copies of Members' interests forms (redacted to remove signatures) are also published on the Council's website (as required by the Localism Act 2011).

Members must, within 28 days of becoming aware of a new interest or a change to an existing interest, register the necessary details by providing written notification to the Monitoring Officer.

### Please note:

A Member commits a **criminal offence** if, without reasonable excuse, s/he —

- fails to:
  - ❖ register disclosable pecuniary interests
  - ❖ disclose an interest to a meeting where required

- ❖ notify the Monitoring Officer of an interest disclosed to a meeting
- participates 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, s/he provides information that is false or misleading and —

- knows that the information is false or misleading, or
- is 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.

**Should you wish to amend your interests form during the Covid-19 pandemic, when Members are unable to physically attend the Council offices, please email the Monitoring Officer ([barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk)) setting out the details of any required amendment(s) to your form. A note of the amendment(s) will be placed by the Monitoring Officer with your form in the online and physical Register of Members Interests pro tem until you can attend the office to personally amend your interests form.**

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

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**

Although gifts and hospitality offered and declined or received are no longer required to be registered in the Register of Members' Interests, Members do **still need to register** them with the Monitoring Officer, for filing in the Register of Gifts and Hospitality, by completing the appropriate form and returning it to the Monitoring Officer.

The current ethical framework does not stipulate a financial threshold over which gifts and hospitality should be registered (previously, under the old regime, the threshold was £25). The Standards Committee is currently considering guidance to Members in this respect.

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**

### **Model Code of Conduct for Members and supporting Guidance**

The Local Government Association (LGA) published a new, voluntary Model Code of Conduct for Members on 3 December 2020. The model Code and further information can be accessed on the [LGA website](#).

The LGA published the Model Code in advance of a response from the Government regarding the recommendations made by the Committee

on Standards in Public Life (CSPL) in their report on Local Government Ethical Standards. Should any of the recommendations be implemented this may necessitate a change to this Model Code and the LGA has stated it will review the Model Code on an annual basis.

The Model Code is voluntary and local authorities are able to adopt the model in its entirety or not at all, or adapt it to suit their local circumstances.

The Standards Committee has considered the Model Code and reviewed the Council's Code of Conduct for Members in light of it. The Committee has determined that the Council's Code should be partially amended to take account of certain aspects of the Model Code, particularly in relation to the registration and declaration of interests and will recommend proposed amendments to full Council for approval.

These proposed changes relate to matters such as:

- including in the Council's Code, relevant guidance extracts from the Model Code, to aid understanding of the Code's requirements;
- including in the Council's Code, further general conduct obligations eg obligations to comply with the Council's standards regime, and to refrain from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members;
- expanding, clarifying and including a £25 threshold in relation to the gifts and hospitality provisions;
- the expansion of the registration and declaration of interests regime, akin to the previous personal/prejudicial interests process, including:
  - the inclusion of a specific requirement for a Member with a Disclosable Pecuniary Interest ("DPI") to declare the existence and nature of the interest before leaving the meeting (to reflect current practice);
  - the inclusion of a specific requirement (to reflect current practice) for a

Member with a DPI to leave the meeting room after declaring the interest (subject to the dispensation provisions);

- the expansion of the range of interests other than DPIs (“Other Registrable Interests”) (“ORIs”) required to be registered, to cover not only membership of trade unions and professional associations but also:

1. Unpaid directorships;
2. Any body of which the Member is a member or is in a position of general control or management and to which they are nominated or appointed by the 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 the Member is a member or in a position of general control or management

- making specific provision for the declaration of those Other Registrable Interests in matters considered at meetings and participation in relation to them, ie:

- where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of the Other Registerable Interests, the Member must disclose the interest to the meeting, may speak on the matter if the public can, but otherwise must not take part in any discussion or vote and must leave the room (subject to the provisions on sensitive interests);

- making specific provision for the declaration of other Non-Registrable Interests (NRIs) (ie those other than DPIs and ORIs) in matters considered at meetings and participation in relation to them, ie:

- where a matter arises at a meeting which **directly relates** 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), the Member must disclose the interest to the meeting, may speak on the matter if the public can, otherwise they must not take part in any discussion or vote on the matter and must not remain in the room;

- where a matter arises at a meeting which **affects** 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), the Member must disclose the interest to the meeting BUT may be able to remain in the meeting after considering the prejudicial interest test:

- ❖ where the matter affects the financial interest or wellbeing:

- to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision 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 may speak on the matter if the public can, but must not take part in any discussion or vote on the matter and must not remain in the room;

- ❖ where the matter does not so affect the financial interest or

wellbeing, then the Member may speak and vote on the matter in the usual way.

- making similar provision for Other Registrable and Non-Registrable Interests, as for DPs, in matters considered by a single member.

On 8 July 2021 the LGA published, online, supporting **Guidance** on the new Model Code, which can be accessed online here:

[Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

HOWEVER, given that the Standards Committee is only recommending some of the Model Code provisions for the Council's Code, tailored to the Council, not all of the LGA Guidance will be relevant to the Council. Specific guidance on the Council's Code will be circulated to Members if the amendments to the Code are ultimately approved by full Council.

Members will be kept informed of developments.

## **Committee on Standards in Public Life – Annual Report 2020/21**

On 15 July 2021 the CSPL published its Annual Report covering the period July 2020 - June 2021:

[Annual Report 2020-2021 - GOV.UK \(www.gov.uk\)](#)

The Report sets out the work the CSPL has carried out in its priority areas over the period July 2020 - June 2021, including:

- two major reviews; one on election finance and one on the strengths and weaknesses of the standards landscape – “Standards Matter 2”. The published findings from that review will inform the CSPL's final report and recommendations to Government later in 2021;
- monitoring the impact of the Covid-19 pandemic on public standards and standards issues arising as a result of the

pandemic. The CSPL will continue to monitor the impact of the pandemic on ethical standards in public life;

- following up previous reviews on intimidation in public life and local government ethical standards.

The CSPL noted that the Local Government Association had taken forward the CSPL's 2019 recommendation of a model code of conduct for councilors, in an effort to enhance the consistency and quality of local codes, and to support action against bullying and harassment.

The CSPL “remains concerned” that the Government has not yet formally responded to its January 2019 Report on Local Government Ethical Standards, some two and a half years after it was published and urges the Government to look at the recommendations made in the report as a matter of urgency. The Government has previously acknowledged that its response to the CSPL's review is “overdue” (citing the reasons of the 2019 election and then the Covid-19 pandemic) and will follow in due course.

Going forwards, the CSPL's next review, later in 2021, will highlight best practice in education, culture, and leadership on ethical standards. The CSPL aims to report to Government in 2022.

## **CSPL report on the regulation of election finance**

In July this year, the CSPL has published its 22<sup>nd</sup> report, on the regulation of election finance. The report is detailed, spanning 167 pages and is available on the website:

[Regulating Election Finance: report - GOV.UK \(www.gov.uk\)](#)

and makes 47 separate recommendations in relation to the following broad areas:

- principles underpinning the regulation of election finance;
- electoral law and legal framework (and its simplification);
- the role of the Electoral Commission;
- regulating donations and loans;

- regulated periods (periods during which spending limits and reporting obligations apply) and campaign expenditure;
- digital campaigning and election finance;
- reporting campaign expenditure timeframes;
- non-party campaigning;
- the framework for the enforcement of election finance offences (the criminal and civil regimes);
- a civil sanctions regime for candidates, overseen by the Electoral Commission.

The CSPL states that the report “focuses on practical proposals that seek to modernise and reform aspects of the regime.... Together, the recommendations we have made in this report will deliver significant improvements to the current framework for regulating election finance, creating a more transparent, proportionate and effective system.”

## CSPL findings from ‘Standards Matter 2’ review

The CSPL has published its findings from its ‘Standards Matter 2’ review, in advance of its final report:

[Standards Matter 2: The Committee's Findings - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The Committee launched its Standards Matter 2 review ([Standards Matter 2 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)) last autumn “to evaluate the strengths and weaknesses of the institutions, processes and structures in place to support high standards of conduct in public life.... In light of sustained public scrutiny on standards in public life and a number of ongoing parliamentary and government inquiries into standards issues, the Committee is publishing findings from the review. The Committee’s final report and recommendations to the Prime Minister will follow later this year”.

The findings cover the following broad areas:

- four areas of standards regulation require significant reform: the Ministerial Code and the Independent Adviser on Ministers' Interests, the business appointment rules and the Advisory Committee on Business Appointments (ACOBA), transparency around lobbying, and the regulation of public appointments;

- immediate issues with the current operation of the standards regulatory regime, and point in the direction of necessary reforms.

The CSPL states that its final report will be published later in 2021, and it will include the CSPL’S assessment of the relevance of the General Principles of Public Life, on how ethical standards are being upheld and the CSPL’s formal recommendations to Government.

## Civility in public life - digital citizenship resources

As part of its work on Civility in Public Life, the LGA is publishing a range of new resources and tools to support councillors with online communications:

[Digital citizenship: support and resources for councillors | Local Government Association](#)

The resources currently cover matters such as:

- new “Rules of engagement” and “Handling online abuse” infographics and accompanying accessible text;
- handling intimidation in public life;
- the Model Code of Conduct;

and will be developed over time, as the LGA works with partners on a long-term project to improve civility in public life.

## NYCC COMPLAINT STATISTICS

For the year 1 April 2020 to 31 March 2021, the Council received one formal standards complaint, which is currently under consideration by the Monitoring Officer and awaiting investigation.

For the year 1 April 2021 to date, the Council has received one formal standards complaint. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards when it was concluded that no action should be taken in relation to the complaint as there was no evidence to suggest a breach of the Code by the Subject Member.

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

## CASES

The Local Government Lawyer publication recently published reports on the following cases:

- A council leader resigned after an external report raised concerns about his conduct in relation to planning applications by his son and a friend. There were complaints that the Subject Member had “attempted to encourage support” for his son’s application (in respect of which officers had recommended refusal). The Subject Member’s friend’s application was refused but the Member tried to persuade another member to call the matter in. It was found that the lobbying of members and officers in relation to the applications was improper as he had attempted to confer on or secure an advantage for his son and friend .
- The First Tier Tribunal has upheld a decision by a council to refuse to disclose the views of two independent persons on a complaint about the conduct of a councillor, in respect to a request under the Freedom of Information Act.

The Information Commissioner upheld the council’s decision, concluding that it was reasonable to withhold information comprising the IPs’ views on the complaint, on the basis that publication would be likely to inhibit the free and frank provision of future advice, and would be likely to be otherwise prejudicial to the effective conduct of public affairs. In addition, the public interest in the withheld information being disclosed was outweighed by the public interest in the exemption being maintained.

On appeal, the FTT acknowledged that the public interests of transparency,

openness and accountability in relation to public sector activities were always important public interests but was satisfied that they should not be afforded especial weight in the context of local democracy. “Rather, the weight afforded must always be fact dependant and varies according to context.”

The FTT was satisfied that the ability of the IPs to provide candid and uncensored advice to the monitoring officer was an important part of the council’s complaint system - “We find in addition that there is a strong public interest in avoiding detriment to the Council’s process for dealing with complaints made against elected officials.”

The FTT concluded that the public interests of transparency, openness and accountability were outweighed in this case by the significant public interest in avoiding the risk of inhibition of the IPs’ candid advice, and in maintaining the effectiveness of the council’s complaint process which might otherwise be undermined.

### Contributors:

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### 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 case reports