

STANDARDS COMMITTEE

Wednesday, 21 July 2021 at 6.30pm

Meeting to be held at Belle Vue Suite, Belle Vue Square, Skipton.

Committee Membership: The Chairman (Councillor Ireton) and Councillors Mercer, Metcalfe, Solloway and Whitaker.

Parish Council Representatives (non-voting): Dan Balsamini and Marion Swales.

Independent Persons (non-voting): John Boumphrey and Roger Millin.

Please note the following advice in advance of the meeting:

The Government temporarily removed the legal requirement for local authorities to hold meetings in person during the Covid-19 pandemic. All local authorities were given new powers to enable meetings to take place virtually. The Council's powers to hold remote meetings expired on 7 May 2021.

Whilst the return to face to face meetings provides significant challenges, the Council has undertaken a great deal of work to ensure that face to face meetings are delivered in a COVID safe environment.

Due to social distancing measures, spaces for public attendance are limited and so registration is essential to secure a place.

Everyone who attends this meeting will be required to wear a face covering, unless exempt.

Council staff, elected members and members of the public are urged to take advantage of the national 'next step safely' campaign and access a free, rapid lateral flow test in advance of the meeting:

<u>https://www.nhs.uk/conditions/coronavirus-covid-19/testing/</u> Please note that whilst this is advised, it is not a requirement for entry to the meeting.

Anyone displaying Covid-19 symptoms is asked not to attend.

For more information email committees@cravendc.gov.uk

Thank you,

Guy Close, Democratic Services Manager

AGENDA

- 1. **Apologies for Absence –** To receive any apologies for absence.
- 2. Confirmation of Minutes To confirm the minutes of the meeting held on 10 March 2021.
- **3. Public Participation** In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
- 4. **Declarations of Interest** All Members are invited to declare at this point any interests they have on items appearing on this agenda, including the nature of those interests and whether they wish to apply the exception below.

Note: Declarations should be in the form of either:

- a *"disclosable pecuniary interest"* under Appendix A to the Code of Conduct, in which case the Member must leave the meeting room; or
- an *"other interest"* under Appendix B of the Code. For these interests, the Member may stay in the meeting room, although they must leave if membership of the organisation results in a conflict of interest.

Exception: Where a member of the public has a right to speak at a meeting, a Member who has a disclosable pecuniary interest or an other interest and must leave the room, has the same rights and may make representations, answer questions or give evidence, but at the conclusion of that, must then leave the room and not take part in the discussion or vote.

5. Work Programme 2021/2022– Report of the Solicitor to the Council (Monitoring Officer)

Purpose of report – To consider and set the work programme for the 2021/2022 municipal year.

6. LGA Model Code of Conduct for Councillors – Report of the Solicitor to the Council (Monitoring Officer)

Purpose of report – To provide the Committee with an update in respect of the Local Government Association Model Councillor Code of Conduct 2020.

7. Standards Bulletin 2020/2021 – Report of the Solicitor to the Council (Monitoring Officer)

Purpose of report – To present a draft Standards Bulletin for the municipal year 2020/2021.

8. Monitoring Report – Report of the Solicitor to the Council (Monitoring Officer)

Purpose of report – To provide Members with an update on the number and progress of Code of Conduct complaints since the last report presented to the Committee.

9. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

10. Date and Time of Next Meeting – Wednesday, 3 November 2021 at 6.30pm

Agenda Contact Officer:

Hannah Scales, Democratic Services and Scrutiny Officer E-mail: <u>hscales@cravendc.gov.uk</u>

Recording at Council Meetings: Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to

- (a) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (b) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

STANDARDS COMMITTEE

10 March 2021

Present – Councillors Ireton (Chairman), Mercer, Metcalfe, Solloway and Whitaker.

Independent Persons (non-voting): Roger Millin and John Boumphrey.

Parish Representative (non-voting): Dan Balsamini and Robert Stead.

Officers – Solicitor to the Council (Monitoring Officer) and Democratic Services and Scrutiny Officer.

Start: 6.35pm

Finish: 7.08pm

The minutes of the Committee's meeting held on 4 November 2020 were confirmed as a correct record.

Public Participation – Councillor Eric Jaquin addressed the Committee and raised concerns regarding alleged electoral irregularities relating to the Skipton Town Council election which took place on 13 August 2020. The Chairman referred Councillor Jaquin to the Chief Executive (Returning Officer) and thanked him for raising the issue.

Minutes for Report

STN.381 MEMBERS' CODE OF CONDUCT

The Solicitor to the Council (Monitoring Officer) submitted a report which presented the draft revised Members' Code of Conduct. On 3 July 2019, the Committee agreed an action plan for implementing 15 best practice recommendations set out in the CSPL report and at the last meeting, the Committee received a progress report. Members were reminded that two of the best practice recommendations required amendments to the Members' Code of Conduct.

In accordance with CSPL recommendation one, Member obligation two in the Code had been amended. A new section had been added – 'Complying with the Code of Conduct', in line with recommendation two. The Monitoring Officer had taken the opportunity to carry out a light touch review of the Code, which was last reviewed by the Committee in December 2018. The Monitoring Officer proposed that a new member obligation was added to the Code requiring Members to promote equalities and not discriminate unlawfully against any person. Members were pleased to note that any reference to gender had also been removed to ensure the document was inclusive.

Resolved – That the revised Members' Code of Conduct is recommended to Council for adoption.

STN.382 OFFICERS' CODE OF CONDUCT

The Solicitor to the Council (Monitoring Officer) submitted a report which invited Members to review and consider the current Officers' Code of Conduct to ensure it reflects best practice and remains fit for purpose.

Members were reminded of the extensive review undertaken by the Committee in 2015 which resulted in significant updates and the introduction of three corporate template forms. The Solicitor to the Council (Monitoring Officer) contacted the Corporate and Senior Leadership teams and asked colleagues for any comments they may have on the current Code and the review. Members were pleased to hear that all of the comments were positive.

Members noted that the only planned update was to make the document gender neutral. It was emphasised by the Independent Persons that the Code seemed to be working well and any changes other than the planned update would be unnecessary.

Resolved – That the Officers' Code of Conduct is updated to be a gender neutral document.

STN.383

PARISH REPRESENTATIVES

The Solicitor to the Council (Monitoring Officer) presented a report which updated Members on the appointment of Parish Representatives. Subsequent to the lengthy debate at the last meeting, the Solicitor to the Council (Monitoring Officer) had written to all Parish and Town Councils in the District and invited them to submit nominations for Parish Representatives.

Resolved – That the contents of the report are noted.

STN.384

MONITORING REPORT

The Solicitor to the Council (Monitoring Officer) submitted a report which updated Members on the Code of Conduct complaints received following the last report to Committee on 4 November 2020. Members noted the two ongoing complaints which continued to be externally investigated.

Resolved – That the Monitoring Report to date is noted.

STN.385

ANY OTHER BUSINESS

The Chairman informed the Committee of the two Independent Persons and Parish Representative who had come to the end of their 4 terms on the Standards Committee. The Solicitor to the Council (Monitoring Officer) confirmed she would speak to those concerned outside of the meeting.

Resolved – That the Solicitor to the Council (Monitoring Officer) contacts the relevant members.

Chairman

AGENDA ITEM 5

STANDARDS COMMITTEE

21st July 2021

Work Programme 2021/2022

Ward(s) affected: All

Report of the Solicitor to the Council and Monitoring Officer

- 1. **Purpose of Report** To consider and set the work programme for the 2021/2022 municipal year.
- 2. **Recommendations** Members are recommended to:
- 2.1 Note the work of the Committee during 2020/2021; and
- 2.2 Agree the Committee's work programme for 2021/2022.

3. Report

- 3.1 At the first meeting of the municipal year, this Committee has routinely set its work programme for the coming year. This enables the Committee to take a structured approach to reviewing the local codes and protocols contained in the Council's Constitution but also to have the flexibility to deal with new issues which may arise during the year.
- 3.2 Despite the COVID19 pandemic continuing to have an impact on the work of the Council, the Committee has completed the work programme set for 2020/2021. The table below summarises the key work of the Committee during the year:

Review of the Officers' Code of Conduct (carried forward from 2019/2020)	Completed
Review of the Members' Code of Conduct to include consideration of the Committee on Standards in Public Life's best practice	Updated Members' Code of Conduct adopted by Council April 2021 (CL.1215)
Review of the number of Parish Representatives	Completed



- 3.3 The Committee has also received the annual letter from the Local Government and Social Care Ombudsman and provided the Committee on Standards in Public Life with an update on the Council's progress in implementing the best practice recommendations set out in the report on Local Government Ethical Standards.
- 3.4 The Committee will continue to seek to maximise inclusivity in all policy reviews it undertakes and also keep a watching brief on local government organisation.
- 3.5 Both the Members' and Officers' Codes of Conduct have recently been reviewed along with the Member and Officer Protocol (2020). However, it is some time since the Whistleblowing Policy and the Probity in Planning Guidance were reviewed (2018).
- 3.6 Members are asked to consider the Committee's Terms of Reference (attached at Appendix A) and set the work programme for the coming year.
- 3.7 In addition to the work programme, the Committee may receive unscheduled items from time to time and sub-committees may be constituted on an ad-hoc basis to deal with hearings in relation to member conduct.

4. Financial and Value for Money Implications

There are no financial implications arising from the recommendations in this report.

5. Legal Implications

There are no legal implications arising from the recommendations in this report.

6. **Contribution to Council Priorities**

- 6.1 The promotion and maintenance of high standards of conduct by the elected and co-opted Members of Craven District will assist the Council in achieving its priorities.
- 6.2 **Impact on the declared Climate Emergency** no implications for the declared Climate Emergency.

7. Risk Management

- 7.1 The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council.
- 7.2 **Chief Finance Officer (s151 Officer) Statement** no additional comments.
- 7.3 **Monitoring Officer Statement** no additional comments.
- 8. Equality Analysis

AGENDA ITEM 5

The Council's Equality Impact Assessment procedure does not apply to this report as there are no changes to any policy.

9. **Consultations with Others**

None

10. Background Documents

None

11. Appendices

Appendix A – Terms of Reference for Standards Committee

12. Author of the Report

Annette Moppett, Solicitor to the Council (Monitoring Officer) Telephone: 01756 706325 E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

COMMITTEE	STANDARDS COMMITTEE
MEMBERSHIP	5 District Councillors, 4 parish representatives and 3 independent persons (12 in total)
LEAD OFFICERS	Monitoring Officer
SUB-COMMITTEES	Will be constituted on an ad hoc basis to deal with hearings in relation to member conduct

TERMS OF REFERENCE

- To review, at least every two years, the Council's Member / Employee Protocol and Codes of Conduct, the Planning Protocol, and any other local codes and protocols, and to recommend changes to the Council Meeting
- To consider other areas where there may be a need for local codes or protocols and make appropriate recommendations to the Council
- To monitor the operation of the codes and protocols and to advise Members individually (as requested) and as a whole on the codes and protocols
- To grant dispensations to Members as provided for by the Localism Act 2011 and regulations made thereunder
- To deal with complaints relating to a breach of the Members Code of Conduct and to appoint sub-committees, as required on an ad hoc basis to hear complaints following investigation.
- To advise the Parish Councils on the adoption or revision of their Codes of Conduct, to monitor their operation and to advise on matters relating to their Codes
- To ensure the provision of effective training on Members' interests and Code of Conduct issues for Members of the District Council and the Parish Councils in the Craven District

4. S.

- To receive and deal with reports resulting from Ombudsman complaints
- To be consulted when reviews are carried out of elements of the Council's Constitution that relate to the ethical framework

AGENDA ITEM 6

STANDARDS COMMITTEE

21st July 2021

Local Government Association – Model Councillor Code of Conduct (2021)



Ward(s) affected: All

Report of the Solicitor to the Council and Monitoring Officer

- 1. **Purpose of Report** To provide the Committee with an update in respect of the Local Government Association Model Councillor Code of Conduct 2021.
- 2. **Recommendations** Members are recommended to:
- 2.1 Note the contents of the Local Government Association Model Councillor Code of Conduct; and
- 2.2 Request the Monitoring Officer carry out a gap-analysis between the Model Code and the Council's Code of Conduct for Members and report the findings back to the Committee for further consideration.

3. Report

Background

- 3.1 Members will recall the report published in 2019 by the Committee on Standards in Public Life ('CSPL') following the Committee's review of ethical standards in Local Government. The report made 26 recommendations addressed to the government and other public bodies. Many of these recommendations require changes to primary legislation which will be subject to Parliamentary timetabling.
- 3.2 The report also included 15 best practice recommendations. The Council has now implemented all 15 of the best practice recommendations.
- 3.3 The CSPL's first recommendation states:

The Local Government Association should create an updated model code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government.

AGENDA ITEM 6

- 3.4 The CSPL found that there was considerable variation in the length, quality and clarity of codes of conduct and that this created confusion amongst the public and also councillors who represent more than one tier of local government. The CSPL also found that many codes failed to address adequately important areas of behaviour for example, social media use and bullying and harassment. The CSPL concluded that an updated model code of conduct should be made available to local authorities in order to enhance the consistence and quality of local codes.
- 3.5 However, the CSPL considered that there were benefits in local authorities being able to amend and have ownership of their own codes. The updated model code of conduct should therefore be voluntary and able to be adapted by local authorities.
- 3.6 Whilst the government continues to consider its response to the recommendations made by the CSPL, a voluntary Model Councillor Code of Conduct has now been issued by the Local Government Association ('LGA') (attached as Appendix A).
- 3.7 The first draft of the LGA's Model Code was the subject of a 10-week consultation and on-line questionnaire. A number of workshops and webinars also took place. After considering some 1600 written responses, a revised draft Model Code was presented to an LGA Councillor's Forum and finally approved by the LGA Board on the 3rd December 2020.
- 3.8 On the 8th July 2021, the LGA published the supporting guidance which sits alongside the Model Code and this will be presented to the Committee at its next meeting. If the government does implement those of the CSPL's recommendations which require a change in the law, the Model Code will be amended. The LGA has also undertaken to carry out an annual review of the Model Code.
- 3.9 If the Committee is minded to consider adopting the Model Councillor Code of Conduct, with or without local amendments, it is suggested that the Monitoring Officer carries out a gap-analysis between the Model Code and the Council's Code of Conduct for Members and report the findings back to the Committee for further consideration.

4. Financial and Value for Money Implications

There are no financial implications arising from the recommendations in this report.

5. Legal Implications

There are no legal implications arising from the recommendations in this report.

6. **Contribution to Council Priorities**

6.1 The promotion and maintenance of high standards of conduct by the elected and co-opted Members of Craven District will assist the Council in achieving its priorities.

6.2 **Impact on the declared Climate Emergency** - no implications for the declared Climate Emergency.

7. Risk Management

- 7.1 The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council.
- 7.2 **Chief Finance Officer (s151 Officer) Statement** no additional comments.

7.3 **Monitoring Officer Statement** – no additional comments.

8. Equality Analysis

The Council's Equality Impact Assessment procedure does not apply to this report as there are no changes to any policy at this time.

9. **Consultations with Others**

None

10. Background Documents

None

11. Appendices

Appendix A – Model Councillor Code of Conduct 2020 (Local Government Association)

12. Author of the Report

Annette Moppett, Solicitor to the Council (Monitoring Officer) Telephone: 01756 706325 E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



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- forpurpose, 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 subcommittee 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 <u>Seven Principles of Public Life</u>, 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

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 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.

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 Registrable 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 <u>Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.</u>

Subject	Description	
Employment, office, trade, profession or vocation	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 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.	
Contracts	Any contract made between 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 (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 — (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 and Property	Any beneficial interest in land which is within the area of the council. '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.	
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer	
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (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.	
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were	

spouses/civil partners have a beneficial
interest exceeds one hundredth of the
total issued share capital of that class.

* '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 Registerable 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.

AGENDA ITEM 7

STANDARDS COMMITTEE

21st July 2021

Standards Bulletin 2020/2021

Ward(s) affected: All

Report of the Solicitor to the Council and Monitoring Officer

- 1. **Purpose of Report** To present a draft Standards Bulletin for the municipal year 2020/2021.
- 2. **Recommendations** Members are recommended to:
- 2.1 Consider the draft Standards Bulletin and, subject to any comments Members may have, approve the Bulletin for publication and circulation.

3. Report

- 3.1 The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct. Producing an annual standards report and sharing it with all councillors across the district, is a positive way for the Committee to continue to promote high standards of conduct.
- 3.2 The draft Standards Bulletin for the municipal year 2020/2021 is attached as Appendix A and Members are asked to consider the Bulletin with a view to approving it for publication and circulation across the district.

4. Financial and Value for Money Implications

There are no financial implications arising from the recommendations in this report. The Standards Bulletin will be circulated electronically.

5. Legal Implications

There are no legal implications arising from the recommendations in this report.

6. **Contribution to Council Priorities**

- 6.1 The promotion and maintenance of high standards of conduct by the elected and co-opted Members of Craven District will assist the Council in achieving its priorities.
- 6.2 **Impact on the declared Climate Emergency** no implications for the declared Climate Emergency.



7. Risk Management

- 7.1 The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council.
- 7.2 **Chief Finance Officer (s151 Officer) Statement** no additional comments.
- 7.3 **Monitoring Officer Statement** no additional comments.

8. Equality Analysis

The Council's Equality Impact Assessment procedure does not apply to this report as there are no changes to any policy.

9. **Consultations with Others**

None

10. Background Documents

None

11. Appendices

Appendix A – Draft Standards Bulletin 2020/2021

12. Author of the Report

Annette Moppett, Solicitor to the Council (Monitoring Officer) Telephone: 01756 706325 E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



STANDARDS COMMITTEE BULLETIN 2020/2021

FOREWORD BY THE CHAIRMAN OF STANDARDS COMMITTEE

I am pleased to present the Standards Bulletin for 2020/2021. We have had a challenging year and despite this we have ensured the maintenance and constant improvement of conduct and governance of standards within our District. I would like to thank all members of the Standards Committee and Officers for their resilience and consistent commitment during the period. Here's to a another year of positive change implemented by the Standards Committee.

Councillor David Ireton

MEMBERSHIP OF THE COMMITTEE

The Standards Committee is:

- Five District Councillors (other than the Leader and Deputy Leader and appointments are politically proportionate).
- Four parish representatives who are members of a Parish Council in the District and (who are appointed by Council, usually following a ballot).
- Three independent persons who are not councillors or employees of the Council or any body with a Standards Committee to ensure impartiality. Independent Persons are an important part of the Committee, an independent voice assisting the Monitoring Officer to make concise decisions and promote high standards.

The current membership is:

Councillors Ireton (Chairman), Metcalfe, Mercer, Solloway and Whitaker. Parish Council Representatives (non-voting): Dan Balsamini and Marion Swales.

Independent Persons (non-voting): John Boumphrey and Roger Millin.

COUNCILLORS











David Ireton

Sue Metcalfe

Bill Mercer

Andrew Solloway

PARISH REPRESENTATIVES

Paul Whitaker

INDEPENDENT PERSONS



John Boumphrey



Roger Millin



Dan Balsamini

Marion Swales

Photo Pending

WORK PROGRAMME

Despite the COVID-19 Pandemic the Committee has continued its work reviewing the local codes and protocols contained in the Council's Constitution and completed the work programme set for 2020/2021.

Carried forward from 2019/2020 the Committee completed a review of the Council's Officers' Code of Conduct to ensure the Protocol continues to be fit for purpose. In 2015 the Officers' Code of Conduct underwent an extensive review which resulted in significant updates and the introduction of three corporate template forms. As a result of the previous review, the only planned update was to make the document gender neutral.

In November 2020, the Committee completed a review of the number of Parish Representatives and resolved That the number of Parish Representatives appointed to Standards Committee remains at four. The Committee also appointed Settle Town Councillor Daniele Balsamini as a non-voting Parish Representative of Standards Committee until the Annual Council Meeting 2024. In March 2021, the Committee reviewed the Members' Code of Conduct to include consideration of the Committee on Standards in Public Life's best practice. Members were pleased that any reference to gender in the document had been removed to ensure the document was inclusive. The updated Members' Code of Conduct was adopted by Council in April 2021.

ANNUAL LETTER

The Annual Letter from the Local Government and Social Care Ombudsman was received and provided the Committee on Standards in Public Life with an update on the Council's progress in implementing the best practice recommendations set out in the report on Local Government Ethical Standards.

POINTS OF INTEREST

• The LGA published a new model Code of Conduct for Members on 3 December 2020 which can be accessed on the LGA Website below. (This will be considered by the Committee in due course).

https://www.local.gov.uk/local-government-association-model-councillor-codeconduct-2020-0

• The CSPL has published a series of blogs on its website "maintaining a close watch on standards issues arising as a result of the Covid-19 pandemic". Issues such as principles in practice, ethical standards in a time of crisis, building equality into our coronavirus recovery and leadership in times of crisis.

• In January 2021, the Committee on Standards in Public Life set out its anticipated work for the year ahead. The CSPL intends to continue and complete its reviews of election finance and the standards regime. Further information is available on the CSPL website.

• The CSPL has followed up with local authorities regarding progress against the best practice recommendations it made in its 2019 report on local government ethical standards and which it would expect any local authority to implement. On 8 January 2021 the CSPL reported on the 213 responses it had received so far, noting the following: the vast majority of Councillors and officers want to maintain the highest standards of conduct; authorities have implemented or are taking steps to do so, the best practice recommendations; for many of the councils, even if they didn't use the precise terms of the best practice recommendations, they had elements in place and were reviewing their practices to comply fully. Source: https://www.northyorks.gov.uk/info/standards-bulletin-march-2021

AGENDA ITEM 8

STANDARDS COMMITTEE

21st July 2021



Ward(s) affected: All

Report of the Solicitor to the Council and Monitoring Officer

- Purpose of Report To provide Members with an update on the number and progress of Code of Conduct complaints since the last report presented to this Committee (10th March 2021).
- 2. **Recommendations** Members are recommended to:
- 2.1 Note the contents of the monitoring report.

3. Report

- 3.1 The usual monitoring report is attached at Appendix A, updated to show new complaints received and progress made. A verbal update will be provided at the meeting.
- 3.2 The COVID19 pandemic has continued to have an impact on the work of the Council and unfortunately, this has meant that timescales set out in the agreed 'Arrangements for Dealing with Complaints' have not always been met.

4. Financial and Value for Money Implications

There are no financial implications arising from the recommendation in this report.

5. Legal Implications

There are no legal implications arising from the recommendation in this report.

6. **Contribution to Council Priorities**

- 6.1 The promotion and maintenance of high standards of conduct by the elected and co-opted Members of Craven District will assist the Council in achieving its priorities.
- 6.2 **Impact on the declared Climate Emergency** no implications for the declared Climate Emergency.
- 7. Risk Management



- 7.1 The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council.
- 7.2 **Chief Finance Officer (s151 Officer) Statement** no additional comments.
- 7.3 **Monitoring Officer Statement** no additional comments.

8. Equality Analysis

The Council's Equality Impact Assessment procedure does not apply to this report as there are no changes to any policy.

9. **Consultations with Others**

None

10. Background Documents

None

11. Appendices

Appendix A – Monitoring Report

12. Author of the Report

Annette Moppett, Solicitor to the Council (Monitoring Officer) Telephone: 01756 706325 E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Date complaint received	Reference	Status	Alleged Breach
12 th June 2020	2020/03	Decision Notice issued 3 rd August 2020. Referral for investigation. Investigator appointed 3 rd August 2020. Investigation on going	Town Council Obligations 1, 2, 3 & 5.
3 rd December 2020	2020/06	Decision Notice issued 13 th January 2021. Referral for investigation. Investigator appointed 21 st January 2021. Final report received 24 th June 2021.	District Council Obligation 1 & Principles of Public Life
25 th March 2021	2021/13	Decision Notice issued 19 th April 2021. Referral for investigation. Investigator appointed 28 th April 2021. Request to withdraw complaint considered. Decision Notice issued referring the complaint for information action.	Town Council Obligations 1 & 2
14 th May 2021	2021/14	Further information requested.	Town Council Details to be confirmed.
10 th June 2021	2021/15	Further information requested.	Town Council Details to be confirmed.

Appendix A