

## STANDARDS COMMITTEE

6.30pm on Wednesday 13<sup>th</sup> March 2019  
Staincliffe Suite, 1 Belle Vue Square, Broughton Road, Skipton.

**Committee Membership:** Councillors Ireton (Chairman), Mason, Mercer, Solloway and Whitaker.

**Parish Council Representatives** (non-voting): Veronicka Dancer, Michael Rooze and Robert Stead.

**Independent Persons** (non-voting): John Boumphrey, Peter Charlesworth and Roger Millin.

## AGENDA

1. **Apologies for Absence**
2. **Confirmation of Minutes** – 23<sup>rd</sup> January 2019 attached.
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 in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Committee on Standards in Public Life Review on Ethical Standards in Local Government** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To consider the report of the Committee on Standards in Public Life following the review into Local Government Ethical Standards.

6. **Audit of Parish Councils' Registers of Interests** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To update the Committee on the actions agreed at the last meeting of the Committee.

7. **Review of the Code of Conduct for Members** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To continue the review of the Code of Conduct for Members.

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

Purpose of Report – To update Members following the last report to Committee on 23<sup>rd</sup> January 2019.

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

Agenda Contact Officer: Hannah Scales

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4<sup>th</sup> March 2019

If you would like this agenda or any of the reports listed in a different way that will accommodate your requirements, please telephone 01756 706423.

### **Recording at Council Meetings**

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) 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 (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

### **Emergency Evacuation Procedure**

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

## **STANDARDS COMMITTEE**

23 January 2019

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

**Parish Representatives (non-voting):** Veronicka Dancer, Robert Stead.

**Independent Persons (non-voting):** Roger Millin.

**Officers** – Solicitor to the Council (Monitoring Officer), Committee Administrator and Clerical Assistant (Minutes).

Apologies for absence were received from Independent Person Peter Charlesworth and Parish Representative Michael Rooze.

Start: 6.30pm

Finish: 7.44pm

The minutes of the Committee's meeting held on 19 September 2018 were confirmed as a correct record and signed by the Chairman.

### **Minutes for Report**

STN.352

#### **AUDIT OF PARISH COUNCILS' REGISTER OF INTERESTS**

The Solicitor to the Council (Monitoring Officer) submitted a report regarding the outcome of an extensive audit of Parish Councils' Register of Interests. The audit had raised a number of areas for concern.

The Solicitor to the Council (Monitoring Officer) referred to a review previously conducted where Members had agreed a shorter Register of Interests form and explained that the Audit showed that not many of the Parish and Town Councillors were not using the new form. She also expressed concern regarding Disclosable Pecuniary Interests not being properly declared, including details of home addresses and the interests of spouses. It was understood that it may be perceived as an invasion of privacy and the requirement may discourage potential candidates for the role of Councillor but disclosing interests was a legal obligation under the Localism Act.

The audit had also highlighted the number of Parish and Town Councils not publishing their Register of Interests.

The Chairman took advice from the Solicitor to the council about implicated changes to regulations surrounding Register of Interests on receipt of the outcome of the Public Life Review.

In discussing the concerns raised by the Solicitor to the Council (Monitoring Officer) the Committee highlighted personal security worries howbeit the requirement for disclosure and legal implications were appreciated.

The Solicitor to the Council (Monitoring Officer) gave Members a list of suggested actions which they discussed for suitability, and it was

- Resolved** – (1) That, the Solicitor to the Council (Monitoring Officer) writes to all Town and Parish Councils reminding them of what the Localism Act says and requires.
- (2) That, the Solicitor to the Council (Monitoring Officer) attends the upcoming Parish Liaison meeting and remind Parish Councillors of the legal requirement.
- (3) That, the Solicitor to the Council (Monitoring Officer) collaborates with the Returning Officer in discussing suitability for information regarding registering interests to be included in Nomination Packs.
- (4) That, the Solicitor to the Council looks into making information regarding registering interests more explicit on Craven District Council's website.

STN.353

### **ACTION TAKEN BY THE MONITORING OFFICER**

The Solicitor to the Council (Monitoring Officer) submitted a report in respect of action taken to address a governance failing highlighted at a recent meeting of the Hearings Panel.

The governance failure identified was that the Chairman of Planning Committee decided unilaterally at a pre-meeting briefing that a representative from the Highways Authority would not attend a specified meeting of Planning Committee after the Committee had previously resolved that they would. The Monitoring Officer expressed confidence that had a solicitor been present at the briefing, this decision would not have been taken and therefore in order to address the governance failing the following arrangements had been put in place:

- (a) All pre-committee briefings to be organised by Democratic Services;
- (b) A solicitor (or suitably qualified and experienced legal advisor) to attend these briefings. Any governance issues discussed at a briefing to be reported to the Monitoring Officer, (unless the Deputy Monitoring Officer is present at the briefing).

**Resolved** – That, the action taken by the Monitoring Officer is noted.

STN.354

### **MEMBERS' CODE OF CONDUCT REVIEW**

The Solicitor to the Council (Monitoring Officer) submitted a report asking the Committee to commence a review of the Code of Conduct for Members, whilst considering two areas requiring significant attention, namely:

- Amending the Code of Conduct to accommodate allegations once considered to have been outside the scope of the Code.
- The requirement to declare membership or past membership of a Masonic Lodge.

The Solicitor to the Council reminded Members that the Localism Act was quite clear in that the Codes of Conduct apply when 'acting' as a Councillor. Should the Committee be minded

to pursue this amendment, guidance should be sort after whether the amendment could be made lawfully.

A lengthy discussion regarding Freemasonry took place that included such topics:

- Significance of Masonry today.
- One section of society being singled out, should other clubs be required to disclose membership?
- Parity between Officer's and Member's requirement for declarations.
- Concern of the lifelong oath.
- Public confidence in the transparency of decision making.

It was evident the Committee felt strongly that the role of Councillor is twenty-four/seven and they wished for the Code of Conduct to reflect this.

**Resolved** – (1) That, the Committee were in favour of amending the Code of Conduct to accommodate allegations once considered to have been outside the scope of the Code. The Solicitor to the Council (Monitoring Officer) to work on this further.

(2) That, the question of declaring Freemasonry is deferred for the next meeting, Members to reflect on the discussion and the Solicitor to the Council (Monitoring Officer) to conduct further research into Freemasonry.

STN.355

### **MONITORING REPORT**

The Solicitor to the Council submitted a report that presenting the Committee with details of two complaints received in the period since September 2018. One complaint had been found to be wide ranging with no further action required and the other, District Councillors seeking to confer an advantage/disadvantage.

**Resolved** – That, the Monitoring Report is noted.

STN.356

### **STANDARDS BULLETIN**

The Solicitor to the Council (Monitoring Officer) submitted a report presenting the Standards Committee's Bulletin for the year 2018.

Members were reminded that the production of an annual Standards Bulletin was a good way for the Committee to continue to promote high standards of conduct across the Council.

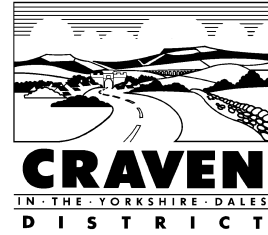
**Resolved** – That, subject to the minor amendments now agreed the 2018 Standards Bulletin is approved for circulation.

### **Minutes for decision**

None

Chairman

**Standards Committee –**  
**13<sup>th</sup> March 2019**



**LOCAL GOVERNMENT ETHICAL  
 STANDARDS – A REVIEW BY THE  
 COMMITTEE ON STANDARDS IN PUBLIC  
 LIFE**

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to provide Members with an overview of the Committee on Standards in Public Life’s report on local government ethical standards.
2. **Recommendations** – Members are recommended to note the content of the report and the action to be taken.

3. **Report**

**Background**

- 3.1 On the 30<sup>th</sup> January 2019, the Committee on Standards in Public Life (‘CSPL’) published its much anticipated report into local government ethical standards. The CSPL had undertaken a wide-ranging evidence gathering exercise and Members may recall the detailed consultation response this Committee submitted. The full report is available on the CSPL’s website and a copy of the executive summary is attached to this report as Appendix 1.
- 3.2 The extensive report, running to some 100 pages, finds that while the majority of councillors and officers maintain high standards of conduct, there is clear evidence of misconduct by some.

**Report**

- 3.3 The CSPL make a total of 26 recommendations to promote and maintain the standards expected by the public and other users of local government. The complete list of recommendations is at Appendix 2.
- 3.4 Of the 26 separate recommendations for improvement, listed below are the ones which will perhaps be of most interest to this Committee.
- 3.5 **Updating the model code of conduct and extending it to parish councils** – as expected, the CSPL found considerable variation in the length, quality and clarity of local authority codes of conduct. It therefore recommends improving quality and consistency by requiring the Local Government Association to produce an updated model code. In order to reduce the burden on principal authorities (who must

investigate complaints about parish councillor's conduct), the report also recommends requiring parish councils to adopt the code of conduct of their principal authority or the new model code (recommendations 1 and 20).

- 3.6 **Presumption of official capacity** – the report states that the current narrow scope of the code of conduct makes it difficult to effectively deal with some instances of poor behaviour, particularly in relation to social media use. In order to address this, it recommends that councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media consequently section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches (recommendation 3).
- 3.7 **Strengthening the sanctions system** – the report concludes that stronger sanctions should be made available to local authorities and recommends allowing local authorities to suspend councillors, without allowances, for up to six months. It is proposed that suspended councillors would have a right of appeal to the Local Government and Social Care Ombudsman (recommendation 16).
- 3.8 **Proposal to decriminalise the requirements relating to declarable (or disclosable) pecuniary interests** – the CSPL found the current regime to be disproportionate in principle and ineffective in practice (recommendation 18).
- 3.9 Unfortunately, a number of the report's recommendations require primary legislation to amend sections of the Localism Act 2011 but perhaps in recognition of this, the report also includes a list of best practice which the CSPL "*expects that any local authority can and should implement*". The list of best practice is at Appendix 3.
- 3.10 The Monitoring Officer will now review this list of best practice and present a report to the next meeting of the Committee outlining what action, if any, is needed to implement the best practice identified.
- 4. **Implications**
  - 4.1 **Financial Implications** – There are no direct financial implications arising from this report.
  - 4.2 **Legal Implications** – There are no direct legal implications arising from this report.
  - 4.3 **Contribution to Council Priorities** – Not applicable.
  - 4.4 **Risk Management** – Not applicable.
  - 4.5 **Equality Analysis** – Not applicable.
- 5. **Consultations with Others** – None.
- 6. **Access to Information: Background Documents** – Report of the Committee on Standards in Public Life – Ethical Standards in Local Government.

7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.
  
8. **Appendices** –  
Appendix 1 – Executive summary;  
Appendix 2 – List of recommendations;  
Appendix 3 – List of best practice.





# Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

## Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.



There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

### **Declaring and managing interests**

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

### **Investigations and safeguards**

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

### **Sanctions**

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



## **Town and parish councils**

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

## **Supporting officers**

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

## **Councils' corporate arrangements**

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

## **Leadership and culture**

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.



# List of recommendations

<b>Number</b>	<b>Recommendation</b>	<b>Responsible body</b>
<b>1</b>	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.	Local Government Association
<b>2</b>	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
<b>3</b>	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
<b>4</b>	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
<b>5</b>	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
<b>6</b>	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government



Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



<b>Number</b>	<b>Recommendation</b>	<b>Responsible body</b>
<b>23</b>	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
<b>24</b>	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
<b>25</b>	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
<b>26</b>	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association





# List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

**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 as a whole, rather than the clerk in all but exceptional circumstances.

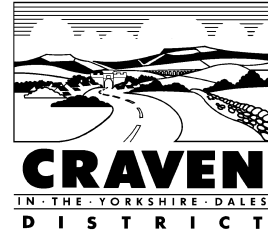
**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources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

**Standards Committee –  
13<sup>th</sup> March 2019**



**PARISH COUNCILS' REGISTERS OF INTERESTS - UPDATE**

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to update Members following the recent audit of Parish Councils' Registers of Interests.
2. **Recommendations** – Members are recommended to note the content of this report and decide what action, if any, to take.

3. **Report**

**Background**

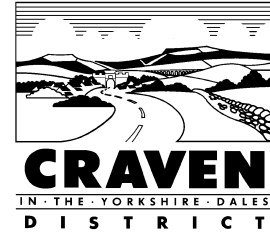
- 3.1 Members may recall that at the last meeting, the Committee considered the findings of an audit of the parish councils' registers of interests. After a detailed debate, the Committee resolved that the Solicitor to the Council (Monitoring Officer) would:
  - (1) Write to all Town and Parish Councils reminding them of what the Localism Act 2011 says and requires;
  - (2) Attend the upcoming Parish Liaison meeting and remind Parish Councillors of the legal requirements.

**Report**

- 3.2 On the 30<sup>th</sup> January, the Committee on Standards in Public Life ('CSPL') published its long awaited report into local government ethical standards and one of the 26 recommendations is relevant here.
- 3.3 Recommendation 2 states: *'the government should ensure that candidates standing for or accepting public office are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests'*.
- 3.4 Evidence the CSPL received suggested "that intimidation of councillors is less widespread than intimidation of Parliamentary candidates and MPs, but, when it does occur, often takes similar forms and is equally severe and distressing". In line with earlier findings, this form of intimidation was particularly likely to affect high-profile women in local government.

- 3.5 Further, legislation removing the requirement for candidates to have their home address published on the ballot paper and statement of persons nominated at local government elections has now been made and will apply to the elections to be held on the 2<sup>nd</sup> May.
- 3.6 In view of these very recent developments, the Committee is asked to confirm its previous decision, specifically the actions detailed at paragraph 3.1 above.
4. **Implications**
- 4.1 **Financial Implications** – There are no direct financial implications arising from this report.
- 4.2 **Legal Implications** – These are set out in the body of the report.
- 4.3 **Contribution to Council Priorities** – Not applicable.
- 4.4 **Risk Management** – Not applicable.
- 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.
8. **Appendices** – None.

## Standards Committee – 13<sup>th</sup> March 2019



### MEMBERS' CODE OF CONDUCT

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to progress the Committee's on-going review of the Members' Code of Conduct.
2. **Recommendations** – Members are recommended to note the content of the report and consider whether the Members' Code of Conduct requires amendment.

### 3. **Report**

#### **Background**

- 3.1 At its meeting on the 23<sup>rd</sup> January 2019, this Committee commenced a review of the Council's Code of Conduct for Members, which was last reviewed in 2015.
- 3.2 Members may recall that two issues dominated the debate. First, whether the Code of Conduct should apply when a member is not acting in an official capacity and secondly, whether membership (or past membership) of a Masonic Lodge should be declared. The Solicitor to the Council (Monitoring Officer) was tasked with considering both issues further.

### 3.3 **Scope of the Code of Conduct**

Section 27(2) of the Localism Act 2011 states "*a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority **when they are acting in that capacity***". On careful reading of this sub-section, the Monitoring Officer has concluded that at the present time, codes of conduct can only apply to councillors when they are acting in their capacity as a councillor.

This interpretation of the sub-section is perhaps supported by the Committee on Standards in Public Life's recent report on local government ethical standards and their recommendation that there should be a rebuttable presumption that a councillor's behaviour in public is in an official capacity but an individual's behaviour in private, in a personal capacity, should remain outside the scope of the code.

### 3.4 **Membership (past or present) of a Masonic Lodge**

In order to assist the Committee, the Committee Clerk has prepared a detailed briefing note on Freemasonry and this is attached as Appendix 1.

## 4. **Implications**

4.1 **Financial Implications** – There are no direct financial implications arising from this report.

4.2 **Legal Implications** – These are set out in the body of the report.

4.3 **Contribution to Council Priorities** – Not applicable.

4.4 **Risk Management** – Not applicable.

4.5 **Equality Analysis** – Not applicable.

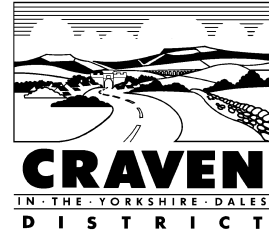
5. **Consultations with Others** – None.

6. **Access to Information: Background Documents** – Not applicable.

7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.

8. **Appendices** –  
Appendix 1 – Briefing Note

## Standards Committee – 13<sup>th</sup> March 2019



### FREEMASONRY BRIEFING NOTE

**Purpose of Report** – To provide Members with more in-depth information regarding Freemasonry.

#### **1. Statistics**

Under the United Grand Lodge of England, there are over 200,000 Freemasons. Northern Ireland and Eire and Scotland also have a combined total of approximately 150,000 members. Worldwide, there are approximately 6 million Freemasons.

#### **2. The Oaths**

New members make solemn promises concerning their behaviour both in the Lodge and in society. Members also promise to keep confidential the way they recognise each other when visiting another Lodge. Freemasons also promise to support others in time of need but only so far as it does not conflict with their family and public obligations. It is a requirement of every initiated Freemason that before learning the secrets of Freemasonry, he will give his oath to never divulge those secrets to any person who is not a proven member of the Fraternity.

The obligation of a first degree Freemason (Entered Apprentice degree):

“Binding myself under no less a penalty than that of having my throat cut across, my tongue torn out by its roots, and buried in the rough sands of the sea at low-water mark, where the tide ebbs and flows twice in twenty-four hours, should I ever knowingly or willingly violate this my solemn oath and obligation as an Entered Apprentice Mason. So help me God, and keep me steadfast in the due performance of the same.”

The obligation of a second degree Freemason (Fellowcraft degree):

“Binding myself under no less a penalty than that of having my left breast torn open, my heart plucked out, and given as a prey to the wild beasts of the field and the fowls of the air as a prey.”

The obligation of a third degree Freemason (Master Mason degree):

“Binding myself under no less a penalty than that of having my body severed in two, my bowels taken from thence and burned to ashes, the ashes scattered to the four winds of heaven, so that no more trace or remembrance may be had of so vile and perjured a wretch as I, should I ever knowingly or willingly violate this my solemn obligation as a Master Mason. So help me God, and keep me steadfast in the due performance of the same.”

#### **3. The Formal Story**

1. Freemasonry consists of a body of men banded together for the purpose of mutual intellectual, social and moral improvement and pledged to preserve our traditions. Its

members endeavour to cultivate and exhibit love and charity to one another and the world at large and, as individuals, search for the truth in their being.

2. The essential condition for membership is a belief in a Supreme Being.

3. Masonry recognises no distinction of religion and emphasises the duties of loyalty and citizenship. It does not permit any of its members to discuss religious or political questions in Lodge.

4. It offers no financial advantages binding one Mason to deal with another, or to support him in any way in the ordinary business relations of life.

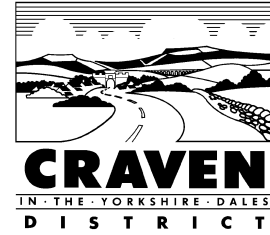
5. We support a wide variety of Masonic and non-Masonic charities and good causes but Masonry is not in any financial sense a mutual-benefit society. Masonic Charities are solely for the less fortunate.

6. Masonry teaches that a man's first duty is to his family. People should not therefore join if the associated fees and charitable contributions will be to the detriment of their loved ones.

7. Each Mason should be sure he desires the intellectual and moral improvement of himself and others; he is willing to devote time, means and efforts in the promotion of brotherly love, relief and truth; he seeks no commercial, social or pecuniary advantages; and, he is able to afford the necessary expenditure without detriment to himself or his dependants.



**Standards Committee –  
13<sup>th</sup> March 2019**



**MONITORING REPORT**

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To update Members following the last report to Committee on the 23<sup>rd</sup> January 2019.
2. **Recommendations** – Members are asked to note the contents of the report.
3. **Report**
  - 3.1 The usual monitoring report is attached at Appendix A.
  - 3.2 A verbal update will be given at the meeting, if required.
4. **Implications**
  - 4.1 **Financial Implications** – None arising directly from the report.
  - 4.2 **Legal Implications** – None arising directly from this report.
  - 4.3 **Contribution to Council Priorities** – Not applicable.
  - 4.4 **Risk Management** – Not applicable.
  - 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.
8. **Appendices** –  
Appendix A – Monitoring report

## Appendix A

Date complaint received	Reference	Status	Alleged Breach
17 <sup>th</sup> December 2018	AM.1755	Complaint form returned to Complainants to provide further information (9 <sup>th</sup> January 2019). No information provided as at 1 <sup>st</sup> March 2019.	Parish Councillors Details to be confirmed.
27 <sup>th</sup> November 2018	AM.1775	Decision Notice issued 14 <sup>th</sup> February 2019. No further action.	District Councillor Seeking to confer an advantage/disadvantage.
27 <sup>th</sup> November 2018	AM.1775	Decision Notice issued 14 <sup>th</sup> February 2019. No further action.	District Councillor Seeking to confer an advantage/disadvantage and/or behaving disrespectfully.
28 <sup>th</sup> January 2019	AM.1777	Complaint rejected by Monitoring Officer on the 5 <sup>th</sup> February 2019 and complainant advised to contact the Information Commissioner's Office.	Parish Councillor Failure to comply with the GDPR.
30 <sup>th</sup> January 2019	AM.1778	Views of the Parish Council received on the 14 <sup>th</sup> February 2019. Views of the Independent Person to be obtained.	Parish Councillors Failing to act with honesty, openness and/or integrity.
1 <sup>st</sup> February 2019	AM.1779	Complaint initially rejected by Monitoring Officer 14 <sup>th</sup> February 2019. Complainant invited to provide additional information if available.	Parish Councillors