

Standards Committee

To: Mrs Christine Bainton (Independent Member, in the Chair)
Cllrs Scott (Vice-Chair), Barton, Runciman and Taylor
Mr A L Dixon (Independent Member) and Mr M R Hall (Independent Member)
Cllrs Crawford (Parish Council Member), Forster (Parish Council Member) and Mellors (Parish Council Member)

Date: Thursday, 17 May 2012

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes

(Pages 3 - 8)

To approve and sign the minutes of the meeting of the Standards Committee held on 16 March 2012.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Standards Committee, may do so. The deadline for registering is **5:00 pm on Wednesday 16 May 2012.**

4. New Standards Arrangements (Pages 9 - 34)
This report updates Members on progress with putting in place new arrangements for dealing with standards issues affecting City of York Council and the local parish councils with effect from 1 July 2012.

5. Urgent Business
Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democratic Services Officer responsible for this meeting:

Name: Jayne Carr

Contact Details:

- Telephone – (01904) 552030
- E-mail – jayne.carr@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Minutes

MEETING	STANDARDS COMMITTEE
DATE	16 MARCH 2012
PRESENT	MRS BAINTON (INDEPENDENT MEMBER IN THE CHAIR) COUNCILLORS SCOTT (VICE-CHAIR), BARTON, RUNCIMAN AND TAYLOR (CITY OF YORK COUNCIL MEMBERS) COUNCILLORS FORSTER AND MELLORS (PARISH COUNCIL MEMBERS) MR DIXON (INDEPENDENT MEMBER)
APOLOGIES	COUNCILLOR CRAWFORD AND MR HALL

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

14. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. None were declared.

15. MINUTES

RESOLVED: That the minutes of the Standards Committee meeting held on 20 January 2012 be approved and signed by the Chair as a correct record.

16. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

17. PLANNING FOR STANDARDS ARRANGEMENTS

Members noted that there were a number of tasks that were still to be performed to enable the new standards arrangements to be implemented from 1 July 2012. Consideration was given to a task list that detailed the key actions required.

RESOLVED: (i) That the list of tasks to be carried out in preparation for the implementation of the new arrangements be noted.

(ii) That an additional meeting of the

Committee be held on Thursday 17 May 2012 at 3.00pm.

REASON: To prepare for the implementation of the new standards arrangements.

PART B - MATTERS REFERRED TO COUNCIL

18. NEW STANDARDS ARRANGEMENTS

Members considered a report that updated them on progress with the putting in place of new arrangements for dealing with standards issues affecting City of York Council and the local Parish Councils with effect from 1 July 2012. Members were reminded that the Council would need a new Code of Conduct in place from that date and would need to make arrangements for dealing with complaints that the Code had been breached. Such arrangements would cover Parish complaints as well as complaints against City Councillors. The legislation required an independent person to be involved in certain aspects of handling complaints.

(i) Transitional Arrangements

Members had previously been advised that the new legislation did not permit an existing independent member of the Committee to take on the role of an independent person. Members were advised that there had now been an indication from Government that provisions would be introduced enabling existing independent members to act as independent persons for a transitional period. It was unclear what conditions, if any, might attach to such appointments and whether the vacancy would still need to be advertised.

(ii) Code of Conduct

The Monitoring Officer informed the committee that the Local Government Association had taken on work, which had been started by ACSES, to develop a model code and NALC had been working on a Parish Model Code. The publication of these had been delayed, in part, because the Regulations had not yet been issued. Those Regulations would define Disclosable Pecuniary Interests (DPIs) which would need to be registered and would

prevent Members participating in meetings. Failure to comply with these provisions would be a criminal offence.

The Committee's attention was drawn to difficulties that the Council might have in considering a model Code and adopting a new Code before 1 July given the dates of scheduled Council meetings. The Committee was therefore asked to consider making a recommendation to Council regarding interim arrangements that should be put in place if Council is unable to adopt a new Code in time. It was suggested that the interim position could be to continue to use the existing Code with the addition of a requirement to register and declare DPI's.

(iii) Standards Committee

Consideration was given to the results of the consultation that had taken place with parish councils. The majority of those who had responded had indicated support for a joint committee. Committee members felt that this was the best option given that it would allow for voting Parish Members. Members commented that it was regrettable that the law did not allow for voting independent members.

(iv) Arrangements for dealing with complaints

Further consideration was given to the arrangements for dealing with complaints. Annex 3 of the report detailed suggested procedures based on the committee's recommendations at their last meeting. The Committee confirmed its support for the Monitoring Officer to be given powers to filter complaints and seek local resolutions where appropriate. Concerns were expressed that the procedure did not offer the right of appeal to a councillor who had been found to have breached the Code and asked that such a right be added to the draft procedures.

(v) Independent Persons

Discussion took place regarding the role of the independent person and the number that should be appointed. It was agreed that two independent people should be appointed and that they would both be consulted if allegations were made regarding a breach of the Code. By appointing two people to carry out this role

there would also be opportunities for them to support each other.

(vi) Dispensations

Further discussion took place regarding a mechanism by which Parish Councillors would be able to obtain dispensations from requirements to disclose interests. It was suggested that the Standards Committee could be asked to deal with such issues.

RECOMMEND: That Council be recommended:

- (i) To adopt an interim Code of Conduct, whereby the existing Code continued with the addition of a requirement to register and declare Disclosable Pecuniary Interests, until Council was in a position to adopt a new Code at its meeting on 19 July 2012.
- (ii) To establish a joint Standards Committee with parish councils. The membership to be as follows:
 - 4 City of York Councillors (one from each of the main political groups)
 - 3 Parish Councillors with voting rights (nominations to be made by the Local Association)

The Standards Committee to have the power to co-opt non-voting community members if this benefits the work of the Committee.

The Chair of the Committee to be appointed by the Committee at its first meeting of the municipal year.

- (iii) That two independent persons be appointed to undertake the

functions set out in the Act and the draft procedures.

REASON: To recommend to Council new arrangements for dealing with standards issues.

C BAINTON

Independent Member, In the Chair

The meeting started at 2.30 pm and finished at 4.00 pm.

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STANDARDS COMMITTEE

17th May 2012

Report of the Monitoring Officer

New Standards Arrangements

1. Background

- 1.1 This report updates Members on progress with putting in place new arrangements for dealing with standards issues affecting the City of York Council and the local parish councils with effect from 1st July 2012.

2. Establishing a new Standards Committee

- 2.1 Since the last meeting the City Council has considered and accepted the Standards Committee's recommendation to establish a non statutory Standards Committee replacing the existing Committee after the 1st July. The City Council also accepted the Committee's recommendation that the Committee should:
- be a joint Standards Committee with parish councils made up of four City of York Councillors (one from each of the main political groups) and three Parish Councillors with voting rights (nominations to be made by the Local Association)
 - have the power to co-opt non-voting community members if this benefits the work of the Committee
 - appoint its own Chair at the first meeting of the municipal year.
- 2.2 The Local Association is currently balloting its members regarding the Parish representation.
- ##### **3. Independent Person(s)**
- 3.1 The City Council has also accepted the Committee's recommendation that two independent persons should be appointed to undertake the functions set out in the Act and in the draft procedures for handling complaints.

- 3.2 The Act requires the position of independent person to be advertised and excludes existing independent members from holding that Office. However, the Government has confirmed that transitional provisions will be implemented which will override this exclusion. It remains unclear as to whether advertisement will still be required and whether there will be any other conditions attached to such continuing appointments. Efforts are ongoing to attempt to clarify this.
- 3.3 A possible description for an independent person is attached at Annex A. Members are recommended to consider this draft for approval.

4. The Code of Conduct

- 4.1 The Act contains a duty for each relevant authority to adopt a code of conduct for their members and co-opted members.
- 4.2 Owing to delays in a model code being produced by the Local Government Association the Standards Committee recommended that the City Council adopt an interim position whereby the existing Code continued. To comply with the new law it was recognised that there would also need to be a requirement in the Code to register and declare Disclosable Pecuniary Interests. The City Council has now agreed this interim position with a view to a new Code being adopted at the Council's meeting scheduled for the 19th of July. The relevant Regulations have still not been issued and without them the Code cannot be completed.
- 4.3 During April the LGA model Code was published. Somewhat surprisingly the Department for Communities and Local Government also issued their own Code. Bevan Brittain LLP, Solicitors have prepared a helpful comparison of the two Codes which is attached at Annex B.
- 4.4 It is understood that NALC will not be recommending either of these Codes to Parish Councils are and are working on producing another Model.
- 4.5 Monitoring Officers are also sharing possible models and attached at Annex C is a draft presented to North Yorkshire County Council's Standards Committee.
- 4.6 The Committee has previously expressed a view that it would be helpful to have some level of consistency of Code across the City and across the wider geographical area. Monitoring Officers are meeting regularly to share developments in their own Councils and are next due to meet in the week following Committee. It might therefore be helpful for

Members to discuss the various options and indicate any preferences with a view to seeing whether a local consensus may still be a possibility.

5. Arrangements for handling complaints

- 5.1 The Committee has previously considered and generally approved draft arrangements for dealing with complaints. However, the Committee was of the view that there should be an appeal provision in place for a Member who was found to have breached the Code.
- 5.2 One option would be for the appeal to be removed from the Standards Committee and be to the relevant Council or a Committee of that Council. This could have attractions given that some of the sanctions available to the Committee will be recommendation that action is taken by the relevant Council. It has obvious disadvantages though – not least being public perception of an independent and expert Committee's decision being overturned.
- 5.3 Another option would be for a different Sub Committee of the Standards Committee to hear an appeal. The main disadvantage with this approach would be that one Sub Committee probably of three members would be overturning a decision of an equally qualified body of the same number of members.
- 5.4 There are a range of other options which could be considered such as delegating the appeals function to another Standards Committee or establishing a separate appeals Committee but none are obviously attractive solutions.
- 5.5 On balance the recommended option is for appeals to be heard by a differently constituted Sub Committee of the Standards Committee.

6. Monitoring Document

- 6.1 An updated version of the monitoring document prepared for the last Committee meeting is annexed at Annex D. Members are recommended to note the progress made.

7. Recommendations

- (a) The Committee approve the role description for an Independent person

- (b) The Committee indicates its preference as to the style of Code it prefers
- (c) The Committee agree that appeals against findings that a Member has breached the Code should be referred to a differently constituted Sub Committee of the Standards Committee
- (d) The Committee note the progress on the various tasks to establish the new arrangements.

Reason: To ensure arrangements are in place for dealing with standards issues affecting the City of York Council and the local parish councils with effect from 1 July 2012.

Author	Chief Officer Responsible for the report		
<i>Author's name: Andy Docherty Title: Assistant Director of Governance and ICT Dept: CBSS Ext: 1004</i>	<i>Chief Officer's Andy Docherty Title: Assistant Director of Governance and ICT</i>		
	Report Approved	√	Date 08/05/12

Background papers

None

Annexes

Annex A – Role Description for Independent Person

Annex B – Comparisons between the two model codes

Annex C – Draft Code of Conduct for Members of North Yorkshire County Council

Annex D – Updated version of monitoring document prepared for last committee meeting

CITY OF YORK COUNCIL – APPOINTMENT OF TWO “INDEPENDENT PERSONS”

Role Description

1. The City of York Council is seeking to appoint two people to assist in maintaining and promoting high ethical standards in the City Council and the parish councils in York. The role of “independent person” has been created by the Localism Act 2011. The Act requires all local authorities to adopt a code of conduct for their elected members and to appoint at least one independent person to assist the Council in dealing with complaints that the code of conduct may have been breached.
2. If the Council has decided to investigate an allegation that the code of conduct has been breached then the views of the independent person must be sought, and taken into account, before the Council makes its decision on any such allegation. The Council may also seek the views of the independent person in relation to allegations where no decision to investigate has been made. In addition any Councillor, who has been complained about may seek the views of the independent person(s).
3. It is anticipated that the views of the independent person(s) will usually be sought by the Monitoring Officer by e-mail but, on occasions, contact may be by telephone or in face to face meetings. It is also anticipated that local procedures will be adopted requiring the independent person to be consulted on any allegation received not just those which have been investigated.
4. An independent person is likely to be invited to attend any meeting of the Standards Committee which is considering an allegation of a breach of the code of conduct. As well as dealing with complaints the Committee meets approximately six times each year to undertake its general role of supporting the achievement of high ethical standards. The Committee may invite the independent person(s) to attend those meetings.

5. The Independent Person will be encouraged to develop and apply knowledge of the codes of conduct, and to analyse and to exercise fair and impartial judgment on conduct issues, and to set high standards of ethical behaviour, and develop a sound understanding of the ethical framework
6. The Independent Person will be expected to provide a view on the conduct of city and parish/town councillors from an external perspective, reflecting the expectations and views of the local community on ethical standards.
7. The Independent Person will be encouraged to acquire some understanding of the work of the City Council and Parish councils and how they operates, and must be prepared to undertake training and also to participate in training events organised by the Council to promote awareness of the Code of Conduct.
8. Support will be provided by the Council's Monitoring Officer, who will arrange any necessary training and provide such information and assistance as is necessary to enable the Independent Person to perform the role effectively.
9. The Independent Person will not be an employee of the Council and the post is not remunerated although travel expenses may be claimed for attending meetings. The term of office will be for a fixed term as notified to the Independent Person on appointment and will be subject to the Independent Person maintaining high standards of personal conduct. The City Council may terminate an appointment at any time.

PERSON SPECIFICATION

Please note that by law a person may not be appointed as an Independent Person if that person:

- (a) is a member or co-opted member or officer of the Council or a parish/town council in the Council's area, or**
- (b) is a relative, or close friend of such a person, or**
- (c) has been a member or co-opted member or officer of the Council or a parish/town council in the Council's area in the previous 5 years.**

Essential Qualities

1. To demonstrate a keen interest in promoting high ethical standards in local government, and to have a general understanding of the principles behind the members' Code of Conduct.
2. To have good communication and interpersonal skills, and to be able to operate with tact and diplomacy.
3. To be able to demonstrate an understanding of the standards of accountability and objectivity demanded of public authorities, and the continuous scrutiny under which they are placed.
4. To be able to use logical reasoning and bring qualities of open-mindedness and impartiality.
5. To be able to deal with substantial documentation and to analyse, interpret and absorb information and evidence effectively and quickly.
6. To understand and comply with confidentiality requirements

7. To be a person of good standing in whose impartiality and integrity elected members and the general public can have confidence.
8. To be able to attend meetings and be available for telephone or email consultation, sometimes at short notice.
9. Not to be a member of any political party or have a public profile in relation to political activities.
10. To be willing to disclose to the Council any matter which, if it became public, might cause the Council to reconsider the appointment.

Desirable Qualities

1. To have had involvement in or knowledge of public authorities, voluntary organisations, commercial institutions, professional or employee organisations or other similar activities.

Comparison of Codes of Conduct

Topic	DCLG Code	LGA Code	Model Code of Conduct
<p>1. Application</p>	<p>"When acting in your capacity as a member or co-opted member"</p>	<p>"As a member (of the authority) my conduct will in particular address the statutory principles of the code of conduct by –"</p>	<p>"This Code applies to you as a member of an authority." "It is your responsibility to comply with the provisions of this Code." "You must comply with this Code whenever you – (a) conduct the business of your authority, or (b) act, claim to act or give the impression that you are acting as a representative of your authority." "This Code does not have effect in relation to your conduct other than where it is in your official capacity."</p>
<p>2. Principles</p>	<p>"You are a member of the Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership" The Principles therefore form part of this Code of Conduct</p>	<p>"In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority." This Code then lists the 7 Principles, but supplements each Principle with behaviours which support that Principle. Accordingly, both the Principles and the supporting behaviours comprise parts of the Code, but it is unclear whether the</p>	<p>"You should read this Code together with the general principles prescribed by the Secretary of State."</p>

<p>Selflessness</p>	<p>"You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate"</p>	<p><i>Principles are restricted to the supporting behaviours.</i></p> <p><i>Supporting behaviours –</i> "Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends." <i>Specific requirements –</i> "Championing the needs of residents – the whole community in a special way my constituents, including those who did not vote for me – and putting their interests first."</p>	<p>"You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage."</p>
<p>Integrity</p>	<p>"You must not place yourself under a financial or other obligation or outside individuals or organisations that might seek to influence you in the performance of your official duties."</p>	<p><i>Supporting behaviours –</i> "Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties" <i>Specific requirements –</i> "Not allowing other pressures, including the financial interests or myself or others connected to me to deter me from pursuing constituents' casework, the interests of the authority or the good governance of the authority in a proper manner." "Exercising independent judgement and not compromising my position by</p>	

	<p>placing myself under obligations to outside individuals or organisation who might seek to influence the way I perform my duties as a member of this authority."</p>		
<p>Objectivity</p>	<p><i>Supporting behaviours –</i> "In carrying out public business, including making appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit." <i>Specific requirements –</i> "listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit."</p>	<p>"When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit."</p>	<p>"When reaching decisions on any matter, you must have regard to any relevant advice provided to you by – (a) your authority's Chief Financial Officer; or (b) your authority's Monitoring Officer, Where that officer is acting pursuant to his or her statutory duties."</p>
<p>Accountability</p>	<p><i>Supporting behaviours –</i> "Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office." <i>Specific requirements –</i> "Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents."</p>	<p>"You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office."</p>	
<p>Openness</p>	<p><i>Supporting behaviours –</i></p>	<p>"You must be as open as possible about your decisions and actions and</p>	<p>"You must give reasons for all decisions in accordance with any</p>

	<p>the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions."</p>	<p>Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands."</p> <p><i>Specific requirements –</i> "Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account, but restricting access to information when the wider public interest or the law requires it."</p>	<p>statutory requirements and any reasonable additional requirements imposed by your authority "</p> <p>"You must not – (a) disclose any information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to have been aware, is of a confidential nature, except where – (i) You have the consent of the person authorised to give it; (ii) You are required by law to do it; (iii) the disclosure is made to a third party for the purpose of obtaining professional advice obtained, provided that the third party agrees not to disclose the information to any other person, or (iv) The disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of your authority."</p> <p>"You must not prevent another person gaining access to information to which that person is entitled."</p>
<p>Honesty</p>	<p>"You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in</p>	<p><i>Supporting behaviours –</i> "Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest."</p>	

	<p>a manner conforming with the procedures set out in the box below."</p>	<p><i>Specific requirements –</i> None.</p>	
<p>Leadership</p>	<p>"You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example."</p>	<p><i>Supporting behaviours –</i> "holders of public office should promote and support these principles by leadership and example" <i>Specific requirements –</i> "Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority."</p>	<p>"You must not conduct yourself in a manner that might reasonably be regarded as bringing your office or authority into disrepute."</p>
<p>Other</p>	<p>"You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986."</p>	<p><i>Specific requirements –</i> "Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources."</p>	<p>"You must, when using or authorising the use by others of the resources of your authority – (i) act in accordance with your authority's reasonable requirements; (ii) ensure that such resources are not used improperly for political (including party political) purposes." "You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986."</p>

		<p>"Always treating people with respect, including organisations and the public I engage with and those I work alongside."</p> <p>"Valuing my colleagues and staff and engaging with them in an appropriate manner and one which underpins the mutual respect between us that is essential to good local government."</p> <p>"Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially."</p>	<p>"You must not bully any person."</p> <p>"You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct."</p> <p>"You must not do anything which compromises or is likely to compromise the integrity of those who work for or on behalf of your authority."</p> <p>"You must not do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006.)"</p> <p>"You must treat others with respect."</p>
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(DRAFT) CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL

This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of North Yorkshire County Council.

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

1. You must not treat others with disrespect.
2. You must not do anything which may cause the County Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
 - You have the permission of a person authorised to give it; or
 - You are required by law to disclose the information; or
 - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.
6. You must not prevent another person gaining access to information which that person is entitled to by law.
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a County Councillor into disrepute.
8. You must not use your position as a County Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.

9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.
10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a County Councillor, If you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
11. You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.
12. You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.
13. You must comply with the following section of this Code, which relates to registering and declaring in meetings any personal and prejudicial interests you may have, until new statutory provisions relating to these matters come into force, as set out in Statutory Instruments under the Localism Act 2011. Thereafter you must comply with the requirements of those statutory provisions, until the County Council adopts and brings into force a revised Code which satisfies the requirements of the new statutory provisions.

INTERESTS

Personal Interests

14. (1) You have a personal interest in any business of your authority where either:
 - (a) it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;

- (bb) directed to charitable purposes; or
 - (cc) 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;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

- (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of Personal Interests

15. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 14(1)(a)(i) or 14(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 14(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 20, sensitive information relating to it is not registered in your

authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 18(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial Interest Generally

16. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business:

(a) does not affect your financial position or the financial position of a person or body described in paragraph 14;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 14; or

(c) relates to the functions of your authority in respect of:

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to
Overview and Scrutiny Committees

17. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

18. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-

committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

REGISTRATION OF MEMBERS' INTERESTS

Registration of Members' Interests

19. (1) Subject to paragraph 20, you must, within 28 days of:

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 14(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 20, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive Information

20. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 19.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness

1. You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. You should not place yourself in situations where your honesty and integrity may be questioned; should not behave improperly; and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your office.

Openness

5. You should be as open as possible about your actions and those of the County Council, and should be prepared to give reasons for those actions.

Personal Judgment

6. You may take account of the views of others, including your political group, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Respect for Others

7. You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

Stewardship

9. You should do whatever you are able to do, to ensure that the County Council uses its resources prudently and in accordance with the law.

Leadership

10. You should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.

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Task	Sub Task	Steps	Status
Code of Conduct	Secure approval to Interim arrangements	SC 16/3/12	Completed
		Council 29/3/12	Completed
	Model code to SC	When produced	Options presented to SC
	Code approved by Council	Council July 2012	
Registers of Interest	Electronic arrangements in place	By July 2102. Review April 2012	Interim arrangement likely to be required
	Advise Councillors and PC's of arrangements	June 2012	
	Confirm all registers completed	July 2012	
Complaints handling			
	Secure agreement to process	SC 16/3/12	Approved subject to appeal arrangements being agreed
	Secure delegated powers to MO	Council 29/3/12	
	Confirm panel arrangements		
	Draft assessment criteria	TBC	
	Draft investigation procedure	TBC	
	Draft hearing procedure	TBC	

Establish Committee	Secure agreement of SC	SC 16/3/12	Completed
	Report to Council	Council 29/3/12	Completed
Possible Joint Committee	Draft terms of reference	SC	
	Confirm to YALC	After 29/3/12	Completed
	Secure nominations from PC's	By 1 st week May	
	Formal agreement to JC and appointments	Annual Council 24/5/12	Deferred to 19/7/12
Independent members			
	Agreement to number	SC 16/3/12	Completed
		Council 29/3/12	
	Role description to be approved by SC		
	Advertisement	April/May 2012	Delayed due to lack of clarity re transitional provisions
	Interviews	Early May 2012	
	Appointment	Council 24/5/2012	
Dispensations	Secure appointment of MO as Proper Officer	Council 24/5/12	
Training/Awareness raising	Ongoing.		