

**Notice of a public meeting of
Joint Standards Committee**

To: Councillor Runciman (Chair), Barton, Horton and Taylor
(City of York Councillors)
Cllrs Martin (Vice-Chair), Crawford and Simpson (Parish
Council Members)
Mr Hall (Independent Person) and Mr Laverick
(Independent Person)

Date: Wednesday, 19 February 2014

Time: 3.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare:

- Any personal interests not included on the Register of Interests
- Any prejudicial interests or
- Any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 3 - 8)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 11 September 2013.

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 Joint Standards Committee, may do so. The deadline for registering is **5:00 pm on Tuesday 18 February 2014.**

To register to speak please contact the Democracy Officer for the meeting on the details at the foot of the agenda.

4. Update on Parish Council Protocol on Parish Councillors/Employee Relations

To consider any feedback from parish council representatives in respect of the Parish Council Protocol on Parish Councillors/Employee Relations (minute 18 of the meeting of 11 September 2013 refers).

5. Guidance on Disclosable Pecuniary Interests (Pages 9 - 24)

This report advises Members of recently revised guidance issued by the Department of Communities and Local Government.

6. Meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons (Pages 25 - 30)

This report advises Members of a recent meeting between North Yorkshire and York Standards Committee Chairs, Independent Persons and Monitoring Officers.

7. Monitoring Report in Respect of Complaints Received

The Monitoring Officer will give a verbal report in respect of complaints received.

8. Review of Work Plan (Pages 31 - 32)

Members are asked to review the Committee's work plan.

9. Urgent Business

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

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – 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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- ensure that what you want to say relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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Further information about what's being discussed at this meeting

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, where a final decision on the 'called-in' business will be made.

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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- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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- All public agenda/reports can also be accessed online at other public libraries using this link

<http://democracy.york.gov.uk/ieDocHome.aspx?bcr=1>

Meeting	Joint Standards Committee
Date	11 September 2013
Present	Councillor Runciman (Chair) (CYC Member) Councillor Barton (CYC Member) Councillor Crawford (Parish Councillor) Councillor Horton (CYC Member) Councillor Taylor (CYC Member)
In attendance	Mr Hall (Independent Person) Mr Laverick (Independent Person)
Apologies	Councillors Martin and Simpson (Parish Councillors)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

12. WELCOME

Mr Nicholas Hall, newly appointed independent person, was welcomed to his first meeting of the Committee.

The Chair read out a letter of thanks from Mrs Christine Bainton, former interim independent person.

13. DECLARATIONS OF INTEREST

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

14. MINUTES

Resolved: That the minutes of the Joint Standards Committee meeting held on 26 June 2013 be confirmed and signed by the Chair as a correct record.

15. PUBLIC PARTICIPATION

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

16. REVIEW OF COMPLAINTS

Members considered a report that provided an overview of the standards complaints received during the previous municipal year and which reminded Members of the processes they had agreed for handling complaints.

Members were reminded that the Standards Committee had made a deliberate decision not to include a review mechanism in the procedures post the Localism Act but had built in a safeguard by requiring the independent persons to be consulted on each complaint. Complaints could also be referred to a sub committee for determination if appropriate.

Discussion took place as to whether it was necessary to identify whether complainants were former councillors or whether it was more appropriate for these complainants to fall within the status "member of public". It was agreed that, for reporting purposes, the designation "former councillor" not be used in future reports, although the committee would wish to be made aware if there was a particular increase in such complaints.

The Monitoring Officer gave a verbal update on recent complaints:

- The investigation in respect of a parish councillor, which had been referred to at the last meeting, was due to be completed in the next few weeks.
- A further complaint had been received in respect of a Parish Councillor.
- A complaint had been received in respect of a City of York Councillor and had been referred for investigation.

Resolved: (i) That the report on the review of complaints for the municipal year be noted.

(ii) That the previous decision to dispense with a review mechanism be confirmed.

(iii) That the verbal update on recent complaints received be noted.

Reason: To ensure that the Committee continues to make an effective contribution to ethical standards within the City Council.

17. PLANNING CODE OF GOOD PRACTICE

Members considered a report that provided an update in respect of the production of a local planning code of good practice.

Members noted the amendments that had been made to the draft that had previously been considered by the Committee. The amendments, detailed in paragraph 4 of the report, took into account the recently published revised Local Government Association “Probity in Planning” guidance.

It was noted that the Council’s existing code went further than the new guidance in that the code stated that Members should not act as the lead spokesman for a group supporting or opposing a development. This advice was not contained in the guidance. Instead the guidance suggested that whenever a councillor, whether or not a committee member, spoke on behalf of a lobby group they should withdraw from the meeting after the public speaking session. Members were asked to consider whether to replicate this advice.

Members suggested the following amendments to the draft code:

- Greater clarity in the wording of the code to better differentiate between Members of Council and Members of Planning Committees
- Replicate the advice in the LGA guidance in respect of Members of Council withdrawing from meetings after the public speaking session in the circumstances when they have spoken on behalf of a lobby group.
- Deletion of paragraph 7.3
- Paragraph 10.3 to include reference to the requirement to comply with National Planning Guidance.
- Paragraph 14.1 to be amended to read “prescribed *training*”

It was agreed that copies of the amended code would be circulated to Members of the committee via email prior to it being forwarded to Council for approval¹.

Members agreed that, although the code contained some advice which was only of relevance to City Councillors, it would be appropriate for the Code to be sent to Clerks of Parish Councils and to give consideration as to how training in planning

issues could best be made available to parish councillors and ward planning committees as well as members of the Planning Committee.

- Resolved:
- (i) That the Monitoring Officer be delegated to make the agreed amendments to the draft code prior to its submission to Full Council.
 - (ii) That it be recommended to Council that the Planning Code of Good Practice be adopted.
 - (iii) That the Monitoring Officer ensure that Planning Committee Members are made aware of the requirements of the code.
 - (iv) That arrangements be made to ensure that appropriate training is made available to those involved in planning matters.

Reason: To ensure that planning decisions are made openly, impartially and for justifiable reasons.

Action Required

1. Update Code for circulation

AD

18. UPDATE ON PARISH COUNCIL PROTOCOL ON PARISH COUNCILLORS/EMPLOYEE RELATIONS

It was reported that there had been no further feedback on the draft Parish Council Protocol on Parish Councillors/Employee Relations which had been considered at the meeting on 17 April 2013.

Resolved: That this item be deferred to the next meeting.

Reason: To allow further opportunity for feedback on the draft protocol.

19. REVIEW OF WORK PLAN

Consideration was given to the Committee's work plan.

The Monitoring Officer reported that a Councillor in another part of the country had been granted permission to bring judicial review proceedings to challenge the new standards regime.

Members would be kept updated of the outcome and of any implications arising from this case.

It was agreed that, unless further items of business arose in respect of the meeting scheduled for 13 November 2013, the meeting be cancelled.

Resolved: That the Committee's work plan be approved subject to the following additions:

- Update on Parish Council Protocol on Parish Councillors/Employee Relations (next meeting)
- Feedback on the meeting arranged by North Yorkshire County Council for Monitoring Officers, Chairs and Vice-Chairs and Independent Persons (meeting of 19 February 2014)

Reason: To ensure that the Committee has a planned programme of work in place.

PART B - MATTERS REFERRED TO COUNCIL

20. PLANNING CODE OF GOOD PRACTICE

[See also Part A minute]

Members considered a report that provided an update in respect of the production of a local planning code of good practice.

Members noted the amendments that had been made to the draft that had previously been considered by the Committee. The amendments, detailed in paragraph 4 of the report, took into account the recently published revised Local Government Association "Probity in Planning" guidance.

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- Greater clarity in the wording of the code to better differentiate between Members of Council and Members of Planning Committees
- Replicate the advice in the LGA guidance in respect of Members of Council withdrawing from meetings after the public speaking session in the circumstances when they have spoken on behalf of a lobby group.
- Deletion of paragraph 7.3
- Paragraph 10.3 to include reference to the requirement to comply with National Planning Guidance.
- Paragraph 14.1 to be amended to read “prescribed *training*”

Recommend: That, subject to the agreed amendments, the revised Planning Code of Good Practice be adopted.

Reason: To ensure that planning decisions are made openly, impartially and for justifiable reasons.

Councillor Runciman, Chair
[The meeting started at 3.00 pm and finished at 3.50 pm].



Joint Standards Committee

19th February 2014

Report of the Monitoring Officer

Guidance on Disclosable Pecuniary Interests

Summary

1. This report advises Members of recently revised guidance issued by the Department of Communities and Local Government.

Background

2. The Department of Communities and Local Government issued revised guidance on the new standards arrangements in September. A copy of the guidance is annexed to this report.
3. The key change from the previous version of the guidance is a statement that:

“All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority’s code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union.”

4. This suggests a requirement to register some interests beyond those required by law or under a Council's code. However, only one example of such an interest is given.
5. The City Council's code and the National Association of Local Councils model code (which formed the basis for the Code adopted by each local Parish Council) already contain additional requirements including for the registration of details of:

“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; and

Any body —

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) 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”

This not only includes a requirement to register trades union membership but it also covers a wide range of other interests. This requirement seems to more than meet the new guidance and accordingly no changes are considered necessary.

6. The Guidance repeats the controversial advice contained in an earlier version of the guidance that:

“ If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.”

7. Many lawyers have questioned the accuracy of the guidance. The Localism Act provisions which create the offence of failing to disclose a pecuniary interest contain no specific exception based on the materiality of the interest. Case law under the previous national code established a requirement to declare quite minor interests and that code included a specific exemption for the function of setting the council tax. It does though seem hardly likely that the Director of Public Prosecutions will authorise any prosecution of a member in these circumstances. In any event City Councillors are protected by a dispensation given last year which will remain in place until the 2015 local elections.

Recommendations

8. Members are recommended to:

- 1) Note the report
- 2) Confirm that no changes are considered necessary to the City or Parish Codes arising from the issuing of the revised guidance.

Reason: To ensure that Members are aware of the recent guidance and are satisfied that current arrangements are consistent with them.

Contact Details

Author:

Andrew Docherty
Monitoring Officer

CBSS

Tel No. 01904 551004

Report
Approved

Date 04/02/2014

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annex

Openness and transparency on personal interests - A guide for councillors

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Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

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September 2013

ISBN: 978-1-4098--3604-9

The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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Joint Standards Committee**19th February 2014****Report of the Monitoring Officer****Meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons****Summary**

1. This report advises Members of a recent meeting between North Yorkshire and York Standards Committee Chairs, Independent Persons and Monitoring Officers.

Background

2. On 5th December 2013 a meeting took place in York to which representatives from each North Yorkshire Council were invited. In the event there was attendance from York, North Yorkshire, Craven and Selby Councils. While Monitoring Officers do meet on a fairly regular basis the meeting was a relatively rare opportunity for Members and Independent Persons to meet with colleagues undertaking a similar role in other Councils.
3. The discussion covered a number of topics including:

Standards Arrangements adopted

- Each Authority present had used the flexibility provided by the Localism Act to provide for an initial assessment process by the Monitoring Officer in consultation with the independent persons.
- Most Councils have retained an investigation and hearing model resembling that which was in place under the previous arrangements.
- In Selby though complaints go to the Monitoring Officer for assessment in consultation with the Independent Person. The

Monitoring Officer decides whether any formal action is required. If the Monitoring Officer decides that a complaint merits further formal action, then he arranges a hearing conducted by the Monitoring Officer. The Monitoring Officer will then decide whether a breach of the Code has occurred: if there is a finding of no breach, then the matter is at an end. If there is a finding of a breach, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution, however if that is not acceptable to the complainant then a report is taken to full Council (or relevant Parish Council) with a recommendation on the appropriate sanction, and full Council determines the matter.

- In at least one of the Councils which was not represented the Standards and Audit Committees have been merged.

The role of Independent Persons

- There was a discussion as to whether the Independent Person might have a role in relation to mediation but some attendees expressed concern that mediation requires specialist skills.
- There was a consensus that there may be a role for Independent Persons in helping to deliver training.
- The question of dealing with differences of view between the Independent Persons and the Monitoring Officer was raised. In one Council decision letters are required to identify any disagreement. In another there is a specific protocol allowing the Independent Persons to approach the media if they think it necessary.

Dealing with persistent/ vexatious complainants

- North Yorkshire Standards Committee had been given a role in helping the Council manage persistent and vexatious complainants and had recently been consulted for the first time in dealing with such an issue.

Training

- There was general agreement that there may be value in organising joint training for Standards Chairs and Independent Persons if there are new ethical framework developments or new guidance issued.

General thoughts on the Standards Regime

- Attendees made a number of general comments including:

Positive factors	Areas of difficulty
Decision making is quicker.	There are different Codes of Conduct within the North Yorkshire area.
Flexibility for the Monitoring Officer.	The level of knowledge of standards requirements at parish council level and the level of sense of ownership by parish councils of their Code.
Good liaison with Monitoring Officers.	
Although the sanctions available under the regime are less wide ranging than previously, and may of themselves be perceived to be less of a deterrent, the publicity around complaints can prevent drift into more serious misconduct. Serious misconduct is also now dealt with under the criminal offence provisions.	Fewer, less wide-ranging, sanctions available under the standards regime. Perception of 'lack of punishment' unless serious, fraudulent misconduct.
A quarterly Standards Bulletin produced by North Yorkshire Council was thought to be useful.	Failure to register interests is now a criminal offence. This was felt to be an inflexible approach

	<p>for the more minimal, inadvertent, breaches where there was no gain to the councillor concerned.</p> <p>It was felt that this should be addressed at a political level.</p>
The introduction and value of Independent Persons as advisers on standards issues.	
Standards issues are taken more seriously.	
Awareness-raising of standards issues.	
On balance, there are few complaints about standards in local government.	

4. The meeting was well received and it was agreed that it would be useful to have further meetings on a periodic basis.

Recommendations

5. Members are recommended to:
 - 1) Note the report
 - 2) Identify any issues arising from the meeting which the Committee may wish to pursue

Reason: To enable the committee to benefit from the sharing of good practice with other authorities.

Contact Details

Author:

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Monitoring Officer

Customer and Business

Support Services

Tel No. 01904 551004

**Report
Approved**

Date 11/02/14

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

None

Annex

None

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20013/2014 Work Plan for Joint Standards Committee

<u>Meeting Date</u>	<u>Items</u>	<u>Notes</u>
26 June 2013 at 3.00pm	<ul style="list-style-type: none"> • <i>Appointment of Chair for municipal year</i> • <i>Appointment of Vice-Chair for municipal year</i> • <i>Monitoring report in respect of complaints received</i> • <i>Update on Planning Code of Practice</i> • <i>Update on the recruitment of independent person</i> • <i>Committee on Standards in Public Life Triennial Review</i> 	<p><i>Standard item</i></p> <p><i>As agreed at meeting of 20 February 2013 (minute 29)</i></p> <p><i>As agreed at meeting of 20 February 2013 (minute 30)</i></p>
11 September 2013 at 3.00pm	<ul style="list-style-type: none"> • <i>Monitoring report in respect of complaints received (to include summary report re complaints for last municipal year)</i> • <i>Summary of the arrangements in place for the initial handling of complaints by Monitoring Officer and Independent Persons</i> • <i>Update on Planning Code of Conduct (in respect of City and Parish Councils)</i> • <i>Parish Council Protocol on Parish Councillors/Employee Relations</i> 	<p><i>Standard item</i></p> <p><i>As agreed at meeting of 26 June (minute 4)</i></p> <p><i>As agreed at meeting of 26 June (minute 7)</i></p> <p><i>As agreed at meeting of 17 April 2013 (minute 36)</i></p>

13 November 2013 at 3.00pm <i>[Meeting cancelled]</i>	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Update on Parish Council Protocol on Parish Councillors/Employees Relations 	Standard item As agreed at meeting of 11 September 2013
19 February 2014 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Feedback on meeting arranged by North Yorkshire County Council for Monitoring Officers, Chairs and Vice-Chairs and Independent Persons • Guidance on Disclosable Pecuniary Interests 	Standard item As agreed at meeting of 11 September 2013
16 April 2014 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Parish Council Representatives to be invited to meet with the Committee 	Standard item As agreed at meeting of 17 April 2013 (minute 38)
June/July 2014	<ul style="list-style-type: none"> • Appointment of Chair for municipal year • Appointment of Vice-Chair for municipal year • Monitoring report in respect of complaints received • Review of the arrangements for handling complaints. 	Standard item As agreed at meeting of 28 November 2012 (minute 19)

To be included:

- *Promoting ethical standards (as agreed at meeting of 20 February 2013 – minute 25)*
- *Review of the Code of Conduct (as agreed at meeting of 20 February 2013 – minute 28)*
- *Guidance on hospitality (as agreed at meeting of 20 February 2013 – minute 28)*