

# **STANDARDS REPORT 2020**

Alison Hartley  
**Monitoring Officer**  
December 2020



## **Introduction – Ethical Standards**

The Localism Act 2011 introduced a duty placed upon all councils to promote and maintain high standards of conduct by councillors and co-opted members.

Personal and Prejudicial interests were replaced by a set of nationally defined “Disclosable Pecuniary Interests” – reinforced by new criminal sanctions - and locally determined “other interests”.

All Councils were required to develop and adopt their own local Code of Conduct based upon the Seven General Principles of Public Life.

In addition, principal councils were required to adopt their own arrangements for dealing with complaints against councillors alleged to have breached their council’s code of conduct.

The standards arrangements adopted by Selby District Council came into force on 1 July 2012 and dealt with complaints against Selby District Councillors and Town and Parish Councillors in the District of Selby. In May 2017 the Council approved updated arrangements. In 2019, minor amendments were made to align with best practice as recommended by the Report of the Committee for Standards in Public Life (January 2019).

The Council’s Monitoring Officer is responsible for advising the Council on its duty to maintain high ethical standards; for advising councillors on their responsibilities to conduct themselves appropriately, register and declare their interests and not otherwise jeopardise the proper decision-making of the Council; and for managing the arrangements for dealing with complaints.

The Council has appointed three Independent Persons to provide an independent view of how the Council manages its ethical standards.

This report covers the period 1 December 2019 to 30 November 2020.

## **Code of Conduct**

Selby District Council adopted a local Code of Conduct on 24 April 2012. The Code came into effect from 1 July 2012.

Town and Parish Councils in Selby District have generally either adopted the same Code as the District Council or they have adopted the model code issued by the National Association of Local Councils (NALC).

The Localism Act 2011 required that all codes of conduct should be based upon the seven principles of public life:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

A copy of the Selby District Council Code of Conduct is available on the Council website which also sets out details of how complaints about Councillor Conduct can be made and will be considered.

## **Monitoring Officer**

Alison Hartley, Solicitor to the Council is the Council's Monitoring Officer. She has appointed Glenn Sharpe, Solicitor, as her Deputy Monitoring Officer with full powers to act in her absence. She has appointed Palbinder Mann, Democratic Services Manager, as a Deputy Monitoring Officer to assist in relation to standards investigations.

The Monitoring Officer ("MO") is a statutory role and is required to ensure that the Council, its Councillors and Officers carry out their functions in a proper and lawful manner. The MO has an important role to play in ensuring that high standards of conduct are promoted and maintained throughout the organisation.

The MO is responsible for establishing, maintaining and publishing the Register of Councillors' Interests for District, Town and Parish Councils and for ensuring that the Council's Constitution is effective.

Alison meets regularly with other Monitoring Officers across Yorkshire to share best and emerging practice, co-ordinate training and development and co-operate in the investigation and hearing of complaints.

## **Independent Persons**

In July 2017 the Council appointed Hilary Putman, Wanda Stables and Philip Eastaugh as independent persons.

Hilary has been involved with Standards for Local Authority Councillors since March 2009, initially as an Independent Member and then the Chair of the Standards Committee for Selby district. Since July 2012, she has been one of the Independent Persons for Selby District Council. Hilary has a background in people orientated employment and a portfolio of public appointments and voluntary commitments. She is an active member of Soroptimist International. Hilary is also a member of the Out - of - Court Disposals Scrutiny Panel for North Yorkshire.

Wanda has been an Independent Member of the Standards Committee and then Independent Person for Selby District Council since 2009 and has attended many meetings and several hearings. She is a retired Statutory Officer of the Crown, a role which she performed for 25 years, latterly as Superintendent Registrar of Births, Deaths and Marriages for the County of North Yorkshire. Since 2009, she has worked as a volunteer in charitable sector employment at the Citizens Advice Bureau in Selby.

Philip was appointed as an Independent Person in 2017. He retired from HMRC in 2016 where he worked as a Criminal Investigator dealing with tax and excise offences. This required liaison with foreign law enforcement agencies and local authorities. Philip has worked on cases in Courts across the North of England and in London. He also volunteers for the Coroners Court Support Service for North Yorkshire.

The role of the Independent Persons is to:

- be consulted by the Monitoring Officer as part of the complaint handling process;
- be consulted by the Council before it makes a finding about whether a Councillor or co-optee has failed to comply with the Code of Conduct;
- advise the Council, when consulted, on the effective working of the Code of Conduct and the Council's arrangements for dealing with complaints;
- be available to be consulted by a Councillor against whom a complaint has been made; and
- have a freestanding remit to offer comment to the Council on its performance of the general duty to promote high standards of ethical conduct.

The MO and Independent Persons meet quarterly to share their experience, consider best and emerging practice and discuss training and development.

The Independent Persons are also invited to attend meetings of Audit and Governance Committee and have contributed to training sessions in the past.

The positive working relationships between them and the MO and the District Council are of great assistance in meeting the legal duty to promote high standards of conduct.

### **Registration of Interests**

The Localism Act 2011 requires all Councils to adopt a local Code of Conduct which includes provisions for the registration and disclosure of pecuniary interests and other interests.

Councillors with disclosable pecuniary interests in the business of their Council are prohibited from participating in such business unless they have a dispensation. The Act also introduced a criminal offence relating to failure to register disclosable pecuniary interests. Councillors convicted of such offences are liable for a scale five fine (up to five thousand pounds) and may also be disqualified from being a councillor for up to five years.

Councillors have been made aware that even if a Councillor's interest does not amount to a disclosable pecuniary interest, the interest might lead them to predetermine a decision or give rise to a perception of bias. In such cases, it would not be appropriate for them to participate in the decision. If they do participate, the decision could be vulnerable to challenge.

The Monitoring Officer has a legal duty to establish and maintain a register of interests for the District Council and also for Town and Parish Councils in the District. The Register(s) must be available for inspection at all reasonable hours and must be published on the District Council's website. Where a Town or Parish Council also has a website a copy of the Register for that Town or Parish Council must also be published on their website. For convenience, many Parish and Town Councils opt to provide a link to the District Council's website to comply with this requirement.

In 2018 the Council introduced a new software system supporting the publication of agendas and minutes alongside information on registered interests and Councillors' attendance at meetings. As part of this process, District and Parish Councillors have been invited to review and update their registers. All District and Parish Councillor registers of interests are published on the Council's website through the new system.

### **Dispensations**

During the period covered by this report, the Monitoring Officer has granted dispensations to all Members of Selby District Council in respect of decisions relating to Local Government Review.

### **Sensitive Interests**

Two requests for interests to be withheld from publication as 'sensitive' have been received during the period covered by this report (s.32 Localism Act 2011).

### **Standards Arrangements**

The Local Government Act 2000 previously required all principal authorities to establish a Standards Committee as the body with responsibility for promoting high standards of ethical conduct.

The Localism Act 2011 removed the obligation to appoint a Standards Committee. Many local authorities chose to retain a Standards Committee as part of their new local arrangements.

At SDC, the Standards Committee operates when required as a sub-committee of the Audit and Governance Committee. The Arrangements include target timescales

for assessing and dealing with complaints. When the complaints involve Parish Councillors, the Arrangements include the ability to co-opt one of a number of Parish Council representatives onto the Panel to ensure that the Parish Voice is heard in decision making.

No hearings have been required in the period covered by this report.

The Monitoring Officer continues to strive to improve the timescales for considering responses. Due to the unprecedented impacts of the Covid Pandemic since March 2020, administration of complaints this year had to be re-prioritised to accommodate the other pressures of work of the Solicitor to the Council in responding to the crisis. This has inevitably caused unavoidable delay in assessing complaints. Contact has been maintained with complainants and the Independent Persons to explain the delay and to keep the situation under review in terms of prioritisation.

### **The Committee on Standards in Public Life**

The Committee on Standards in Public Life undertook a comprehensive review of local government ethical standards and published a report in January 2019. The Committee made 26 formal recommendations to the Prime Minister and 15 Best Practice recommendations. A number of the recommendations would require legislative changes to be implemented.

The LGA has published a Model Code, although legislative changes will be required before all the proposals in the Code could be adopted. This is awaited before any further changes are recommended to SDC Code of Conduct for Members. The SDC Code was last updated to reflect the findings of the on 10 April 2019 by the Audit and Governance Committee.

### **Parish and Town Councils**

There are 74 Town or Parish Councils and Parish Meetings in Selby District. Town and Parish Councils are under the same obligation to promote and maintain high standards of conduct and to adopt a local code of conduct for councillors.

All Parish and Town Councillors have an obligation to register their DPIs and other interests.

The Council holds bi-annual Parish Liaison meetings where the Chairs and Clerks of each Parish Council are invited to further enhance the communication and support to Parish Councils. Parish Council contact information and their registers of interests are published on the Council's website.

The few complaints dealt with by the MO this year have concerned a small number of Parish Councillors. Of the complaints assessed, none have resulted in a formal hearing or sanctions, and instead have been locally resolved.

It should be noted that in respect of Parish Councils, the extent of jurisdiction as Monitoring Officer is limited to dealing with complaints about the ethical conduct of individual parish councillors. The MO has received some procedural queries this

year and has directed Clerks to the National Association of Local Councils (NALC) for advice.

### **Complaints History**

The table below shows complaints dealt with under the Arrangements in the period covered by this rep

#### **Update on complaints in 2019 from the last report**

	<b>Type of Council</b>	<b>Allegations</b>	<b>Outcome</b>
1	Town Councillor	Disrespect / Bullying / Disrepute	Assessed. No breach
2	Town Councillor	Disrespect/Bullying / Disrepute	Assessed. No breach.
3	Town Councillor	Disrespect/ Bullying/ Disrepute	Assessed. No breach.
4	Town Councillor	Disrespect / Bullying / Disrepute	Assessed. No breach.
5	Parish Councillor	Disrepute	Rejected at assessment stage.
6	Parish Councillor	Disrepute Disrespect and bullying Improper use of resources Improperly conferring advantage or disadvantage	Assessed. No breach.
7	Parish Councillor	Disrepute Compromising impartiality of Council Officer	Assessed. No breach.

## Complaints in 2020

	<b>Type of Council</b>	<b>Allegations</b>	<b>Outcome</b>
1	Parish Councillor	Disrespect and bullying	Assessed. Rejected – Anonymous
2	Parish Councillor	Disrepute	Assessed. No breach.
3	Parish Councillor	Disrepute Disrespect and bullying Improper use of resources Improperly conferring advantage or disadvantage	Assessed. No breach.
4	SDC Councillor	Disrepute Compromising impartiality of Council Officer	Rejected at assessment stage.
5	SDC Councillor	Disrepute	Locally resolved. Apology given.
6	Parish Councillor	Disrespect	Assessed. No breach.
7	Parish Councillor	Disrespect	Pending
8	Parish Councillor	Disrespect	Pending
9.	Parish Councillor	Disrespect	Pending
10 .	Parish Councillor	Disrespect	Pending



## **Future Developments**

The Committee for Standards in Public Life (CfSPL) made recommendations on the contents of Codes of Conduct and the availability of effective sanctions. Changes to primary legislation will be required for some of the recommendations to be implemented.

The final report of the CfSPL was discussed at the Audit and Governance Committee in April 2019. On 3 December 2020 the Local Government Association published a Model Code, which is attached for information. The impacts of the Covid pandemic have meant that parliamentary time has been directed to responding to the pandemic, so updated legislation is still awaited at this time, and the Model Code will need to be reviewed in the event that legislation is changed.

The LGA have stated that further guidance will be issued regarding interpretation of the Model Code. Once this guidance is published, the Monitoring Officer will report to the Audit and Governance Committee to consider any recommended changes to the existing SDC Code in 2021.

**Alison Hartley, Monitoring Officer**  
**December 2020**