

Appendix A

STANDARDS REPORT 2021

Alison Hartley
Monitoring Officer
1 December 2021



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 2020 to 30 November 2021.

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 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 Monitoring Officer is responsible for establishing, maintaining and publishing the Register of Councillors' Interests for District, Town and Parish Councils and for ensuring that the District 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.

Alison is also working with District and County Monitoring Officer colleagues in preparing for a safe and legal transition to the new Unitary - North Yorkshire Council, to go live in April 2023.

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 Monitoring Officer 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 & Governance Committee and have contributed to training sessions in the past.

The positive working relationships between them and the Monitoring Officer 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.

All District and Parish Councillor registers of interests are published on the Council's website.

Dispensations

All Members of Selby District Council were granted dispensations in respect of decisions relating to Local Government Review.

Sensitive Interests

One request for interests to be withheld from publication as 'sensitive' was 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 & 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 and additional temporary administrative capacity should be in place in January 2022 until 31st March 2023.

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. The legislative changes are awaited before any further changes are recommended to SDC Code of Conduct for Members. The SDC Code was last updated on 10th April 2019 by the Audit & Governance Committee to reflect the findings of the Committee on Standards in Public Life.

The LGA has recently published a further revised Model Code of Conduct. Having consulted with the Independent Persons it is considered that the SDC Code in its present form remains fit for purpose and in line with the Committee on Standards in Public Life recommendations. More comprehensive review at this time is not essential, particularly having regard to Local Government Reorganisation in 2023.

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 DPs and other interests.

Parish Council contact information and their registers of interests are published on the Council's website.

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

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 Monitoring Officer has received some procedural queries and complaints about Parish Council business. These matters are not within the scope of the Monitoring Officer's jurisdiction and she is not permitted to intervene in Parish Council business. Whilst she has directed Parish Clerks to the National Association of Local Councils (NALC) for advice, it is proposed to write to all Parish Clerks in the new year to remind them and their Parish Councillors of the scope of the Monitoring Officer's jurisdiction. This should assist in directing such queries to the Parish Councils themselves.

Complaints History

The table overleaf shows complaints dealt with under the Arrangements in the period covered by this report

Update on complaints in 2020 from the last report

	Type of Council	Allegations	Outcome
1	Parish Council	Disrespect	Assessed. Case Closed. Cllr Resigned.
2	Parish Council	Disrespect	Assessed. Breach. Local Resolution. Apology and mediation advised.
3	Parish Council	Disrespect	Assessed. Breach. Local Resolution. Apology and mediation advised.
4	Parish Council	Disrespect	Assessed. Breach. Local Resolution. Apology and mediation advised.

Complaints 1 Dec 20 to 30 Nov 2021

	Type of Council	Allegations	Outcome
1	Parish Council	Bringing Office into disrepute	Assessed. No breach.
2	District Council	Failure to declare personal interest	Assessed. Breach. Advice given to Councillor.
3	Parish Council	Disrepute	Assessed. No breach. NFA.
4	Parish Council	Disrespect	Assessed. Breach. Local Resolution. Apology and mediation advised.
5	Parish Council	Disrespect	Assessed. Breach. Local Resolution. Apology and mediation advised.
6	District Council	Failure to declare personal interest	Complaint withdrawn.
7	District Council	Bringing office into disrepute	Assessed. No breach. NFA.
8	Parish Council	Disrespect	Assessed. Trivial between Councillors. NFA
9.	Parish Council	Disrespect	Pending.

Future Developments

The Committee for Standards in Public Life 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 & Governance Committee in April 2019. The Local Government Association published a further updated Model Code which can be accessed here [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#) 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 may need to be reviewed again in the event that legislation is changed.

It is not considered that a further comprehensive review of the SDC Code of Conduct is needed at this time, as the amendments made in April 2019 incorporated the recommendations of the Committee for Standards in Public Life. It remains fit for purpose. At the time of writing no legislative changes have been made.

The Monitoring Officer is working with the other District and County Monitoring Officers to ensure standards processes and up to date codes of conduct will provide for a safe and legal transition of these functions to the new unitary North Yorkshire Council on 1st April 2023.

Alison Hartley

Monitoring Officer

December 2021