

# STANDARDS REPORT 2018

**Gillian Marshall**  
**Monitoring Officer**  
**December 2018**



## **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 initial 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.

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 on how the Council manages its ethical standards.

This report covers the period December 2017 to December 2018.

## **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**

Gillian Marshall, Solicitor to the Council is the Council's Monitoring Officer. Palbinder Mann, Democratic Services Manager is the Deputy Monitoring Officer.

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.

Monitoring Officers across North Yorkshire meet periodically 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 re-appointed Hilary Putman and Wanda Stables as independent persons along with Philip Eastaugh as a new third independent person.

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 offences of tax and excise offences. These offences 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 have also attended meetings of Audit & Governance Committee and have contributed to training sessions.

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.

Training has previously been provided to District, Town and Parish Councillors explaining the obligations, the procedures for registering and disclosing interests and the consequences if the obligations are not met.

Councillors have also 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 Councillor registers of interests are now electronic as a result of the new system and it is aimed that Parish Councillor registers of interest will be electronic after the elections in May 2019.

## **Dispensations**

No requests for dispensations have been received during the period covered by this report.

## **Sensitive Interests**

No requests for interests to be withheld from publication as 'sensitive' have been received during the period covered by this report.

## **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.

Selby District Council initially decided not to appoint a Standards Committee. Subsequently in 2017 Council resolved to review those arrangements amid concerns that the process was becoming increasingly remote from Councillors and particularly from Parish Councillors. As a result, the process of dealing with complaints did not raise the profile of proper councillor conduct.

The Standards Committee now 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. This has addressed the previous concerns.

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 but where a full investigation report is required this is often challenging.

## **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.

In 2018 the first of the bi-annual Parish Liaison meetings were held to further enhance the communication and support to Parish Councils. Parish Council contact information and their registers of interests are now held on the new software system and accessed through the Council's website.

Parish Council complaints continue to feature heavily amongst issues considered by the MO in 2018. Although Parishes are ably supported by their clerks, the usually part time nature of the roles and lack of other paid staff means that Councillors themselves are largely responsible for implementing the resolutions of Parish Councils.

This can lead to questions about whether Councillors have the correct authorities and are acting within them.

In some Parishes the inter-relationships between the Council and local voluntary groups have raised a number of questions in respect of decision making, interests and council processes. For example, in Church Fenton parish, there has been a particular issue this year with the purchase by the Parish Council of both the local shop and pub to be let to community groups and run as community assets. As a result the MO has attended a number of Parish Council meetings and provided advice and assistance. A separate training session and facilitated discussion has been held by the MO and one of the Independent Persons at the Parish to assist in addressing any concerns.

### **Training and Development**

Specific training sessions were held during the year at Hemingbrough and Church Fenton Parish Councils respectively. Both addressed the effective working of the Council in the light of concerns about the actions of the Council, Councillors' interests and how the Councillors addressed those in meetings.

A full training programme covering registration, disclosures and what to do as a result, dispensations and Standards Arrangements will be required after the 2019 elections.

### **Complaints History**

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

Update on complaints pending at the time of the 2017 report

	<b>Council</b>	<b>Allegation</b>	<b>Outcome</b>
1	Brayton Parish Council	Disrespect and bullying	Not upheld
2	Brayton Parish Council	Disrespect and bullying	Not upheld
3	Hemingbrough Parish Council	Disrespect and bullying	Local resolution
4	Hemingbrough Parish Council	Disrespect and bullying	Local resolution

2018 Complaints

	<b>Council</b>	<b>Allegation</b>	<b>Outcome</b>
1	Barlow Parish Council	Disrespect and bullying	Rejected at assessment stage – not acting in capacity as Councillor
2	Selby District Council	Disrepute	Not upheld
3	Saxton Parish Council	Bullying and safeguarding issues with children	Rejected at assessment stage – anonymous complaint
4	Hemingbrough Parish Council	Disrespect and bullying	Under investigation



## **Future Developments**

The government has announced it is to strengthen rules preventing people found guilty of serious crimes or misbehaviour from serving on local councils. The current rules make clear that anyone convicted of an offence carrying a prison sentence of more than three months is banned from serving as a local councillor. The new measures will see the disqualification rules changed to include those subject to an Anti-Social Behaviour Injunction, a Criminal Behaviour Order, a Sexual Risk Order or who are on the Sex Offenders' Register.

The Government has said it will make the changes when there is sufficient parliamentary time available as revisions to 3 separate Acts of Parliament are needed. The changes will not apply retrospectively.

The changes follow a consultation in 2017 to which this Council responded, broadly welcoming the proposals but suggesting that certain fraud offences should also be included and that the rules for disqualifying people from standing as MPs should be brought into line with the rules for council candidates.

Earlier this year the Audit & Governance Committee considered a consultation on local government ethical standards by the Committee for Standards in Public Life (CfSPL). Our response was amongst 317 that the CfSPL received. These are now being analysed and the report is due in December. It is expected that the CfSPL will make recommendations on the contents of Codes of Conduct and the availability of effective sanctions. Changes to primary legislation will be required for any recommendations to be implemented. The final report of the CfSPL will be brought to the next meeting of Audit & Governance Committee for discussion.

**Gillian Marshall**

**Monitoring Officer**

**December 2018**