GENERAL PURPOSES COMMITTEE

DATE: Thursday, 21 March 2019
TIME: 5.30 pm
VENUE: Council Chamber - Civic Centre, St Luke’s Avenue, Harrogate, HG1 2AE

Notice is hereby given that the above meeting will take place for the purpose following and, by virtue of Section 100B(4)(b) of the Local Government Act 1972, any other matter(s) which the Chair considers should be dealt with at the meeting as a matter of urgency.

AGENDA

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This item was moved to the delegated section of the agenda – Minute 43/18
7. **MEMBER LEARNING AND DEVELOPMENT STRATEGY - YEAR 2:**
The Democratic Services Officer to submit a written report.

8. **CHANGE OF NAME OF BISHOP THORNTON AND WARSILL PARISH COUNCIL:**
The Democratic Services Officer to submit a written report.

9. **REGULATION OF INVESTIGATORY POWERS:**
The Chief Solicitor to submit a written report.

**MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS**

10. **STATUTORY PARLIAMENTARY POLLING DISTRICT REVIEW:**
The Elections Manager to submit a written report.

11. **REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE & UPDATE TO HARROGATE BOROUGH COUNCIL’S CODE OF CONDUCT AND COMPLAINTS PROCEDURE:**
The Head of Legal and Governance to submit a written report.

   This item was moved to the non-delegated section of the agenda and as such the recommendations will be presented to Council – Minute 42/18

12. **STANDARDS COMPLAINTS AND INVESTIGATIONS 2018/19:**
The Head of Legal and Governance to submit a written report.

13. **OMBUDSMAN COMPLAINTS AND INVESTIGATIONS 2018/19:**
The Head of Legal and Governance to submit a written report.

14. **APPOINTMENTS TO COMMITTEES AND SUB-COMMITTEES:**
The Democratic Services Officer to provide a verbal update on the Planning Committee substitute arrangements following the annual Planning Update Training.

**MEMBERSHIP:** Councillor Steven Jackson (Chair). Councillor Samantha Mearns, Councillor Margaret Atkinson, Councillor Nick Brown, Councillor Pauline McHardy, Councillor Alex Raubitschek, Councillor Matt Scott, Councillor Norman Waller and Councillor Christine Willoughby.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session.
The agenda papers may be examined at the Civic Centre, Harrogate and a copy may be purchased for £6.00.

Please contact Samantha Stonebanks - Democratic Services Officer, at the Civic Centre, if you have any queries or need further information on this agenda - telephone or email democraticservices@harrogate.gov.uk (01423) 500600.

**EMERGENCY PROCEDURES FOR MEETINGS – FIRE:** On hearing the fire evacuation alarm, you should leave the building by the nearest safe fire exit. Once outside the building, please assemble in the corner of the visitor car park at the front of the building opposite the main entrance. Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.
GENERAL PURPOSES COMMITTEE
HELD ON THURSDAY, 15 NOVEMBER 2018
(FROM 5.30 PM – 5.45 PM)

PRESENT: Councillor Steven Jackson in the Chair. Councillor Samantha Mearns, Councillor Nick Brown, Councillor Richard Cooper, Councillor Pauline McHardy, Councillor Alex Raubitschek, Councillor Matt Scott and Councillor Christine Willoughby.

Late Arrivals: None.

Early Departures: None.

25/18 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:
An apology for absence had been received from Councillor Norman Waller. Notification had been received that Councillor Richard Cooper was to act as substitute for Councillor Margaret Atkinson.

(5.32 pm)

26/18 – DECLARATIONS OF INTEREST:
There were no declarations of interest at the meeting.

(5.32 pm)

27/18 – MINUTES:
The Minutes of the meeting of the Committee held on 13 September 2018 were presented to the Committee for approval.

Councillor McHardy raised an amendment to include her apologies for the meeting held on 13 September and the following text was subsequently added to the Minutes:

An apology for absence had been received from Councillor Pauline McHardy.

The Minutes as amended were approved as a correct record and signed by the Chair.

(Seven Members voted for the motion and there was one abstention)

(5.33 pm)

28/18 – EXEMPT INFORMATION:
There was no exempt information.

(5.33 pm)

29/18 – PUBLIC ARRANGEMENTS - QUESTIONS:
The following question was read out by Mr Peter Lilley in accordance with Standing Order 27:

Members of the public are required to submit Public Questions at least 48 hours in advance of a meeting. There must be a reason for this. Therefore, can Councillor
Jackson please explain what he understands to be the purpose of Public Questions; and exactly how the procedure works; from the moment a resident submits their question to the answer being read out by the cabinet member or committee chairman?

The Chair of the Committee, Councillor Steven Jackson, responded as follows:

My thanks for the question, which I will answer in two parts:

Firstly, my understanding of the purpose of public questions is based on the Principles of Public Life, as stated in our Council’s constitution and in particular, the principle of openness. Openness, in this context, is defined as “Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.” However, this principle does also state that information can be restricted when the wider public interest demands, which to me means that should a question relate to legally or commercially sensitive information then answers to Public Questions cannot risk compromising this material.

To answer the second portion of your question, regarding the way the public questions procedure works, I would refer you to the Constitution, in particular Part 4, Standing Order 27 entitled ‘Public Arrangements – Questions’, which lays out the procedure step by step.

Finally, in the interest of openness, and given your interest in the matter, I can confirm that I did write this response myself and I do stand by the contents of it.

My thanks for the question.  

(5.33 pm – 5.35 pm)

MATTER TO BE REFERRED TO COUNCIL FOR CONSIDERATION

30/18 – SCHEDULE OF COUNCIL AND COMMITTEE MEETING 2019/20:  
The Head of Legal and Governance submitted a written report, attached to which at Appendix A was the draft schedule of meetings from May 2019 to May 2020. As usual and wherever possible, meetings of the North Yorkshire County Council were taken into account to avoid clashes, as were other significant events such as party political conferences and, locally, the Great Yorkshire Show and the UCI Road World Championships. Group Leaders and Chief Officers had been consulted on the draft schedule.

RECOMMENDED (UNANIMOUSLY):  
That the draft schedule of meetings 2019/20, as detailed in Appendix A, be approved.  

(5.35 pm – 5.36 pm)
GENERAL PURPOSES COMMITTEE

GENERAL PURPOSES COMMITTEE
HELD ON 15 NOVEMBER 2018
(FROM 5.30 PM TO 5.46 PM)

PRESENT: Councillors Steven Jackson in the Chair. Councillors Nick Brown, Richard Cooper, Pauline McHardy, Samantha Mearns, Alex Raubitschek, Matt Scott, and Christine Willoughby.

Late Arrivals: None.

Early Departures: None.

MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS

31/18 – POLLING STATION LOCATION PROPOSALS:
The Head of Legal and Governance submitted a written report on the proposed changes to five polling station locations following feedback after the 2018 local council elections. The recommendations were outlined in paragraph 2.1 of the report. Any agreed changes would be in place until 2019 when a statutory review of all polling stations was due to be conducted under the Representation of the People Act 1983 (as amended by the Electoral Administration Act 2006).

During the meeting the Committee made comments on the following recommendations:

2.1(1) – The polling station at Harrogate Railway AFC serving the ward of Harrogate Kingsley to be moved to Starbeck Methodist Church – Councillor Cooper stated that this change was not necessary as the turnout at Harrogate Railway AFC polling station had been slightly higher than in previous years. Moving the polling station to Starbeck Methodist Church would require voters to cross the level crossing which could deter voters. The Head of Legal and Governance confirmed that the comments would be reported back to the Elections Manager.

2.1(3) – The polling station at The Workhouse Museum, Allhallowgate, Ripon serving the ward of Ripon Ure Bank to be moved to Allhallowgate Methodist Church – Councillor McHardy requested that the ambulance hall be reconsidered as the polling station for this area. The Head of Legal and Governance confirmed that the comments would be reported back to the Elections Manager.

2.1(5) – The polling station at Dishforth Airfield Catholic Primary School serving the ward of Bishop Monkton be replaced by a temporary polling station such as a porta-cabin located next to the school – Councillor Brown stated that the polling station should not be behind any gates as there had been issues with opening gates at past elections. The Head of Legal and Governance confirmed that the comments would be reported back to the Elections Manager.

RESOLVED (UNANIMOUSLY):

That (1) Members note the proposed changes as detailed in paragraph 2.1 of the report; and
(2) the Head of Legal and Governance report the comments received back to the Elections Manager.

(5.36 pm – 5.44 pm)

(D)

32/18 – TEMPORARY APPOINTMENT TO PARISH COUNCIL:
The Head of Legal and Governance submitted a written report on the current situation of Bishop Thornton and Warsill Parish Council and to seek approval to temporarily appoint Councillor Margaret Atkinson, Ward Member for Fountains and Ripley, to the Parish Council.

Following the resignation of a Parish Councillor on 8 October 2018, Bishop Thornton and Warsill Parish Council only had two Councillors and were not quorate. The casual vacancy procedures were followed but no request for an election had been submitted to the Returning Officer. As the Parish Council was not quorate and no election had been called, the only option was to appoint the ward Councillor to take the total number of Parish Councillors to three. Under Section 91(1) of the Local Government Act 1972 the principal authority, Harrogate Borough Council, can make an order to appoint to a town or parish council until such a time that the vacancies can be filled by either election or co-option.

RESOLVED (UNANIMOUSLY):

That (1) Council appoints the district ward member, Councillor Margaret Atkinson under Section 91 (1) of the Local Government Act 1972 to Bishop Thornton and Warsill Parish Council in order to make it quorate, unless or until either sufficient vacancies on Bishop Thornton and Warsill Parish Council have been filled by way of co-option or election so that the Parish Council is able to act lawfully, or the Order made under Section 91 (1) is revoked; and

(2) the Head of Legal and Governance be authorised to make the required order.

(5.44 pm – 5.45 pm)

(D)

33/18 – APPOINTMENTS TO COMMITTEES AND BOARDS:
The Democratic Services Officer advised that the Conservative group had replaced Councillor Samantha Mearns with Councillor Victoria Oldham on the Overview and Scrutiny Commission and Councillor Graham Swift with Councillor Rebecca Burnett on the Council’s Place Board.

(5.45 pm – 5.46 pm)

(D)
1.0 PURPOSE OF REPORT

1.1 To present a draft Mayoral Handbook for endorsement by General Purposes Committee. A handbook will enable the Mayor and officers to be clear about their roles and would also enable prospective Mayors to understand what would be expected in the role of Mayor. A copy of the draft Handbook is attached at Appendix 1.

2.0 RECOMMENDATIONS

2.1 That General Purposes Committee comment on and endorse the draft Mayoral Handbook, attached at Appendix 1;

2.2 That the Mayoral Handbook be included as an additional section in the Constitution;

2.3 That the split of the combined Mayoral allowance into separate allowances for the Mayor and Deputy Mayor as described in section 5.4 of the report be approved; and

2.4 That General Purposes Committee consider whether the Council should adopt an annually appointed Mayor’s Cadet.

3.0 RECOMMENDED REASON FOR DECISION

3.1 A Mayoral Handbook would bring together guidance, protocols and practice on the role of the Mayor and related civic business. It would be a useful point of reference for Members and Officers.
4.0 ALTERNATIVE OPTIONS CONSIDERED AND RECOMMENDED FOR REJECTION:

4.1 None considered as to not approve a Mayoral Handbook would not provide the benefits as described in paragraph 3.0

5.0 THE REPORT

5.1 The operation of the Mayoralty over many years has been a matter of custom and protocol. It is now considered timely to produce a handbook to outline key information and guidance on the role and ensure the Mayor is aware of their responsibilities. This would enable the Mayor, and prospective Mayors, to have a comprehensive overview of the role of the Mayor and what support can be expected from officers.

5.2 Guidance produced by the National Association of Civic Officers (NACO) was considered during preparation of the handbook, as well as handbooks produced by other Councils.

5.3 The handbook sets out the roles of the Mayor and Deputy Mayor and provides guidance on various aspects of the role including budgets, charitable fundraising, officer support, engagements and twinning. In addition, guidance on the conduct of Council meetings has also been attached as an appendix.

5.4 Traditionally agreement has been sought from the Mayor for the division of the combined Mayoral allowance whereby the Mayor receives 78% and the Deputy Mayor receives 22%. It is now proposed that this split be formalised into two separate allowances which when added together will equal the current combined allowance, as set out at Section 5.1 of the handbook.

5.5 Following endorsement of the draft handbook by Management Board on the 4 March 2019 agreement is now sought from General Purposes Committee before ultimate Council approval for it to be included as a part of the Constitution.

5.6 Mayor’s Cadet

Aside from endorsing the proposed Mayoral Handbook the Committee is being asked to consider the adoption of a Mayor’s Cadet. This follows a request to the Mayor’s Office by the Harrogate District Sea Cadets. A Mayor’s Cadet would be an annual appointment of a young person from the Cadets. The role would involve accompanying the Mayor to appropriate functions; carrying out duties such as opening doors for VIPs and talking to guests. The list of duties is not set and can be tailored to suit the Mayor, the Cadet and the district.

5.7 In order to understand more about how such a role might work we contacted Bradford City Council who current appoint a Mayor’s Cadet. Typically the Cadet only attends a small selection of events such as the Festival of Remembrance and Remembrance Sunday where they carry the Mayor’s Wreath. The appointment is made annually at a small investiture service arranged by the Corps Commander where the Cadet is presented with an
embroidered badge.

5.8 If the Committee were minded for the Council to adopt a Mayor's Cadet further work would be undertaken to assess which events would be suitable for attendance by a Cadet and the role and duties of the young person.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

7.0 CONCLUSIONS

7.1 A draft Mayoral Handbook has been produced which sets out the responsibilities of the Mayor and officers. Following endorsement by General Purposes Committee the handbook will be taken forward for approval by Council and inclusion in the Constitution.

7.2 That the division in the Mayoral Allowance is formalised as per section 5.4.

7.3 That the annual appointment of a Mayoral Cadet is considered.

Background Papers – None

OFFICER CONTACT: Please contact Elizabeth Jackson, Democratic Services Manager, if you require any further information on the contents of this report. The officer can be contacted at Democratic Services, PO Box 787, Harrogate, HG1 9RW 01423 500600 or by e-mail – elizabeth.jackson@harrogate.gov.uk
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   • What the Mayoral year will consist of (Constitutional and Civic)
   • Council’s aims and objectives

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   • Roles and Responsibilities
   • Chairing Council and Political Neutrality
   • Engagements and Civic Responsibilities

3. Role of the Consort / Mayoress
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4. Role of the Deputy Mayor and Consort
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   • Mayoral Budget
   • The Mayor of Harrogate Fund

6. Mayors Charity:
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7. Officer Support:
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8. Mayoral Car and Chauffeur’s

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10. Clothing

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13. Gifts and Hospitality – Acceptance and Giving of gifts
14. Your role as a Ward Councillor and Committee Member

15. Twinning

16. Annual Civic Events:
   - Annual Meeting
   - Great Yorkshire Show
   - Civic Service
   - Remembrance Sunday
   - Christmas Eve
   - Spring Flower Show

17. Spa Ladies

18. Social Media

Appendix 1 – The Conduct of Council Meetings
1.0 INTRODUCTION

1.1 Congratulations on being elected Mayor of the Borough of Harrogate. We hope that you and your Consort / Mayoress have a very happy and successful year in office. This handbook aims to provide you with a useful source of general information to assist you during your Mayoral year and to outline the key rules and guidance to ensure that you, the Deputy Mayor and the officers supporting the Mayoralty are aware of their responsibilities.

Covering an area of 505 square miles, the Borough of Harrogate is the most populous in North Yorkshire with around 160,000 residents. Throughout your Mayoral year you will visit every corner of the Borough, from the larger settlements of Ripon, Knaresborough, Boroughbridge and Pateley Bridge, to the numerous smaller villages that play such an important role in the Borough’s success.

We want your year in office to be enjoyable and will do everything possible to support you in your role.

1.2 The duties you will undertake as Mayor will be extremely varied, ranging from Civic Services to 100th birthday celebrations, from welcoming royalty to opening swimming galas etc. Whilst it is up to you how many events you would like to attend, it is guaranteed to be a busy year.

There are two distinct aspects to the Office of Mayor; one is to be the Chairman of the Council and the other is a more ceremonial role within the Borough. Both of these aspects will be explained later in the handbook.

1.3 As the First Citizen of the Borough you will play a vital role in delivering the ambition for the district as set out in the Corporate Plan:

- To build on our heritage and be a progressive and vibrant place to live, work and visit

As Mayor you can have a major influence in promoting the image of the Borough in a regional and national context.

2.0 ROLE OF THE MAYOR

2.1 Nomination and Term of Office

The nomination of Mayor is governed by a points system, the main principles of which are as follows:-

(1) On 1st January each year all political parties represented on the Council are allocated one point for each Group Member;

(2) Independent Members can be treated as a Group or individuals as they determine;

(3) The party (or individual) with the greatest number of points nominates
the Mayor for the following Municipal Year;

(4) The party (or individual) nominating has points deducted from the cumulative total equal to the total number of seats on the Council, less any vacant seats that the Council may be carrying as at 1st January;

(5) If a position arises where two parties have equal number of points lots will be drawn to decide who will nominate the Mayor;

(6) A Group may nominate any Member of the Council whether or not they are Members of that Group (though in doing so will still incur the points deduction);

(7) The Mayors elect will nominate their own Deputies.

Shortly after 1 January each year all Group Leaders and any Independent Members will be advised of the various points totals held by each of the groups/individuals and the group/individual with the most points invited to advise of their nomination for the Mayoralty to the March meeting of the Council.

The Term of Office shall run from one Annual Meeting until the next subject to and in accordance with Council Procedure Rule (Standing Order) 3 as reproduced below:-

(1) The Mayor shall be elected annually by the Council from amongst the Councillors  LGA 1972 S.3(1);

(2) No Member of the Executive may be elected as Mayor  LGA 1972 S.3(1A);

(3) Unless the Mayor resigns or becomes disqualified the holder of that Office shall continue in office until a successor becomes entitled to act. LGA 1972 S.3(2);

(4) During the term of office the Mayor shall continue to be a Member of the Council notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of councillors. LGA 1972 S.3(3);

(5) The election of the Mayor shall be the first business transacted at the Annual Meeting of the Council. LGA 1972 S.4(4);

(6) Wherever in these standing orders the Mayor is referred to then at a meeting other than Council where the standing order applies the reference is to the person presiding at that meeting.

The Mayor must be available for those Annual Meetings which sees their election to and retirement from office.

2.2 **Roles and Responsibilities**

The Mayor and, in the absence of the Mayor, the Deputy Mayor will have the following roles and functions:
A ceremonial role:-
- to be a symbol of the authority of the Council over the area of the Harrogate District;
- to be a symbol of an open society, democracy and freedom for all the people of the Borough;
- to be an expression of the unity of all people of the Borough; and
- to be a symbol of the cohesion of the disparate and diverse peoples and parts of the District as one Borough.

As part of your ceremonial role, you will be expected to:
- Host events, receive and welcome members of the royal family, dignitaries and visitors, observing civic protocol.
- Attend functions as a representative of the Council.
- Support your chosen charities in raising funds, (chosen charities to be announced at Mayor Making).
- Promote, raise the profile and gain publicity for projects and events that are of a good charitable or voluntary nature that benefit the citizens of the Borough, particularly smaller organisations.
- Encourage citizenship and participation in the life of the Borough.
- Celebrate success, internal as well as external to the Council.

A role as chair of the Council:-
The Mayor will be elected by the Council annually and will have the following responsibilities:
- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive and do not hold committee chairs are able to hold the executive and committee chairs to account;
- to promote public involvement in the Council's activities;
- to be the conscience of the Council;
- to attend such civic and ceremonial functions as the Council and the Mayor determine appropriate; and
- to authorise extraordinary meetings of the Council under the Council’s Procedure Rules at part 4 of this constitution.
In carrying out these roles, you should, along with the Civic Party, consider the public nature of the office. Your behaviour and manner will need to be appropriate at all times and not bring the Council into disrepute. You should follow the advice and guidance issued by the Mayor’s Office and should not:

- Attend any function or otherwise give support to any organisation or person whose objectives are contrary to law and/or Council policy.
- Solicit engagements or visits or otherwise procure favours by virtue of office.

2.3 **Chairing Council**

As Mayor it is your legal duty to act as the chairman of Council. In this role you must ensure the proper conduct of the meeting in compliance with both the law and the Standing Orders as set out in the Constitution. The Democratic Services Manager, Head of Legal and Governance and the Chief Executive will all be on hand to assist you in this role.

You may also be required to:

- Determine whether urgent items may be considered at a Council meeting without prior notice.
- Decide whether or not to call an extraordinary meeting of the Council.
- Exercise, if you wish to, a casting vote at Council in the event of an equal vote on any issues.

As the Chair, it is important that you can attend all Council meetings so please make a note of the dates in your diary.

Attached at Appendix A is a document entitled ‘Conduct of Council Meetings’ setting out the responsibilities of the Mayor when chairing Council meetings and which the Mayor should be familiar with.

During the Mayoral year the Mayor would be expected to reduce his or her political profile. The Mayor would not be expected to attend Group meetings prior to Council meetings and would maintain an a-political role when chairing Council meetings. This does not extend to voting, the Mayor is entitled to vote.

2.4 **Engagements and Civic Responsibilities**

The Mayor and Mayoress and their Deputies can attend between 350 and 400 engagements during their term of office, many of which will take place over a weekend (including bank holidays) and on an evening. All invitations for these engagements should be made through the Mayor’s Secretary (mayorsoffice@harrogate.gov.uk) and those received direct by the Mayor or Deputy Mayor should be forwarded to the Secretary for response and inclusion in the diary.
Once you have accepted an invitation, it is important that you make every effort to attend. Organisers often put a great deal of effort into their events and it would reflect badly of the office of Mayor to cancel without a legitimate reason. Similarly it is seen as unacceptable to ‘change your mind’ if another invitation more to your liking is received. However, there may be occasions where invitations received outrank events already accepted. In these cases discussions will take place with the Mayor’s Secretary and Democratic Services Manager.

3.0 ROLE OF THE CONSORT/MAYORESS

3.1 It is standard practice that the partner of a male Mayor becomes the Mayoress. The partner of a female Mayor becomes the Consort. If the Mayor does not have a partner they are welcome to appoint a Consort. In this circumstance it is usually a relative or friend.

You will need to confirm these arrangements with the Mayor’s Secretary at your first meeting.

On rare occasions when the Consort/Mayoress is unable to escort you to an appointment, you can choose to either attend alone or take another person to escort them. Should you wish to take another escort it is important that this person does not wear the chain and that the Mayoral Secretary is given advanced notification that she can contact the organisation that has sent the invitation.

3.2 The role of the Consort/Mayoress is as follows:
- To provide support for the Mayor
- To accompany the Mayor on engagements
- To support the Mayor’s Charities

4.0 ROLE OF THE DEPUTY MAYOR AND CONSORT

4.1 Roles and Responsibilities

The principal role of the Deputy Mayor is to deputise for the Mayor when he/she is unable to chair a Council meeting or attend a designated mayoral engagement.

The Deputy Mayor usually appoints a Deputy Mayoress or Deputy Mayor’s Consort who is generally their spouse. The Deputy Mayoress/Consort will normally accompany the Deputy Mayor to official engagements but on no occasion should they attend a function on behalf of the Deputy Mayor.

The Deputy Mayor will deputise for the Mayor at those functions which the Mayor is unable to attend. If the Mayor is unable to attend an event to which he has been invited, the Mayor’s Secretary will ask the inviting organisation if the invitation can be extended to the Deputy Mayor. The Mayor’s Secretary will then contact the Deputy Mayor about the invitation.
5.0 BUDGET

5.1 Allowance

The Local Government Act 1972 allows for the Mayor and Deputy Mayor to be paid an allowance to meet the expenses of their term in office. The amount is adjusted annually in line with inflation.

The Mayor and consort and Deputy Mayor and consort shall each receive an annual allowance which is subject to any inflationary or other adjustments applied by the Council. The allowance is paid monthly and is taxable.

For 2018/19 the allowances were as follows:
  Mayor - £11,372
  Deputy Mayor - £3,208

The allowance is to meet the ‘expenses of office’ of the Mayor and his/her Deputy and offers recompense of the expenses of maintaining the dignity of the office(s) incurred during the mayoral year and more specifically in respect of:

- Clothing
- Partner’s clothing
- Donations to charities
- Collections
- Purchase of raffle tickets, flag day flags, poppies etc
- Sending flowers
- Personal hospitality (including lunches, dinners, charitable balls etc)
- One-off events held by the Mayor
- Attendance at events
- Foreign travel expenses

5.2 Mayoral Budget

There is a separate budget, under the control of the Mayor’s Secretary, to meet the cost of civic and ceremonial activities and other hospitality. These include costs associated with the following:

- Annual Meeting
- Civic Service
- Remembrance Sunday
- Great Yorkshire Show
- Spring Flower Show
- receptions
- Mayor’s Christmas cards

and other costs associated with the office

5.3 The Mayor of Harrogate Fund
The Mayor of Harrogate Fund is the account used to manage the Mayor’s charitable fundraising. Charitable donations are paid into it during the course of the year and expenses for charity events can be paid from this account. The Mayor’s Secretary is responsible for administering the account. At the end of the year the balance accruing is available to be distributed amongst the Mayor’s chosen charities. The outgoing Mayor may wish to present his nominated charities with cheques.

Alternatively, a Mayor may opt to have charitable donations managed by the nominated charity. Where this happens the charity would also be responsible for the expenses incurred in any events and would be expected to keep records of the Mayor’s fundraising over the course of the year to enable the Mayor to have a clear picture of the amount raised at the end of the year.

The Mayor must decide at the start of the Mayoral year how they wish charitable funds to be administered, either by the Mayor’s Secretary or through the nominated charity. This will avoid confusion and enable a clear picture of funds raised to be available at the end of the year.

6.0 MAYORS CHARITY/CHARITIES

6.1 Choosing your charity/charities

It is standard practice to adopt a charity or several charities for the mayoral year. It must be stressed that such an undertaking is secondary to the function of the Mayor (as detailed above) and therefore the setting of fundraising targets is to be avoided. This is because the use of monetary target can lead to the ‘Mayor’s Charity’ becoming almost an overriding preoccupation of the Mayoral Year, which can detract from the role as well as requiring significant administrative support.

6.3 Fundraising Events

It is entirely up to the Mayor how money is raised for your charities. The Mayor’s Secretary may be able to provide some support where capacity allows, though for larger or more complex events the Mayor may wish to enlist the support of their nominated charity. The Mayor’s Secretary must be kept informed of all events.

7.0 OFFICER SUPPORT

7.1 The Mayor’s Secretary

The Mayor’s Secretary is based within the Democratic Services team within Legal and Governance. The Mayor’s Secretary will administer the diary, arrange/oversee civic events, engagements and act as a source of advice and support for the Mayor and his/her deputy.
It is important to note that the Mayor's Secretary is responsible to the Democratic Services Manager and the Head of Legal and Governance; the Mayor’s Secretary is not to be treated as a personal secretary nor can they assist you with any personal business.

Whilst there may be occasions where the Mayor’s Secretary works late evenings or weekends, the usual working days are Monday – Friday normal office hours. Outside office hours contact should only be made in an emergency.

7.2 **The Democratic Services Manager**

The Democratic Services Manager will be on hand throughout your year in office to offer advice primarily on the constitutional side of your role.

The Democratic Services team assist the Mayor’s Secretary during busy periods and to cover annual leave.

8.0 **MAYORAL CAR AND CHAUFFEUR’S**

Throughout your mayoral year you will have access to the Mayoral Car and Chauffeur service. The chauffeur will drive you to and from events and be of general assistance to you. This assistance will include fixing the chains to your clothing.

The Mayor’s car can only be used when undertaking official duties. An official engagement is one for which an official invitation has been received by the Mayor’s Office and for attendance at the Civic Centre for meetings about civic matters. Attendance at Committee meetings will not be classed as a Mayoral function. Attendance at meetings relating to a Mayor’s charity will also not be classed as a Mayoral function, although the car and chauffeur will be available for official fundraising events.

Please do not embarrass the chauffeur by asking to be taken somewhere not on the official engagement sheet. If a request is made to take the Mayor somewhere not on the sheet the Chauffeur must contact the Mayor’s Secretary or Democratic Services Manager to gain approval.

The Deputy Mayor will be offered the car and chauffer service for official events when it is not in use by the Mayor. If the car is unavailable, the Deputy Mayor will be expected to drive themselves to events. Mileage allowance can be claimed when driving themselves to official engagements.

There may be occasions when the chauffeur is not available and a substitute driver may be required. The Mayor’s Secretary will inform you of this beforehand. In exceptional cases there may be no drivers available and you will be asked to drive yourself.

9.0 **CHAPLAIN**
It is customary for the Mayor to announce their Chaplain for the year ahead at the Annual Meeting of the Council. The Chaplain will assume responsibility for offering prayers and ecclesiastical guidance at meetings of the Council, the Civic Service, Remembrance Sunday and such like.

10.0 CLOTHING

It is advised that the civic party give some thought to the clothes that they will wear during their Mayoral year, bearing in mind that the weight of the chains of office and how the chains may be pinned to the clothes to keep them in place. Part of the Mayoral allowance can be used for the purchase of clothes for the Mayoral year.

It is traditional for ladies to wear a hat for church services.

11.0 CHAINS AND BADGES

The chains of office will be worn for all appropriate events provided that the relevant support is available for the Mayor/Deputy Mayor. For those occasions where it is not appropriate or sensible for the chains of office to be worn, the badge/jewel shall be used and advice taken from the Mayor’s Secretary on their use and safe storage, if outside of the Civic Centre.

If the Mayor is invited to attend an event in another local authority area the Mayor’s Secretary will request permission for the Mayor to wear the Mayoral chain. Likewise the Mayor’s Office will be asked by other Councils if their Mayor or Chairman can wear their chain when attending official engagements in the Borough. Generally permission is given in both cases. Where the invitation is from a Mayor there is no need for such ‘chain clearance’ to be sought.

When not in use care must be taken to ensure safe storage of the chains. When not being worn the chains must be stored in the case and must be kept locked away. The Mayor’s Secretary will discuss arrangements for the storage and security of the chains with the Mayor at the start of the mayoral year.

12.0 SPEECHES

At many of the engagements the Mayor will be required to say something, ranging from proposing a toast, saying a few words of thank you to the host or giving a full speech.

When accepting an invitation to attend an event, the Mayor’s Secretary will forward a protocol form to the organiser asking for further advice on what will be required of the Mayor at the function, including whether the Mayor will be required to say a few words.

The Mayor’s Secretary will try and ensure that the Mayor is aware prior to an
engagement whether he/she will be asked to speak or not. However, there will be occasions when the Mayor will be asked to say a few words with little or no notice at all. It is always advisable to be prepared to say a few words of thank you even if the protocol form has not indicated that a speech is required. It is not the role of the Mayor’s Secretary to draft speeches for the Mayor.

13.0 GIFTS AND HOSPITALITY

Any gifts or hospitality received should be dealt with in accordance with the ‘Guidance for Members on the Acceptance of Gifts and/or Hospitality’ as outlined in the Constitution.

If you receive any gifts in your capacity of Mayor where the total value is over £25, you will need to contact the Mayor’s Secretary to fill out the ‘Registering Gifts and Hospitality’ form.

As there is no facility for displaying the numerous gifts, some are used as raffle prizes to raise money for the Mayor’s charities.

Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant. Hospitality worth over £25 should be declared via the gifts and hospitality form.

For further guidance please consult the constitution or contact the Democratic Services Manager.

14.0 YOUR ROLE AS A WARD COUNCILLOR AND COMMITTEE MEMBER

14.1 Ward Councillor

During your year in office you may find it difficult to COMBINE the civic responsibilities with your ward councillor duties. You should discuss this with your Group Leader, Parish Councils and the ward Councillors of surrounding wards.

14.2 Committees

Being Mayor will take up the majority of your time and as such you may want to think about the number of Committees you sit on. Particular thought should be given to positions on the Planning Committee and the Overview and Scrutiny Commission as these are the committees which meet most frequently and will therefore require a lot of your time.

15.0 TWINNING

15.1 Harrogate is officially twinned with Luchon in the Pyrenees in France. Harrogate also has an ‘international partnership’ (not a formal twinning arrangement) with Barrie, Ontario, Canada.
These arrangements are at no cost to the Council and are the responsibility of Harrogate International Partnerships (HIP). The Mayor attends HIP committee meetings, but in their own car and without the chains.

Harrogate does not invite delegations to visit as there is no dedicated budgetary provision for this. In kind support is provided to support the links and in line with the ethos of twinning, and the community and business basis for these associations. If a delegation does visit the Mayor can provide some hospitality. The HIP committee will look after delegations through sponsorship and contacts with local businesses.

The Mayor of Luchon often invites the Mayor to the Fete de Fleurs in August. Whilst Luchon will pay for accommodation etc, the Mayor is expected to pay for his/her own flights and travel expenses.

16.0 ANNUAL CIVIC EVENTS

16.1 Annual Meeting

The Annual Meeting, also known as Mayor Making, usually takes place on a Monday during late May. During this meeting the chains of office will be handed from the outgoing civic party to the incoming civic party.

The Mayor elect will assist the Mayor’s Secretary in planning for this event. In October 2018, Council agreed that the Civic Centre would be the default option when choosing a venue to hold the Annual Meeting.

16.2 Great Yorkshire Show

The Mayor hosts a civic reception annually on the final day of the Great Yorkshire Show. Guests are invited to join the Mayor in the Mayor’s pavilion for coffee mid-morning, followed by an opportunity to visit the show and a civic lunch. Guests will include civic dignitaries from within the County as well as other guests at the Mayor’s discretion.

16.3 Civic Service

It is customary for the Mayor to hold a Civic Service. There is no set date for the Civic Service to take place however it is usually before October so that it does not interfere with the planning of Remembrance Sunday and Christmas.

The Civic Service is usually held in or around the ward for which the Mayor is a Councillor. When picking a date the Mayor will need to liaise with the Mayor’s Secretary and the church. Your Chaplain will also be in attendance.

16.4 Remembrance Sunday

On Remembrance Sunday the Mayor will attend the Remembrance Service
at Harrogate Cenotaph. The service is organised by the Mayor’s Secretary, the Army Foundation College and Royal British Legion and follows the same format every year.

There is a further Service at Remembrance at Stonefall Cemetery in the afternoon that the Mayor would be expected to attend.

16.5 **Christmas Eve**

It is customary for the Mayor to host the annual Christmas Eve Carol Concert at the Royal Hall. Invitations are sent out on the Mayor’s behalf and the Mayor would be expected to attend. The event usually lasts for around 1 hour. Whilst the event usually follows the same format, the Mayor can contribute to the organising of the event along with the Mayor’s Secretary and the staff at HCC.

16.6 **Spring Flower Show**

Held in April, the Mayor hosts the Spring Flower Show Afternoon Tea at RHS Harlow Carr. Guests usually include the Mayor’s from the District and County along with personal guests of the Borough Mayor.

17.0 **SPA LADIES**

Under the constitution of Harrogate Spa Ladies the Mayoress is invited to be the President of Harrogate Spa Ladies for the duration of her term of office. If the Mayor is female, the Mayor is asked. There is no obligation to accept the invitation. Meetings take place monthly, on the first Wednesday of the month, during the day. The Mayoress is also invited to any lunches/teas which are held and is asked to Chair the AGM which is held in January (Second or sometimes third Wednesday).

18.0 **USE OF SOCIAL MEDIA**

Social Media can play as big a role in your Mayoral year as you wish. Some Mayors do not use it at all.

Things that can be posted on social media include:
- Pictures of events that you have attended
- Thanks to the organisers of events
- Retweets/sharing of community posts
- Details of fundraising events

Where a Mayor intends to create a social media platform he/she should first consult the Council’s Communications team who will be able to offer guidance.

Once the Mayoral year has ended the Mayor will be expected to handover any social media accounts made, along with the passwords, to the Mayor’s
Secretary. Under no circumstances must past Mayors continue to use accounts in the name of the Mayor of Harrogate.
Appendix 1

MAYOR’S BRIEFING NOTE
THE CONDUCT OF COUNCIL MEETINGS

Introduction

1. Standing Orders are designed to ensure that debate at Council meetings is conducted fairly. They envisage that Members will speak once in the debate and once only. The objective is to make sure that as many Members as possible can contribute whilst also ensuring that time is wisely spent.

2. Obviously, if a main motion is the subject of a significant amendment, Members might have the opportunity to rise twice, once on the amendment and once on the motion, but that ought to be fairly rare because on most occasions, the motion will represent the position of the Administration and it is on the amendment or amendments that the main debate will take place. Usually the matter is resolved by votes on the amendments and there is no need for a subsequent debate on the substantive motion.

Kinds of Meetings

3. The Annual Meeting and the programme of ordinary Council meetings are convened by the Head of Legal and Democratic Services. However, only the Mayor may call an extraordinary meeting of the Council unless it is requisitioned by five Members pursuant to Schedule 12 of the Local Government act 1972.

The Mayor

4. The Mayor must preside if present in the chamber unless he or she resigns, becomes disqualified or, for example, declares a prejudicial interest in an issue, in which case the Mayor will retire and the Deputy Mayor take the chair for that particular item.

5. The Mayor has a casting vote (in addition to a normal vote) in the event of the number of votes cast on any issue being equal. The Mayor need not have voted on the issue on the first occasion.

Order of Business

6. This is set out by statute and can be found in Standing Order 8. Variation of the order of business can be at the discretion of the Mayor, where the Group Leaders (or their Deputies acting on their behalf) have agreed in advance in respect of ‘major issues’ (see Standing Order 8(2)), or by agreement of the Council itself.

Notices of Motion
7. All notices of motion must be given in writing, signed by a minimum of one Member (a seconder can be sought at the meeting itself) and must give eight clear days notice (including Saturdays, Sundays and Bank Holidays) before it will be placed on the Council agenda.

8. No Member may submit more than one notice of motion for any meeting. The general rules on notices of motion can be found in Standing Order 10. In particular, Members should note that a notice of motion must be relevant to the Council and to its powers or functions; or to its area or part of it; or its wider community leadership role, or to the inhabitants or some of them. In other words, motions which are intended to make ‘political’ points about the national or international scene will usually be improper. Every motion should also specify the action the ‘Council’ is being asked to take.

9. At each ordinary meeting one political group is entitled to require that a specified notice of motion of its choice is debated by Council. The vast majority of other notices normally stand referred to the Executive or a Committee (See Standing Orders 10(6)(a) and 10(6)(b)) though under Standing Order 10(6)(d) the Mayor has the discretion to allow debate of other notices if considered expedient to business. Whether or not a motion is to be debated by the Council, any amendments to it must be notified 24 hours in advance of the meeting.

Motions at the Council Meeting

10. There are a number of motions which can be moved without notice and they are set out in Standing Order 11. They mostly relate to the normal business of a Council meeting. In effect, what usually happens is that the Chairman moves the minutes of a particular meeting (Cabinet, General Purposes Committee etc) and is supported by the Vice-Chairman. The moving of the minutes is the substantive motion and that is then open to amendment. The mover of an amendment is entitled to the full seven minutes (Standing Order 13(5)); what he or she is not entitled to is a right of reply.

11. The right of reply is given to the mover of the motion and it is a right to reply at the end of the amendment and at the end of the debate on the main motion, if there is one. The mover of the motion will normally be the Chairman but not exclusively and it must be remembered that it is the actual mover of the motion (and not the Chairman) who has the right of reply. In other words, Chairmen do not have an automatic right of reply unless they have moved the motion.

12. It is also the case that the mover of a motion may not otherwise speak on the amendment except at the close (see Standing Order 13(13)).

[This Standing Order has been the subject of much discussion and has probably caused more problems than any other. The mover of a motion (usually but not exclusively the Chairman) should not, having spoken at the moving of the motion, speak again until he or she bring the debate to an end. If the mover rises prematurely, then that will normally have the]
effect of terminating the debate and if someone has not spoken who has earlier signified an intention to speak, that puts considerable pressure on the Mayor who then has to decide whether to allow the rules to be broken or to fail to allow a Member to speak].

Antagonistic Action

13. If a Member is behaving in an improper fashion, then there are a number of possible remedies:-

(i) under Standing Order 10, another Member may move that the offender be not further heard OR should leave the meeting;

(ii) persistent misconduct, in particular disregarding the ruling of the Chair, or behaving irregularly, improperly or offensively, or obstructing the business of the Council, may be the subject of a motion under Standing Order 14, pursuant to which the Chairman or any other member may move ‘that the Member named be not further heard’. If that motion is seconded, it shall be put and determined without discussion;

(iii) if the misconduct continues, then the Chairman shall either move that the Member named ‘do leave’ and the matter must be determined without discussion; or adjourn the meeting as expedient; and

(iv) the Mayor also has the right in respect of a general disturbance, to adjourn the meeting for as long as necessary.

(v) Standing Order 13(17) makes it a strict rule that when the Mayor rises during a debate, the Member then standing shall resume his seat and the Council shall be silent. This is an essential rule of protocol and involves respect for the Chair. If the Mayor rises, that should bring an immediate end to all argument.

Questions

14. A Member of the Council may ask the Chairman of the Cabinet or a committee any question upon a minute or of any Officer when that item is under consideration by the Council. The Member must make it clear when rising to speak that his purpose is to ask a question (i.e not after a lengthy introduction).

15. A Member may, subject to 48 hours notice in writing to the Proper Officer ask a question of the Chairman of the Council or the Chairman of Cabinet, any committee or portfolio holder on any matter within the purview of that committee/portfolio. In other words, by such notice he or she can raise a matter which is not on the agenda.

16. Members may use that provision to ask only two questions, each with a right to a short supplementary question (for which no notice is required). Members Question time is limited to thirty minutes.
17. Each question shall be put and answered without discussion.

18. The person to whom the question is put may:

(i) give a direct oral answer;
(ii) give a preliminary verbal response followed by a full written answer;

Rules of debate at Council meetings

19. No item may be discussed until it has been moved and seconded.

20. Unless the Mayor agrees that the item has not been sufficiently discussed, the debate must terminate at the end of thirty minutes. In other words, each motion or amendment, shall only be discussed for a maximum of 30 minutes beginning once the mover has spoken and after it has been formally seconded but before the seconder speaks. This does not apply to extraordinary meetings called to discuss specific items.

21. Amendments cannot be discussed unless they have been put in writing and received not later than 24 hours before the Council meeting. This does not apply to a further and consequential amendment to an amendment which has been properly put, that is notice had been given of it.

N.B The convention is that minutes are always moved at the outset by each Chairman. Members know this and may assume it will happen; they will therefore know that there will be a motion on which to base their notice of amendment.

22. In effect this means that if no amendment has been put, there can be no further and consequential amendments and all that can be discussed at the meeting is the original motion. If an amendment has been duly notified, then it can be amended further on the day.

23. The person seconding a motion may reserve a speech until a later period in the debate provided he or she has declared an intention to do so.

24. Members shall stand when speaking and address the Mayor. All other Members shall remain seated.

25. Speeches of the mover of the motion or the mover of an amendment may last for seven minutes; all other speeches may not exceed four minutes except where the Council agrees by motion under Standing Order 13(5)(i) or where the Leaders of the political groups have agreed in advance of the Council meeting and only then in respect of ‘major’ issues.

26. Once a Member has spoken on any motion, he may not speak again except:

(i) to speak on the amendment; or
(ii) if the motion has been amended since he last spoke, to move a further amendment; or
(iii) if the Members first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which the Member spoke was carried; or
(iv) where he has a right of reply under Standing Order 13(13) and (15).

He may also rise on a point of order or a point of personal explanation.

A point of order is where there is some question of procedure.

A point of personal explanation is where a Member feels that the has been misunderstood.

27. It should be made clear that there is no such thing as a point of 'information', nor is there such a thing as a point of 'interpretation', and there is no right to speak merely because a Member has been 'named'.

Amendments

28. Amendments must be relevant to the motion and can be either:-

(i) a reference to committee for consideration or reconsideration;
(ii) to leave out words;
(iii) to leave out certain words and insert or add others;
(iv) to insert or add words;

Provided that such omission/insertion or addition of words shall not have the effect of negating the motion before Council.

29. Only one amendment may be discussed at any one time unless the Mayor decides that two or more amendments discussed together would facilitate the proper conduct of the Council's business (this is because of the difficulties, thought highly unlikely). In those circumstances, however, they will have to be the subject of separate votes.

30. If an amendment is lost, other amendments may be moved on the original motion, if 24 hours notice has been given. If an amendment is carried, the amended motion takes the place of the original motion and is then the substantive motion, which may be the subject of further debate and consequential amendment, for which no notice is necessary.

31. Sometimes new Members are confused by what appears to be two votes on the same issue. The usual reason for that would be where the Chairman had moved a motion and someone else had moved an amendment. Often, when the amendment has been voted upon, the main issue has been resolved and if there have been no other amendments, a vote is immediately taken on the substantive motion (e.g the acceptance of the Minutes).

32. The mover of a motion has a right to reply at the close of the debate on the motion immediately before it is put to the vote. He also has the right of reply.
where an amendment is moved but only at the close of the debate on the amendment.

33. When a motion is under debate, no other motions should be moved except:

(i) to withdraw the motion
(ii) to amend it;
(iii) to adjourn the meeting or the debate;
(iv) to proceed to the next business;
(v) that the question be now put;
(vi) that a Member be not further heard; or by the Mayor that a Member leave the meeting; or
(vii) a motion to exclude the public.

34. A Member may (but only at the conclusion of a speech of another Member) move that the Council proceed to the next business; or that the question be put; or that the debate or the Council be adjourned.

35. If that motion is seconded, the Mayor shall automatically put that motion to the meeting provided the Mayor feels that the matter has been sufficiently discussed.

36. In practice, this means that if the matter has been discussed for a reasonable length of time, the Mayor will put the motion to the meeting. However, it cannot be used as a tactic by any political group to move to the next business and prevent a debate because the Mayor would be unable to conclude that the matter had been sufficiently discussed.

37. If the particular motion is that the question be put the Mayor must give the mover of the original motion the right of reply if the procedural motion is passed. If the motion is that the Council proceed to the next business the Mayor must give the mover of the original motion a right of reply before the procedural motion is put to the vote.

38. No right of reply exists on a motion to adjourn the debate or meeting.

Rescission of previous resolution

39. Standing Order 15 is intended to make sure that Members do not persist in troubling the Council with motions that they know will not succeed. If a Member moves a particular motion and it fails, he or she cannot move it again for another six months. However, if the same issue comes through the committee cycle in the normal way, then the six months rule does not apply. The Standing Order also permits one-third of the Members to give notice and to have the matter discussed again.

Voting

41. The electronic voting system will be used whenever possible for meetings of Council which take place in the Council Chamber. If the electronic voting
system is not used voting is by show of hands unless, on the requisition of any Member of the Council supported by 25% of the Members present, the voting must be recorded. The usual way this is done is that the Mayor invites the Members who want to see a vote recorded, to rise in their chairs and if over a quarter of those present do so, then a recorded vote is automatically taken.

N.B In addition to this, there is also a convention that where a Member reasonably believes that there could be legal implications from the decision, then he or she is entitled to have their particular vote recorded.

41. As already pointed out above, the Mayor (or other person presiding) has a second or casting vote.

Voting on appointments

42. There are specific rules of this. Where more than two persons are nominated for any position and there is no overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken until a majority of votes is given in favour of one.

Confidentiality (Exempt information)

43. If the Council decides that any of its business or any documents are confidential, then they must be treated as confidential unless and until they become public by a decision of the Council.

Motions of expenditure

44. Any motion which would materially increase the expenditure upon any service or reduce the revenue of or involve capital expenditure upon any service, shall, when proposed and seconded, stand adjourned without discussion to the Cabinet which shall report on the financial aspect of the proposal.

45. This is intended to make sure that an individual Member cannot move something which would result in considerable expenditure to the Council at a meeting until the consequences have been identified by the Officers and considered by the Cabinet.

Changes to Standing Orders

46. Certain Standing Orders can be varied or revoked but any such motion shall stand referred to the General Purposes Committee without discussion and for report back to the Council.

The interpretation of Standing Orders

47. The ruling of the Mayor as to the construction or application of Standing Orders, or as to any proceedings, shall not be challenged at any meeting of the Council. In other words, the Mayor is always right (even when the Mayor is wrong!). It is
essential to the good conduct of business that someone can bring a conclusion to any discussion.

48. It is also indisputably the decision of the Mayor as to how to proceed. The Chief Executive’s job is to advise the Mayor. He may though be said to have a residual jurisdiction to remind Members as to proper procedural issues but otherwise would only expect to speak if invited by the Mayor, or asked a question by a Member.

Other Standing Orders

49. There are a number of other Standing Orders with which Members should be familiar, such as those relating to Members questions, planning training, public arrangements and so on, but they are not directly material to actual conduct of business in Council meetings.

Other conventions

50. There has long been a convention at this Council that if a Member raised an amendment which was acceptable to the Chairman, the Chairman would signify that he would either accept it or take the matter back to committee. What is implicit in that situation is that the Chairman is effectively adding the amendment to his motion and therefore at the end of the debate, his motion goes forward with that agreed amendment.

51. If a Member objects to the Chairman’s acquiescence, then he is entitled to challenge the Chairman and if a majority of Members do not agree, they may force a vote at that time.

52. A further convention is that Chairmen move the minutes of committees and, generally speaking, it is their duty and their obligation to defend those minutes but occasionally a Chairman will find himself out of sympathy with a proposition which has been put forward by his committee. In those circumstances, he has two choices:-

(i) he gets someone else to move the minutes; or
(ii) he moves the minutes, save for that issue and gets someone else to move it and that is the subject of a separate debate which the Chairman can then oppose.

Conclusion

53. The Mayor will apply Standing Orders strictly except where in his/her view the occasion demands otherwise.

54. If someone other than the Mayor chairs a Council meeting, that person has exactly the same powers as the Mayor.

55. As stated in paragraph 47 above, the Mayor (or person presiding) is always right on procedure unless a court of law says otherwise.
1.0 PURPOSE OF REPORT

1.1 To provide a summary on Year one (2018/19) of the Member Learning and Development Strategy and to gain approval for Year two (2019/20) of the Member Learning and Development Strategy.

2.0 RECOMMENDATIONS

2.1 That the Committee note the attendance figures and feedback for Year one of the Member Learning and Development Strategy.

2.2 That the Member Learning and Development Programme for 2019/20, Year two of the Member Learning and Development Strategy, be approved.

3.0 RECOMMENDED REASONS FOR DECISIONS

3.1 The Member Learning and Development Strategy was approved by Council in May 2018. As part of the Strategy it was agreed that the General Purposes Committee would receive an annual report on attendance and feedback information. It was also agreed that that Council would approve the annual plan for Member learning and development.

3.2 It is good practice to have a Member Learning and Development Strategy as it allows Member to carry out their roles to the highest possible standard.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION *(Must be used for reports to Cabinet & Cabinet Members)*

4.1 To not report back on year one of the Member Learning and Development
Strategy. This has been rejected as it was part of the Strategy that was agreed by Council.

4.2 To not produce a Member Learning and Development Programme for Year two of the Strategy. This has been rejected as it was agreed by Council that a Member Learning and Development Programme would be produced for each of the four years covered by the Strategy.

5.0 THE REPORT

5.1 Background
In May 2018 the Member Learning and Development Strategy was approved by Council and aimed to provide an overall programme of training for elected members that would allow them to carry out their duties to the best of their abilities. The Strategy was planned in accordance with a four year cycle, with a plan for each municipal year being presented to Council in April. Each year of the cycle had a different theme; year one was essential training and year two was progression and development.

5.2 Year One – Essential Training
Appendix 1 to the report is the Member Learning and Development Programme that took place in 2018/19. Below is a summary of the feedback received on some of the events that took place and the details of non-attendance for the mandatory events.

5.2.1 New Member Induction:
The New Member Induction was attended by nine out of the ten newly elected Members in June 2018. The Member that was unable to attend received all of the necessary training and information at a later date.

The results from the questionnaire on the induction day were positive overall and can be seen on request. The suggested improvements have been noted and will be taken into account when planning the 2022 induction day.

5.2.2 Member Training Evenings:
There were two different training evenings, each held twice to ensure maximum attendance. Attendance at the training evenings was considered mandatory due to the inclusion of the equalities training and the ethical standards training. Other topics covered at the training included standards of behaviour, prevent/safeguarding, customer service and welfare reform. A further training evening was held in early 2019 that just covered equalities and ethical standards.

At the point of writing this report the following Members had not received the stated training:

- Councillor Bernard Bateman (equalities and ethical standards)
- Councillor John Ennis (equalities)
- Councillor Pauline McHardy (equalities)
- Councillor Robert Windass (equalities and ethical standards)
5.2.3 GDPR Training:
GDPR training was originally held in October 2017. A further session was held in July 2018. Both of these sessions were run by external trainers. In order to ensure that all Councillors were trained on this important topic, the Council’s Information Officer ran additional sessions.

At the point of writing this report the following Members had not received the training:
- Councillor Rebecca Burnett
- Councillor Nigel Middlemass

5.2.4 Chair Training:
The Chair Training was delivered by an external trainer in November 2018. Chairs of the all the Committees, with the exception of Cabinet, were consulted before the training was arranged to find a date that suited all. The following Members did not receive the training:
- Councillor Bernard Bateman (Mayor)
- Councillor Sam Gibbs (Chair of the Voluntary and Community Sector Liaison Group)
- Councillor Steven Jackson (Chair of General Purposes Committee)
- Councillor John Mann (Chair of Planning Committee)

5.2.5 Committee Specific Training:
All new Members of the Human Resources Committee received the necessary training.

All new Members and substitute Members of the Planning Committee received the new member planning training.

Training for new Members of the Licensing Committee was held in June 2018. To date, Councillor Sue Lumby has not received the training.

Planning update training was held in November and December 2018. Councillor Ennis (substitute for Planning Committee) could not attend the training and as such was disqualified from sitting on the Planning Committee.

Initial planning training was also given to Councillor Richard Cooper and Councillor Paul Haslam which qualified them to sit as members of the Planning Committee.

5.2.6 Summary of Other Events:
A training feedback form was sent out after training events (not including briefings.) Although there were a limited number of responses, the responses that were received were generally positive and are attached to the report at Appendix 2.

5.3 Year Two – Progression and Development
As stated in the Strategy, by year two it was hoped that Members would have started to embrace the culture of learning and would therefore have more of an input into the programme. In January 2019 an email was sent to
all Members that requested details of any training events that they would like to see in the programme for 2019/20. An email for requests was also sent to the Chief Executive, Directors and Heads of Service. The following requests were received:

5.3.1 ICT Training – Member Request:
Members will be invited to attend 1-to-1 training sessions to develop their ICT abilities. The sessions will be run by Democratic Services and ICT.

5.3.2 Housing Briefing – Member Request:
An all Councillor briefing will be held covering, amongst other things, affordable housing and other social housing provision; the processes used for neighbour mediation and steps taken to deal with “bad” neighbours.

5.3.3 Customer Service Workshop – Member Request:
Members will be invited to a customer services workshop that will focus on raising issues and understanding the processes customer services use to deal with those issues. There will also be an open invitation for Members to visit the customer service centre to see those processes in action.

5.3.4 Constitution Briefing – Member Request:
An all Councillor briefing will be held towards the latter end of 2019 regarding the Constitution. A review of the layout of the Constitution is due to be undertaken in Summer 2019 and the briefing will inform Members of the updates and highlight key sections.

5.3.5 Media Training – Member and Officer Request:
A briefing/workshop session will be held for all Members. This will include how to issue press releases/deal with press enquiries and the use of social media.

5.3.6 Local Government Ethical Standards Report Briefing – Officer Request:
In January 2019 the Committee on Standards in Public Life released a report on local government ethical standards. Members will be given a briefing on the key elements of the report.

5.3.7 Commercialism Briefing – Officer Request:
Members will be given an update on the Council’s commercialism projects.

5.3.8 Committee Specific Training:
As in previous years, a programme of committee specific training will be undertaken. This includes training for the Planning Committee, Audit and Governance Committee, Licensing Committee, Human Resources Committee and the Overview and Scrutiny Commission.

5.3.9 The draft programme for 2019/20 is attached at Appendix 3 to the report. Ad-hoc events will be added as and when they arise.

5.4 Review of the tablet roll-out
The report that accompanied the Strategy gave details on the proposed tablet handover and assistance clinics. The handover was successful and a number of assistance clinics were held. The vast majority of Members now use the tablets for all Council business, such as replying to emails and
accessing committee documents. A questionnaire was sent to Members requesting their feedback on the tablets. The results of this are attached to the report at Appendix 4.

Additional training has taken place following the replacement of the Council’s committee management system. Members have been invited to have the modern.gov app installed on their tablets which should allow Members better access to committee documents. As stated above, additional training will be provided for any member that requests it.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

7.0 CONCLUSIONS

7.1 It is good practice to note the performance of the Member Learning and Development Strategy. By continuing with the Strategy Members will be able to continue their development which will benefit them, their residents and the Council as a whole.

Background Papers – Member Learning and Development Strategy

Appendices –

Appendix 1 – 2018/19 Member Learning and Development Programme
Appendix 2 – Training Feedback Results
Appendix 3 – Proposed 2019/20 Member Learning and Development Programme
Appendix 4 – Tablet Feedback

OFFICER CONTACT: Please contact Samantha Stonebanks, Democratic Services Officer, if you require any further information on the contents of this report. The officer can be contacted at Legal and Governance, POX Bo 787, Harrogate, HG1 9RW, 01423 500600 x58068 or by e-mail – samantha.stonebanks@harrogate.gov.uk
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<table>
<thead>
<tr>
<th>Training</th>
<th>Mandatory/Optional</th>
<th>Internal Trainer/External Trainer</th>
<th>Date</th>
<th>Number of Members in Attendance</th>
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<td>Internal</td>
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<td>Internal</td>
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<td>Briefings on and</td>
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<td>and October</td>
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</tbody>
</table>

There is a lack of communication between emergency services and utility providers to keep local ward councillors informed.

If you are going to train on a subject like this, I really think we should be given specific guidance to follow rather than an overview of the law. We need to be able to walk away with a summary of good practice that we can refer to on an ongoing basis.

Good balance of information, interest, entertainment and learning... thank you!

Nothing to add from previous comments.

Nothing to add from previous comments.

No other comments.
<table>
<thead>
<tr>
<th>Training</th>
<th>Mandatory/Optional</th>
<th>Internal Trainer/External Trainer</th>
<th>Date</th>
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<td>Mandatory for New Members</td>
<td>Internal</td>
<td>Only necessary if there is a by-election</td>
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<td>Planning (quarterly briefings)</td>
<td>Optional</td>
<td>Internal</td>
<td>May</td>
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<td>March</td>
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<td>ICT 1-to-1 drop in sessions*</td>
<td>Optional</td>
<td>Internal</td>
<td>As and when required</td>
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<td>Internal</td>
<td>June 2019 (if required following the annual meeting)</td>
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<td>Licensing Committee Training</td>
<td>Mandatory for all new Committee Members</td>
<td>Internal</td>
<td>June 2019 (if required following the annual meeting)</td>
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<td>HR Committee Training</td>
<td>Mandatory for all new HR Committee Members</td>
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<td>June 2019 (if required following the annual meeting)</td>
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<td>Mandatory</td>
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<td>On-going</td>
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<td>Local Government Ethical Standards Report – Member Briefing</td>
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<td>Optional</td>
<td>Internal</td>
<td>July 2019</td>
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<tr>
<td>Housing Briefing*</td>
<td>Optional</td>
<td>Internal</td>
<td>July 2019</td>
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<tr>
<td>Customer Service Workshop – raising issues and how issues are dealt with*</td>
<td>Optional</td>
<td>Internal</td>
<td>September 2019</td>
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<td>Commercialism Briefing</td>
<td>Optional</td>
<td>Internal</td>
<td>September 2019</td>
</tr>
<tr>
<td>Constitution Update Briefing*</td>
<td>Optional</td>
<td>Internal</td>
<td>October/November 2019 (following the review)</td>
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<td>Mandatory for all Planning Committee Members and Substitutes</td>
<td>Internal</td>
<td>November/December 2019</td>
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<tr>
<td>Budget Seminar</td>
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Can you successfully connect to the following? (Internet at home)

- Yes (24) 96%
- No (1) 4%
- Did not try (-)

Can you successfully connect to the following? (Internet in council building)

- Yes (24) 96%
- No (1) 4%
- Did not try (-)

Can you successfully connect to the following? (Any other Wi-Fi)

- Yes (16) 64%
- Did not try (9) 36%
- No (-)

Who is your home internet provider? (E.g. Virgin, Sky, BT etc.)

- BT
- Virgin
- BT
- Talktalk
- Virgin
- BT
- BT
- BT
- BT
- BT
- Sky
- bt
- btinternet
- sky

Page 45
Please give detail of any problems you are having using the tablet? (maximum 500 characters)

The updates sometimes take a long time. I was on the train from Leeds and it took until I got to Horsforth for the updates to complete. Also, when on a train or bus or out and about elsewhere I am having trouble tethering the tablet to my iPhone as a mobile hotspot. The stylus is not as responsive as I would like it to be. I have an iPencil on my iPad and it is much, much better.

None thus far, Outlook occasionally says 'need password' but pressing cancel still makes it connect to Microsoft Exchange so no issue there

Outlook unreliable at home. Also accessing HBC website quicker using my own laptop at home

Just my Technical Incompetence .....the equipment is Ace!

None so far

keeps losing connection, Internet Explorer stops working and the little circle just keeps going round and round, outlook doesn't respond for long periods. If I let the tablet "Sleep" rather than switching it off, I can never get it to connect.

no

Live in rural area and the wifi keeps dropping out

The screen times out far too quickly. I have tried twice to access my emails or reports while using my tablet in the council chamber especially for planning committee and it has not allowed me to log on. Sometimes when using the tablet at home I can't access my emails even though I am logged on and the wifi is working correctly

Tablet crashing every now and then, IT team aware of the problem.

Get a message about logging in - when I am already logged in. When I type in my details it just flashes the same box again. Pressing cancel sometimes works! Doesn't seem to impede performance or prevent logging in to outlook. Connection to Outlook drops however after the initial login and you don't always realise and then you have lots of mail in the outbox queuing. It can be difficult to get back into Outlook once it has dropped. Pressing Need Password at the bottom sometimes connects - some

No real problems just need to learn more about what it can do

Compatibility HBC & NYCC

Outlook login box sometimes appreas multiple times, despite having already logged in.

too small

Ever since the necessary update, it has occasionally not allowed me to log on to the internet

none

I am unable to connect to my home printer, so can't print off documents that I need. Steve Luu has offered to help.

Outlook doesn't work so I access my emails through an internet browser. It doesn't connect to wifi at the council (I use my mobile phone hotspot when at the council)

Print font on some items is too small. I don't have wifi connection to a printer.

Initial connectivity is relatively slow and links with the council e-mail often requires a second attempt to synchronise, particularly when working from home.

It sometimes does not work as well in the evenings.
Is there anything that you would like further training on? (maximum 500 characters)

I think members could do with a bit of training about how to save and organise their documents effectively. Also, although bookmarks are hugely useful members could do with being told how they work and how to get to them.

Nothing at present, I am used to using PCs and tablets so have found this straightforward

Making notes on reports for use later in meetings

Maybe a quick Review session of things that are easy to do, particulary in Outlook, now we have all got used to them - How to Copy & Paste, Sort stuff into Folders, inset docs etc. Oh ....& how best to use the Bookmark option in Council meetings / minutes.

General use of some of the items that are new to the system

no

none

Best way of setting up and storing folders, with GDPR would like guidance as to what to delete and what to keep. How to creat word documents and find templates.

working through the options available other than sending and receiving emails, reports and use of the hub.

Probably on everything to make sure I am using it to its potential

No

quicker printing

No

no

As above

how to annotate PDF documents with the stylus

Yes - general use, usage shortcuts, use of diary - but training needs to be in several short briefings rather than one or two longer periods and by someone prepared to instruct members slowly at their pace, perhaps having to go over the same point several times.

Hand written notes onto the tablet.

No

Please tell us what you like about the tablet? (Do you find the device easy to assemble/disassemble? Do you find the stylus easy to use?) (maximum 500 characters)

I like the fact that I can keep all the 'papers'. With paper copies I just used to stick them straight in the recycling and sometimes there were things that I would like to refer back to but I have only so much space at home for papers! I like the easier access I have to my emails.

Using the pen, the saving on paper, good websites and intranet which make finding documents and taking notes on anything very easy

I haven't tried the stylus. I do not use the tablet much except at Civic Centre

Portability is great

I like it a lot. Easily transferable, compact, works well with the 1 or 2 Wi Fi connections I regulary use. I like the Stylus too .....am sure i could get more use out of it (when i find it/get a new one !).

Yes, easy to assemble/disassemble and the stylus is easy to use

I don't use the stylus. It boots up fast, everything else is slow.

Much more Beter Than the old Laptop. And easy to use.

I do not find the stylus easy to use as never been taught how to use it and prefer to use a mouse

Relitively easy to use for someone who who is not great with IT.
Please tell us what you like about the tablet? (Do you find the device easy to assemble/disassemble? Do you find the stylus easy to use?) (maximum 500 characters)

- Lightweight and easily used in meetings
- Easy to use, pen on document tool is useful. Find bookmarked PDF documents very useful in meetings.
- I think it is a great bit of kit!
- Tablet fairly easy to use not really used stylus yet tend to use my mouse.
- Simple to use good design, no paper.
- Easy to use for the applications that I use.
- Stylus too fiddly. I preferred my lap top.
- Easy to use
- Easy to use, convenient
- It's a very easy to use tool and the pen is very useful
- Okay to use, though I haven't done so greatly. I prefer the look and feel of my laptop, so use that where possible. I haven't attempted to use the stylus.
- Very easy to use small and handy to carry around
- Compact and easily portable. I don't use the stylus.
- I am not yet using the tablet and continue to use the keyboard
- It is easy to use

Do you have any other comments? (maximum 1000 characters)

- I am concerned that some members may not be engaging with 'paperless democracy' and will fall through the gaps. I think therefore that a lot of effort should be made between now and Council in October to ensure every member has been verbally offered a one-to-one to discuss any issues. If they are comfortable with everything they do not have to take the offer up but I think it should be made as part of a conversation.
- I think the tablets have been a great idea, naturally teething problems occur but I could not imagine carrying with me the volume of paper I would have needed for all committee meetings, Councils and not being to email on the go too. I feel productive and organised and that I have the tools to do a very good job
- I do not have enough broadband speed to use the tablet effectively at home so I have reverted to using the Portal.
- In meetings can the agenda be put on overhead screen to avoid clrs having to return to agenda? When at meetings the process needs reviewing - navigating reports and meetings going from link in email to agenda on coins and then to the 1st report and then back and forward between the agenda and reports is not straightforward and if exempt reports are used then there is no quick link to these whilst in an agenda... Could the meeting agenda's be added into the outlook calendar for each member?
- Members Services Staff (Charlie / Sam ) & IT Staff (Jack Fullerton) have been really helpful when I have had minor issues .....& haven't treated me as an Idiot for asking "Stupid" questions .....which is nice !
- Tablet is better than I thought it would be.
- It sometimes just switches itself off, for no reason. I wish I could use Chrome instead of Internet Explorer. IE is now old and out of date and certain websites don't work well on IE. I would like to be able to install my favourite programs eg Google Drive.
- None
Do you have any other comments? (maximum 1000 characters)

In reality I still prefer paper I feel my input to meetings is better, continually scrolling can mean I lose things or the thread of the meeting as I search for something.

No

I struggle to work from home due to broadband signal being so erratic. It cannot go to fibre as 650 mrs of copper cable are underground.

No thanks.

the problem of not being able to merge HBC and NYCC calendar

I think the issues I'm having could be resolved if I came into the council and handed my table to one of the IT team to resolve, but I haven't found the time yet!

At home, I continue to use my portal log on (to save having two pcs on my desk). I hope that this access (which also enables me to gain access when abroad from a remote location) will not be removed.

No
Agenda Item No.8

REPORT TO: General Purposes Committee
DATE: 21 March 2019
SERVICE AREA: Legal and Governance
REPORTING OFFICER: Head of Legal and Governance
(Samantha Stonebanks – Democratic Services Officer)
SUBJECT: Change of name of Bishop Thornton and Warsill Parish Council
WARD/S AFFECTED: Fountains and Ripley Ward
FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT
1.1 To consider a request from Bishop Thornton and Warsill Parish Council to rename the Parish Council Bishop Thornton, Shaw Mills and Warsill Parish Council.

2.0 RECOMMENDATION
2.1 The request to rename the Parish Council of Bishop Thornton and Warsill to Bishop Thornton, Shaw Mills and Warsill Parish Council be approved.
2.2 The necessary notice be published in the Parish to that effect.
2.3 The Secretary of State, the Ordnance Survey, the Office for National Statistics, the Parliamentary Boundary Commission for England, the Local Government Boundary Commission for England and the Registrar General be notified accordingly.

3.0 RECOMMENDED REASON FOR DECISION
3.1 Section 75 of the Local Government Act 1972 supplemented by the Local Government and Public Involvement in Health Act 2007 requires the District Council to consider such requests. The request has been made by the Parish Council in order to encourage the residents of Shaw Mills to engage with and potentially become Members of the Parish Council.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION
4.1 To refuse the request. This option has been rejected as Harrogate Borough Council supports the attempt by the Parish Council to engage more members of the community in local democracy.

5.0 THE REPORT

5.1 A request has been received from Bishop Thornton and Warsill Parish Council seeking to change the name of the Parish Council to Bishop Thornton, Shaw Mills and Warsill Parish Council.

5.2 The Parish Council has a membership of six and is grouped, which is where a number of smaller parishes come together under one parish council. The Parish Council covers two parishes:
   - Parish of Warsill – returns 1 councillor
   - Parish of Bishop Thornton – returns 5 councillors
The village of Shaw Mills lies mostly within the parish of Bishop Thornton. The Parish Council are however only requesting a change of name for the Parish Council, not the parish. Therefore if the change of name is approved, the Parish name will remain the same but the Parish Council name will be renamed Bishop Thornton, Shaw Mills and Warsill. This will have no impact on any electoral arrangements.

5.3 The rationale for the change offered by the Parish Council is that the Parish Council has struggled to maintain its membership in recent months. In November 2018, Harrogate Borough Council had to invoke the power to temporarily appoint the ward member, Councillor Margaret Atkinson, to sit on the Parish Council in order for it to be quorate. Since then the Parish Council has tried to co-opt residents onto the Council but this has not been successful. It is hoped that by including the village of Shaw Mills in the title of the Parish Council, it will encourage residents to take ownership of the local democracy arrangements in their area and therefore encourage them to join the Parish Council.

5.4 The matter has been discussed at the Parish Council meeting and attached at Appendix 1 is an email from the clerk formally requesting the change of name. The clerk has also provided the relevant extract from the minutes of the Parish Council of 5 February 2019, which are attached at Appendix 2, where it was resolved that the name be changed.

5.5 No objections had been raised by the North Yorkshire County Council Member and the Harrogate Borough Council member.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.
7.0 CONCLUSIONS

7.1 The Committee is obliged to consider the request from Bishop Thornton and Warsill Parish Council to change its name to Bishop Thornton, Shaw Mills and Warsill Parish Council.

Background Papers – None

Appendix 1 – Request of Change of Name from the Clerk
Appendix 2 – Parish Council Minute

OFFICER CONTACT: Please contact Samantha Stonebanks, Democratic Services Officer, if you require any further information on the contents of this report. The officer can be contacted at Democratic Services, Legal and Governance, PO Box 787, Harrogate, HG1 9RW, 01423 500600 or by e-mail – samantha.stonebanks@harrogate.gov.uk
From: David Taylor [mailto:ClerkBTSMandWPC@outlook.com]
Sent: 07 February 2019 16:14
To: Samantha Stonebanks
Subject: RE: Changing a Parish Council name

Dear Samantha

Many thanks for your reply to my email regarding a change of name for Bishop Thornton and Warsill Parish Council.

Please find the draft minutes from the meeting of the Parish Council held on 5th February 2019. May I draw your attention to minute 2019-010.

The rationale behind the decision is summarised thus:

At the last elections held on 3 May 2018, 1 candidate was elected for Bishop Thornton (that Councillor has since resigned).

Two more local people have been found to join the Parish Council along with Cllr Margaret Atkinson (HBC & NYCC) who was co-opted on to the council in order that it may be quorate and operational.

The Parish Council are making efforts to identify and recruit local candidates.

They feel that by including Shaw Mills in the name of the Parish Council it will encourage people in that village to take a role in local democracy because it will promote a sense of ownership in the Council.

Shaw Mills makes up a significant and cohesive community within the civil parish area.

It is therefore proposed that the name be changed to Bishop Thornton, Shaw Mills and Warsill Parish Council.

It should be noted that the website hitherto used as a platform by the Parish Council uses the above wording in it’s title; bishopthornton.info/council/index.htm

I hope this assists and look forward to hearing from you in due course.

Best regards

David.
(2019 – 010) It was **resolved** to apply to HBC to change the name of the Parish Council from Bishop Thornton and Warsill Parish Council to Bishop Thornton, Shaw Mills and Warsill Parish Council and that the Clerk progress this. Until the name could be officially changed the line “including the village of Shaw Mills” should be included in any letter heads.
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1.0 PURPOSE OF REPORT

1.1 To seek Committee’s approval of the updated RIPA policy, approve the appointment of the Chief Solicitor as Senior Responsible Officer for RIPA and to authorise the Head of Legal and Governance to make any consequential amendments to the Constitution.

2.0 RECOMMENDATION/S

2.1 That committee approve the draft RIPA policy enclosed as Appendix 1, appoint the Chief Solicitor as Senior Responsible Officer for RIPA and authorise the Head of Legal and Governance to make any consequential amendments to the Constitution.

3.0 RECOMMENDED REASON/S FOR DECISION/S

3.1 To ensure that the Council’s RIPA policy and procedure are in accordance with the recommended practice as set out in the RIPA codes.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION (Must be used for reports to Cabinet & Cabinet Members)

4.1 Not to approve the updated policy and procedures. This would mean that the Council’s policy and procedure would not accord with the RIPA Codes.

5.0 THE REPORT

5.1 RIPA came into force on 25 September 2000; its aim is to strike a balance
between protecting individuals’ rights under Article 8 European Convention of Human Rights and the Human Rights Act and the need for Investigatory powers to protect the interests of society as a whole. RIPA allows the Council to carry out directed surveillance and/or use covert human intelligence sources (“CHIS”) lawfully if it is authorised in accordance with the provisions of RIPA, it is necessary for the purposes of preventing or detecting crime or disorder, it is proportionate to the aims, which it seeks to achieve, and any authorisation receives judicial approval.

5.2 The Council has a policy which sets out how it will deal with RIPA. The Homes Office also publishes codes of practice (“RIPA Codes”). In August 2018 the Home Office revised its codes of practice for Covert Surveillance and Property Interference. The Council has therefore amended its RIPA policy to take account of these amendments. The main sections which have been amended are:

5.2.1 Private Information - further information and guidance has been provided in the Code on what constitutes private or non-private information and this has been reflected in the amendments to these paragraphs of the Policy (see paragraphs 3.9-3.12 of the Policy)

5.2.2 Social Media and internet - Substantial new sections have been added to the Code providing detailed guidance and examples. This has been reflected in the Policy (see paragraphs 3.13-3.18 of the Policy)

5.2.3 Drones – A new section has been added to the Code providing guidance on the use of ariel surveillance devices. This has been included in the Policy (see paragraph 3.19 of the Policy).

5.2.4 Surveillance not core function – A section has been added to the Codes relating to covert surveillance for ‘non RIPA purposes’. This has been reflected in the Policy (see paragraphs 3.5-3.6 of the Policy).

5.2.5 Authorisation – A new section has been added to the Code requiring applicants to present the circumstances in a fair and balanced manner. This requirement has been added to the Policy (paragraph 2.11 of the Policy).

5.2.6 Collateral intrusion – Further guidance is included on the position, in particular is collateral intrusion unavoidable and on the information which should be provided to ensure that the authorising officer is properly informed when making their decision (see paragraphs 5.7-5.8 of the Policy).

5.3 The policy has also been amended to reflect the changes to authorising officers and the Senior Responsible Officer. The authorising officers have been reduced in number and the Chief Solicitor is now the Senior Responsible Officer for RIPA. These changes are based on guidance previously provided by the Investigatory Powers Commissioner.

The RIPA codes also recommend that elected members review and set the RIPA policy and the Council’s use of its powers at least annually. It is proposed therefore that the policy and a report on use of the Council’s
powers be brought to this committee for consideration at the beginning of each year.

The Council was inspected by the Investigatory Powers Commissioner in December 2018. This inspection was paper based only. As part of this inspection the inspector considered the draft policy and confirmed that it was well written. He also confirmed that the proposed change of Senior Responsible Officer from Chief Executive to Chief Solicitor was eminently sensible. The Commissioner confirmed that based on the paper based assessment the compliance demonstrated meant that there was no need for a physical inspection.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

Legal – Approval of the revised policies and procedures will ensure compliance with RIPA and its Codes.

7.0 CONCLUSIONS

7.1 Approve the adoption of the RIPA policy at Appendix 1.

7.2 Approve the Chief Solicitor’s appointment as Senior Responsible Officer for RIPA and authorise the Head of Legal and Governance to make any consequential amendments be made to the Council’s constitution.

Background Papers –

OFFICER CONTACT: Please contact Mair Hill, if you require any further information on the contents of this report. The officer can be contacted at Harrogate Borough Council, Legal & Governance, PO Bo 787, Harrogate, HG1 9RW 01423 500600 or by e-mail – mair.hill@harrogate.gov.uk
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Corporate Policy in Respect of Regulation of Investigatory Powers Act 2000 ("RIPA")

March 2019

Produced by Mair Hill, Chief Solicitor

Author – Mair Hill & Bernice Elgot
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1. INTRODUCTION

1.1 This Corporate Policy is based upon the requirements of the Regulation of Investigatory Powers Act 2000 ("RIPA"), the Home Office’s Code of Practice for Covert Surveillance and Property Interference, and Covert Human Intelligence Sources ("CHIS") ("Codes"), and the Home Office guidance for local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance ("Guidance").

1.2 Harrogate Borough Council (the “Council”) has also taken into account and incorporated the individual guidance given by the Office of the Investigatory Powers Commissioner in its reports and is grateful to it for providing this.

1.3 Whilst this Policy provides guidance it is not intended to be an authoritative source on the provisions of RIPA. All Officers must therefore make reference to RIPA itself and to the Codes and the Guidance for an authoritative position.

1.4 Should any Officer be uncertain in respect of any aspect of RIPA, the authorising procedures set out in this policy, or at all, they should contact Legal Services immediately.

1.6 The Council’s Chief Solicitor is the RIPA Senior Responsible Officer and as such is responsible for:

- The integrity of the process in place within the Council to authorise directed surveillance and CHIS;
- Compliance with Part II of the 2000 Act and with the Codes;
- Oversight of the reporting of errors to the Investigatory Powers Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- Engagement with the Investigatory Powers Commissioner and inspectors who support the Commissioner when they conduct their inspections;
- Where necessary, overseeing the implementation of any post – inspection action plans recommended or approved by a Judicial Commissioner, and ensuring that all authorising officers are of an appropriate standard and addressing any recommendations and concerns in the inspection reports prepared by the Investigatory Powers Commissioner.
2. LEGISLATIVE BACKGROUND

2.1 The Human Rights Act 1998 (the “HRA”) incorporated the European Convention on Human Rights (the “ECHR”) into domestic law.

2.2 Article 8 of the ECHR provides that:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protections of the rights and freedoms of others.” [Emphasis added]

2.3 There is therefore a qualified right for interference with individual’s rights under Article 8 if it is:

2.3.1 done in accordance with the law;

2.3.2 necessary; and/or

2.3.3 proportionate.

2.4 Any individual undertaking surveillance and/or using a covert human intelligence source (CHIS) on behalf of the Council will therefore be breaching a person’s human rights unless that surveillance is authorised in accordance with the law, is necessary for one of the reasons set out above, and is proportionate.

2.5 This could have serious implications for the Council, not only in terms of its reputation, but could also potentially render any evidence gathered during the surveillance inadmissible in criminal proceedings, leave the Council open to civil proceedings for a breach of an individual’s human rights, and/or lead to a complaint...
being made to the Ombudsman. To avoid such a situation arising therefore, officers must not carry out either surveillance and/or CHIS unless the principles of paragraph 2.3 are complied with.

**In accordance with the law – RIPA**

2.6 RIPA came into force on 25 September 2000, with the Codes subsequently coming into force pursuant to Section 71 of RIPA. The aim of RIPA was to strike a balance between protecting individuals’ rights under Article 8 ECHR and the HRA and the need for investigatory powers to protect the interests of society as a whole. It therefore allows interference with individuals’ rights in certain circumstances.

**Necessity**

2.7 It should be noted that pursuant to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Statutory Instrument No. 2010/521 ("RIPA Order 2010") a local authority, (and hence the Council) can only rely on Section 28 (3) (b) of RIPA as a ground for its interference being necessary. Therefore, under RIPA any interference can only be necessary if it is “for the purpose of preventing or detecting crime where the offence is punishable by a maximum term of at least six months imprisonment.”

2.8 Regulation 7A of the 2010 RIPA Order (as amended by the 2012 RIPA Order SI 2012/1500) introduced this further limitation so that Authorising Officers may only authorise surveillance in respect of a criminal offence which is punishable by a maximum term of at least 6 months imprisonment or which constitutes an offence under section 146, 147 or 147A of the Licensing Act 2003 (sale of alcohol to children) or section 7 of the Children and Young Persons Act 1933 (sale of tobacco to children under 18 years old).

2.9 However, not all applications for the purpose set out above will be ‘necessary’. The Authorising Officer must be satisfied that it is necessary in all the circumstances. A judgment will have to be made on a case-by-case basis. Generally any such interference will be not be necessary if there is an alternative overt method which could be used to obtain the information. Authorising Officers should therefore satisfy themselves that all other methods have either been exhausted or are not practicable.
Authorising Officers should also take care to record in the authorisation their reasons as to why the covert action is necessary.

**Proportionate**

2.10 Once it has been established that such interference is necessary it must then be considered whether it is proportionate to what is to be achieved. The Authorising Officer should consider the following elements of proportionality (as set out in paragraph 4.7 of the Code):

2.10.1 Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;

2.10.2 Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;

2.10.3 Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought; and

2.10.4 Evidencing as far as reasonably practicable what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully.

2.11 Authorising Officers should also take care to record within the authorisation form the reasons why they consider the action proportionate and must ensure that the case for the authorisation is presented in the application in a fair and balanced way. In particular, all reasonable efforts should be made to take into account any information which weakens the case for the authorisation.

**Judicial Approval**

2.12 Following authorisation by an Authorising Officer judicial approval must be obtained prior to any surveillance being undertaken. Section 32A (2) of RIPA states that “The authorisation is not to take effect until such time (if any) as the relevant judicial authority has made an order approving the grant of the authorisation.”

2.13 Section 32A (3) of RIPA further provides that:
“(3) The relevant judicial authority may give approval under this section to the granting of an authorisation under section 28 if, and only if, the relevant judicial authority is satisfied that-

at the time of the grant-

there were reasonable grounds for believing that the requirements of section 28(2) were satisfied in relation to the authorisation, and

the relevant conditions were satisfied in relation to the authorisation, and

at the time when the relevant judicial authority is considering the matter, there remain reasonable grounds for believing that the requirements of section 28(2) are satisfied in relation to the authorisation.

(4) For the purposes of subsection (3) the relevant conditions are –

(a) in relation to a grant by an individual holding an office, rank or position in a local authority in England or Wales, that-

the individual was a designated person for the purposes of section 28,

the grant of the authorisation was not in breach of any restrictions imposed by virtue of section 30(3), and

any other conditions that may be provided for by an order made by the Secretary of State were satisfied, …..”.

2.14 The procedure for making an application for judicial approval is contained in The Magistrates’ Court (Regulation of Investigatory Powers) Rules 2012 (SI 2012/2563, and is explained further in the Guidance.

3. SURVEILLANCE

What is surveillance?

3.1 Surveillance includes:

3.1.1 Monitoring, observing, or listening to persons, watching or following their movements, their conversations or their activities or communications;

3.1.2 Recording anything mentioned above in the course of authorised surveillance; and/or

3.1.3 Surveillance, by or with, the assistance of a surveillance device.
3.2 Surveillance can be either overt or covert.

**Overt Surveillance**

3.3 The vast majority of surveillance, which the Council carries out, will be overt and will involve Officers and employees noting events in the course of their normal daily duties. This will not fall within the scope of RIPA and will not require an authorisation. For example, a dog warden who notes an offence being committed as he/she carries out their daily routine will not require RIPA authorisation as this is an immediate response to events.

**Covert Surveillance**

3.4 Covert surveillance is defined in section 26(9) (a) of RIPA. It provides that “surveillance is covert if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place”.

**Surveillance not relating to specified grounds or core functions**

3.5 An authorisation for directed surveillance is only appropriate for core functions and for the purposes of a specific investigation or operation.). Covert surveillance for any other general purposes should be conducted under other relevant legislation and an authorisation under Part II of RIPA should not be sought.

3.6 The core functions referred to are the ‘specific public functions undertaken by the Council in contrast to the ‘ordinary functions’ which are those undertaken by all authorities (e.g. employment issues, contractual arrangements etc.). These ordinary functions are covered by the Data Protection Act 2018 and the Information Commissioners Employment Practices Code.

**RIPA Part II**

3.7 RIPA Part II applies to the following conduct:
3.5.1 Directed Surveillance

3.5.2 Intrusive surveillance

3.5.3 Covert Human Intelligence Sources

Directed Surveillance (Section 26(2) RIPA)

3.8 **Section 26(2)** defines directed surveillance as surveillance, which is:

3.8.1 Covert but not intrusive;

3.8.2 Undertaken for the purpose of a specific operation;

3.8.3 Undertaken in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); or

3.8.5 Otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of surveillance.

3.9 **Section 26(10)** defines “private information” in relation to a person as “*including any information relating to his private or family life*”.

Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships. Family should be treated as extending beyond the formal relationships created by marriage or civil partnerships.

3.10 Information which is non-private may include publicly available information such as books, newspapers, journals, TV and radio broadcasts, newswires, web sites, mapping imagery, academic articles, conference proceedings, business reports, and more. Such information may also include commercially available data where a fee may be charged, and any data which is available on request or made available at a
meeting to a member of the public. Non-private data will also include the attributes of inanimate objects such as the class to which a cargo ship belongs.

3.11 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute covert surveillance and a directed surveillance authorisation may be considered.

3.12 Private Information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate.

Online Covert Activity

3.13 The growth of the internet and the extent of the information which is now available online have presented new opportunities for the Council to view or gather information which may assist it in preventing or detecting crime.

3.14 Much of the information can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. However, it should be noted that if the study of an individual’s online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered.

3.15 In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, if reasonable steps have been taken to inform the public or particular individuals that the surveillance is
or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be required.

3.16 Depending on the online platform there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain. However, in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access through privacy settings.

3.17 Where information about an individual is placed on a publicly accessible database, such as Companies House, which is commonly known to be available to all, the individual is unlikely to have any reasonable expectation of privacy over the monitoring by authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.

3.18 Paragraph 3.16 of the Code sets out useful guidance on the factors to consider when determining whether authorisation should be sought for accessing information on a website as part of a covert investigation or operation. These include:

- Whether the investigation or research is directed towards an individual or organisation;
- Whether it is likely to result in obtaining private information about a person or group of people (taking account of the guidance at paragraph 3.6 above);
- Whether it is likely to involve visiting internet sites to build up an intelligence picture or profile;
- Whether the information obtained will be recorded and retained;
- Whether the information is likely to provide an observer with a pattern of lifestyle;
- Whether the information is being combined with other sources of information or intelligence, which amounts to information relating to a person’s private life;
- Whether the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s);
• Whether it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties.

**Aerial Covert Surveillance**

3.19 Where surveillance using airborne crafts or devices, i.e. drones, is planned, the same issues outlined in chapters 3 and 5 of the Code should be considered to determine whether a surveillance authorisation is appropriate. When considering whether such surveillance is covert, consideration should be given to the reduced visibility of a craft or device at altitude.

**Intrusive Surveillance (Section 26(3)-(6))**

3.20 **Section 26(3)** defines surveillance as intrusive if and only if it is covert surveillance that:

3.20.1 Is carried out in relation to anything taking place on any residential premises or in any private vehicle; and

3.20.2 involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

3.21 Pursuant to **Section 26 (5)** surveillance which:

3.21.1 Is carried out by means of a surveillance device in relation to anything taking place on a residential premises or in any private vehicle, but

3.21.2 Is carried out without that device being present on the premises or in the vehicle.

3.21.2 Is not intrusive **unless** the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.
3.22 Please note that there is NO provision for a local authority to authorise intrusive surveillance.

4. COVERT INTELLIGENCE SOURCES (”CHIS”)

Who is a CHIS?

4.1 Section 26(8) of RIPA defines a CHIS as a person who:

(a) Establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within (b) & (c) below;

(b) covertly uses such a relationship to obtain information or to provide access to any information to another person; or

(c) covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

4.2 This is defined further in Section 26(9) (b) & (c) so that:

4.2.1 A purpose will only be covert if, and only if, it is carried out in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

4.2.2 A relationship is used covertly, and information obtained is disclosed covertly, if and only if it is used or disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

4.3 Hence, there is no use of CHIS if a member of the public offers information to the Council that may be material to an investigation of an offence, but there would be if the Council then asked that person to obtain further information.

Authorising a CHIS
4.4 An authorisation **must** be obtained for CHIS in the same way as for directed surveillance. A detailed explanation of the authorisation process is contained in **Section 5** below. However, in addition, to the process for considering whether an authorisation is justified, a CHIS should not be authorised if it does not comply with the requirements of **Section 29(5)** of RIPA.

4.5 **Section 29(5)** requires that:

4.5.1 There will at all times be a person holding an office, rank, or position with the relevant investigating authority who will have **day to day responsibility for dealing with the source** on behalf of that authority, and **for the source's security and welfare** (“Handler”);

4.5.2 There will at all times be another person holding an office, rank or position with the relevant investigating authority who will have **general oversight** of the use made of the source (“Controller”);

4.5.3 There will at all times be another person holding an office, rank or position with the relevant investigating authority who will have responsibility for **maintaining a record** of the use made of the source;

4.5.4 The records relating to the source that are maintained by the relevant investigating authority will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State (see below); and

4.5.5 The records maintained by the relevant investigating authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.

4.6 With regard to paragraph 4.5.4 above the regulations are set out in the Regulation of Investigatory Powers (Source Records) Regulations 2000. These regulations can be found at [www.security.homeoffice.gov.uk/ripa/legislation/ripa-statutory-instruments](http://www.security.homeoffice.gov.uk/ripa/legislation/ripa-statutory-instruments), and **must** be referred to by Officers.
Security and Welfare

Before authorising the use of a CHIS the authorising officer should ensure that a risk assessment is carried out to determine the risk to the CHIS and the likely consequences should the role of CHIS become known. The ongoing security and welfare of the CHIS, after cancellation of the authorisation should also be considered at the outset. Also consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS.

The Handler will be responsible for bringing to the attention of the Controller any concerns about the personal circumstances of the CHIS in so far as they might affect:

- The validity of the risk assessment;
- The conduct of the CHIS; and
- The safety and welfare of the CHIS.

Where appropriate concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

Vulnerable Individuals

4.7 A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age, illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation.

Vulnerable individuals should only be authorised to act as a source in the most exceptional circumstances, and only the Chief Executive may give such an authorisation.

Juvenile sources

4.8 There are also special safeguards with regard to the use or conduct of juvenile sources (under 18 years).
4.9 A source under 16 years of age must not be authorised to give information against his parents or any person who has parental responsibility for him.

4.10 There are also further requirements within the Regulation of Investigatory Powers (Juveniles) Order 2000 (SI No. 2793), and in other cases authorisations should not be granted unless these provisions are complied with. A copy of this can be also be found at www.security.homeoffice.gov.uk/ripa/legislation/ripa-statutory-instruments, and must be referred to by all Authorising Officers.

4.11 The duration of such an authorisation is one month instead of 12 months.

4.12 Notwithstanding the above, the Council has not to date utilised these powers and considers that it is rare that they would be used in the future. As such only the Chief Executive may authorise any application for the use of CHIS and Officers should contact Legal Services before making any application.

5. AUTHORISATION PROCESS

5.1 Directed surveillance and/or the use of CHIS shall be lawful for all purposes, if the conduct is properly and legitimately authorised and in accordance with the authorisation.

5.2 Therefore all officers must obtain an authorisation from an Authorising Officer and Judicial approval before undertaking either directed surveillance and/or the use of CHIS, to ensure that it is lawful. A flowchart setting out the steps to be taken is contained at page 17 of the Guidance which can be found at Appendix 3.

5.3 Authorisations will only be given where:

5.3.1 The directed surveillance and/or the use of CHIS is necessary in the interests of preventing or detecting crime or disorder where the offence is punishable by a maximum term of at least six months imprisonment; and

5.3.2 It is proportionate to the objective which it is intended to achieve.
5.4 The Authorising Officer **must** satisfy himself of this before granting the authorisation.

5.5 In particular the Authorising Officer must consider whether the activity could be carried out in an overt or less intrusive manner. If it could then this should be the preferred method.

**Collateral Intrusion**

5.6 Before granting an authorisation an Authorising Officer **must** take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation.

5.7 Wherever practicable measures should be taken to avoid or minimise unnecessary intrusion into the lives of those people. Where such collateral intrusion is unavoidable the activities may still be authorised provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests should be applied to anticipated collateral intrusion in the same way as to intrusion into the privacy of the intended subject of the surveillance.

5.8 All applications must include an assessment of the risk of collateral intrusion in the application form. To ensure that the Authorising Officer is properly able to consider this the application should include:

- The scope of the anticipated surveillance;
- The likelihood that any equipment or software deployed may cause intrusion on persons or property other than the subject of the application.

**Confidential Information**

5.9 RIPA does not provide any special protection for “confidential information”.

5.10 Notwithstanding this, special care should be taken where the subject of the investigation or operation might reasonably expect a high degree of privacy or where confidential information may be involved.
5.11 Confidential information includes, matters subject to legal privilege, confidential personal information or confidential journalistic material.

5.12 For example special care should be taken with surveillance where it would be possible to acquire knowledge of discussions between a minister of religion and an individual relating to the latter’s spiritual welfare, or where matters of medical or journalistic confidentiality or legal privilege may be involved.

5.13 In cases where through the use of surveillance and/or CHIS, confidential information may be obtained, only the Chief Executive, or in his absence, a Director, may give authorisation.

**Application Forms**

5.14 All applications and authorisations must be made/granted on the relevant Home Office forms. Electronic copies of these forms are available on the Home Office website at [https://www.gov.uk/government/collections/ripa-forms-2](https://www.gov.uk/government/collections/ripa-forms-2)

If an officer has difficulty obtaining the correct form they should contact the Legal Department.

**Content of Application**

5.15 The applicant must ensure that each application contains a unique reference number (“URN”). This must be inserted into the box at the top right hand corner of the relevant form. This should include a reference to their department, the year, and the number of the application during that year. Authorising Officers should not authorise any application, which does not contain this.

5.16 Applicants must also ensure that they complete all boxes within the forms. If done properly this will ensure compliance with RIPA’s requirements. However, to ensure that there is full compliance the details of RIPA’s requirements are set out below.

**Application for Directed Surveillance**

5.17 A written application for directed surveillance should include:
5.17.1 the reason(s) why the authorisation is necessary in the particular case and the ground(s) on which it is considered necessary pursuant to Section 28(3) of the Act. As set above the only ground on which the Council can now rely is “for the purpose of preventing or detecting crime or disorder”.

5.17.2 the reasons why the surveillance is considered proportionate to what it seeks to achieve;

5.17.3 the nature of the surveillance;

5.17.4 the identities, where known of those to be the subject of the surveillance;

5.17.5 an explanation of the information, which it is desired to obtain as a result of the surveillance;

5.17.6 the details of any collateral intrusion and why the intrusion is justified;

5.17.7 the details of any confidential information that is likely to be obtained as a consequence of the surveillance;

5.17.8 the level of authority required (or recommended where that is different) for the surveillance; and

5.17.9 a subsequent record of whether authorisation was given or refused, by whom, and the date and time.

**Application for the use of CHIS**

5.18 An application for the use or conduct of a source should include:

5.18.1 the reasons why the authorisation is necessary, and the grounds listed in section 29(3). Again, the only ground upon which the Council can rely is “for the purpose of preventing or detecting crime where the offence is punishable by a maximum term of at least six months imprisonment”;
5.18.2 the reasons why the authorisation is considered proportionate to what it seeks to achieve;

5.18.3 the purpose for which the source will be tasked or deployed;

5.18.4 where a specific investigation or operation is involved, the nature of that investigation or operation;

5.18.5 the nature of what the source will be tasked to do;

5.18.6 the level of authority required (or recommended where different);

5.18.7 the details of any potential collateral intrusion and why the intrusion is justified;

5.18.8 the details of any confidential information that is likely to be obtained as a consequence of the authorisation; and

5.18.9 a subsequent record of whether authority was given or refused, by whom and the time and date.

**Duration of Authorisations**

**Directed Surveillance**

5.19 A written authorisation granted by an Authorising Officer will cease to have effect (unless renewed) at the end of a period of **three months** beginning with the day on which it took effect.

**CHIS**

5.20 A written authorisation will unless renewed cease to have effect at the end of a period of **twelve months** beginning with the day on which it took effect.
Reviews

5.21 Regular reviews should be carried out to assess the need for the authorisation to continue. Reviews should take place frequently if the source of surveillance provides confidential information or involves collateral intrusion.

5.22 The Authorising Officer must decide how frequently and when the reviews should take place. This should be as frequently as is considered necessary and practicable.

5.23 The Authorising Officer must use the appropriate form to complete the review, and the results of the review should be recorded in the central record of authorisations and retained for at least 3 years. Authorisations may be renewed more than once, if necessary and proportionate, and provided they continue to meet the criteria for authorisation.

Renewals

5.24 If at any time before an authorisation ceases to have effect an Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given he may renew it for:

5.28.1 3 months (Directed Surveillance)

5.28.2 12 months (CHIS)

5.25 The renewal will take effect at the time at which, or the day on which the authorisation would have ceased to have effect but for the renewal.

5.26 An application for renewal of an authorisation should not be made until shortly before the authorisation is due to cease to have effect.

5.27 Any person who would be entitled to grant a new authorisation is able to renew an authorisation.

5.28 An authorisation can be renewed more than once as long as it continues to meet the criteria for authorisation.
5.29 The application for renewal must include:

**Directed Surveillance**

- Whether this is the first renewal of an authorisation or one which has been renewed previously;
- Any significant changes to the information included in the initial application;
- The reasons why the authorisation for directed surveillance should continue;
- The content and value to the investigation or operation of the information so far obtained by the surveillance; and
- The results of regular reviews of the investigation or operation.

**CHIS**

- Whether this is the first renewal or state every occasion on which the authorisation has been renewed previously;
- Any significant changes to the information in the original application;
- The reasons why it is necessary to continue to use the source;
- The use made of the source in the period since the grant or, as the case may be, latest renewal of the authorisation;
- The tasks given to the source during that period and the information obtained from the conduct or use of the source; and
- The results of regular reviews of the use of the source.

5.30 As with new applications judicial approval must also be sought for renewals after the Authorising Officer gives authorisation.
Cancellations

5.31 The Authorising Officer who granted or last renewed the authorisation must cancel it if s/he is satisfied that it no longer meets the criteria under which it was first granted.

5.32 The Authorising Officer must complete the relevant form to do so and pass the information to Legal Services to be entered on the central register.

5.33 In addition, when the decision is taken to stop surveillance, an immediate instruction must be given to those involved to stop all surveillance of the subject(s). The date and time when such an instruction was given should be recorded in the central register and on the cancellation form.

5.34 There is no requirement for any further details to be recorded when cancelling a directed surveillance authorisation but best practice suggests that a record should be retained detailing the results obtained from the surveillance and whether or not objectives were achieved.

6. AUTHORISING OFFICERS

6.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 SI 2010 No. 521 provides that the Director, Head of Service, Service Managers, or equivalent officer may give authorisations for directed surveillance and CHIS under RIPA.

6.2 In light of the infrequent use made by the Council of RIPA and CHIS and based on advice given by the OSC, the Council has decided that it will have four Authorising Officers who will be the Chief Executive, Head of Finance, the Director of Corporate Affairs, and the Head of Safer Communities. These Officers will receive regular training to enable them to deal properly with all authorisations.

6.3 Moreover, applicants must submit their application to an Authorising Officer from outside of their own service area.
7. RECORDS AND CENTRAL REGISTER

7.1 The Council’s Legal Services section will maintain a central record of all authorisations. This will be updated whenever an authorisation is granted, renewed, or cancelled.

7.2 The record will be retained for a period of at least three years from the end of the authorisation and will contain the following information:

7.2.1 type of authorisation;
7.2.2 date the authorisation was given;
7.2.3 Name and title of the authorising officer;
7.2.4 unique reference number (URN) of the investigation or operation;
7.2.5 title of the investigation or operation, including a brief description and names of subjects, if known;
7.2.6 details of attendances at the magistrates’ court to include the date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
7.2.7 dates of any reviews;
7.2.8 if the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and job title of the Authorising Officer;
7.2.9 whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
7.2.10 whether the authorisation was granted by an individual directly involved in the investigation; and
7.2.11 date the authorisation was cancelled.
7.3 In respect of each step in the procedure Authorising Officers must retain all original documentation and must give to Legal Services a copy of the following information:

7.3.1 the application, and authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;

7.3.2 a record of the period over which the surveillance has taken place;

7.3.3 the frequency of reviews prescribed by the Authorising Officer;

7.3.4 a record of the result of each review of the authorisation;

7.3.5 the renewal of an authorisation, given together with the supporting documentation submitted when the renewal was requested;

7.3.6 the date and time when any instruction to cease surveillance was given; and

7.3.7 the date and time when any other instruction was given by the Authorising Officer.

7.3.8 A copy of the order approving or otherwise the grant or renewal of an authorisation from a magistrate.

7.4 For the avoidance of doubt the information set out above must be passed to Legal Services promptly to ensure that the Council's central record can be maintained accurately and that the Council can ensure that all authorisations are reviewed and cancelled in accordance with RIPA.

8 ERRORS

8.1 The Council’s Senior Responsible Officer will undertake a regular review of errors and a written record will be made of any corrections. In the event that relevant errors occurs, the Council’s Senior Responsible Officer will notify the Investigatory Powers Commissioner as soon as practicable and no later than 10 working days after it has
been established that the error occurred and will have regard to Section 8 of the Code in doing so.

9. INFORMATION

9.1 The Council will have regard to the guidance provided in the Code when handling, storing, or disseminating information.

10. COMPLAINTS

10.1 Complaints about the Council’s use of investigatory powers can be made to:

The Investigatory Powers Tribunal
PO Box 33220
London SW1H 9ZQ

10. APPENDICES

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REPORT TO: General Purposes Committee
DATE: 21 March 2019
SERVICE AREA: Legal & Governance
REPORTING OFFICER: Elections Manager
Laura Jolly
SUBJECT: STATUTORY PARLIAMENTARY POLLING DISTRICT REVIEW
WARD/S AFFECTED: ALL DISTRICT
FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT
1.1 To inform members about the process and timing of the statutory Parliamentary Polling District and Places Review.

2.0 RECOMMENDATION/S
2.1 That members note the arrangements being proposed for the conduct of the statutory polling districts and polling places review.
2.2 That members note that the review will take place from 15 April 2019 with an aim to re-publish the register (if necessary) on the 1 August 2019 prior to the canvass period.

3.0 RECOMMENDED REASON/S FOR DECISION/S
3.1 In order to comply with the requirements of the Representation of the People Act 1983 sections 18A-18E (as amended by section 17 of the Electoral Registration and Administration Act 2013),

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECION (Must be used for reports to Cabinet & Cabinet Members)

4.1 This is a statutory review and must be completed by 31 January 2020.

5.0 THE REPORT
5.1 As required by the Representation of the People Act 1983 (as amended by the Electoral Administration Act 2006) we are undertaking a statutory review
of the local authority’s polling districts and polling places for Parliamentary elections. Every Council in England and Wales must undertake and complete a review of all polling districts and polling places in its area within a 16 month period commencing from 1 October 2018 to 31 January 2020.

5.2 In carrying out any review of polling arrangements, the local authority must comply with the steps set out in Schedule A1 Representation of the People Act 1983. The local authority is required to:

- publish a notice of the holding of a review
- consult the (Acting) Returning Officer for every parliamentary constituency which is wholly or partly in its area
- publish all representations made by the Returning Officer within 30 days of receipt by posting a copy of them at the local authority’s office and in at least one conspicuous place in their area and, if the authority maintains a website, by placing a copy on the authority’s website
- seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the representations made by the (Acting) Returning Officer(s).
- on completion of a review, give reasons for its decisions and publish:
  a. all correspondence sent to an (Acting) Returning Officer in connection with the review
  b. all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability
  c. all representations made by any person in connection with the review
  d. the minutes of any meeting held by the council to consider any revision to the designation of polling districts or polling places within its area as a result of the review

5.3 There are three significant factors to take into account for this review:

a) The timetable for these reviews was set in legislation to coincide with the Fixed Term Parliament Act. The timings of the reviews are such that they are to be completed every five years by the January preceding a May Parliamentary election. The snap election in 2017 means that these reviews are potentially no longer coterminous with Parliamentary elections as was initially intended.

b) Harrogate has recently undergone a Local Government Boundary Review. This was a major evaluation, looking the number of wards, the ward boundaries and the ward names.

c) As we are no longer required to administer European Parliamentary elections, the only scheduled poll for the life of this review are the Police and Crime Commissioner elections in May 2020.

The outline timetable for the Council’s review is therefore as follows:
• 1 January 2019 – 31 March 2019 - Formulation of initial proposals by the (Acting) Returning Officer
• w/c 1 April 2019 - Publicise review dates via press release and social media accounts
• 15 April 2019 - Publish Statutory Notice of Commencement of the Polling District Review
• 15 April 2019 - Proposals published
• 15 April – 27 May 2019 - Consultation on proposals
• 10 June 2019 - (Acting) Returning Officer to consider any representations and revise proposals where appropriate and publish all responses to consultation
• 20 June 2019 - Report submitted to General Purposes Committee
• 30 June 2019* - Publish final report
• 10 July 2019* - Notice of intention to republish the electoral register (if polling districts amended)
• 1 August 2019* - Republish electoral register (if polling districts amended)

As there are no scheduled elections during this time frame it is recommended that the Council conduct the review prior to the start of the annual canvass. In the event of an unscheduled election being called then the consultation period can be extended or the review paused. Starting in April allows sufficient contingency ahead of the January 2020 deadline.

In addition to the statutory reviews carried out to date and a major review following the introduction of new ward boundaries in 2017, the suitability and accessibility of polling station locations has been an integral part of the planning for each major election in the borough. It is therefore likely that there will be no significant changes required to the current arrangements.

Central Government are due to vote on the final proposals for new Parliamentary Constituency Boundaries at any given time, following which the Council would then be required to conduct a full review its polling district and places again if the proposals are approved by Parliament.

1 the above dates are subject to change following the final proposals being approved by General Purposes Committee
6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

7.0 CONCLUSIONS

7.1 As the review is a statutory responsibility we are limited to when we can conduct the review and the time frame outline above is the most appropriate in line with managing demands on the service.

7.2 If the Parliamentary constituency boundary changes are implemented an additional review will be carried out at that stage addressing any changes to the Harrogate and Knaresborough Constituency.

Background Papers –

OFFICER CONTACT: Please contact Laura Jolly Elections Manager if you require any further information on the contents of this report. The officer can be contacted at laura.jolly@harrogate.gov.uk or on 01423 556011. The elections team can be located on the 3rd floor at the Civic Centre, St Lukes Avenue, Harrogate HG1 2AE
1.0 PURPOSE OF REPORT

1.1 To advise members of the outcome of the 20th report of the Committee on Standards in Public Life and to propose a number of updates and amendments to the Council’s Code of Conduct for Members & arrangements for dealing with standards allegations.

2.0 RECOMMENDATIONS

2.1 To note the contents of the report from the Committee on Standards in Public Life.

2.2 To approve the amendments to the Council’s Code of Conduct for Members & arrangements for dealing with standards allegations as detailed in Appendix 1.

2.3 To consider whether a second Independent Person should be appointed as referenced in the Committee on Standards in Public Life’s report.

3.0 RECOMMENDED REASONS FOR DECISIONS

To ensure that the Council promotes and maintains high standards of conduct.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION

Not to review and update thereby not taking advantage of the opportunity
to ensure this Council is adopting best practice.

5.0 REPORT

Background

The Committee on Standards in Public Life was established in 1994 by the then Prime Minister, and is responsible for promoting the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership – commonly known as the Nolan Principles.

The Committee maintains a watching brief, and its recent review was not prompted by any specific allegations of misconduct or council failure, but rather was aimed at reviewing the effectiveness of the current arrangements for standards in local government, particularly in light of the changes made by the Localism Act 2011. The scope of the review & its outcome are publicly available through its online report.

In summary, the Committee

- did not favour a return to a centralised standards system (such as the former Standards Board for England) and recommended that responsibility for ethical standards should remain with local authorities.
- recognised that clear, relevant, and proportionate codes of conduct are central to maintaining ethical standards in public life. In order to ensure consistency of approach the Committee recommended that there should be a national model code of conduct, but that this should not be mandatory, and should be able to be adapted by individual authorities.
- recommended an amendment to the Localism Act to replace the rules around declaring pecuniary interests with a more objective test and to abolish the criminal offences relating to disclosable pecuniary interests.
- recommended an amendment to the Localism Act so that Councillors are presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media.
- recommended that stronger sanctions should be made available to local authorities including that local authorities should be given the power to suspend councillors, without allowances, for up to six months, albeit that such sanction should be used rarely in the most serious cases of bullying & harassment or significant breaches of the rules on declaring financial interests.
- recognised that as a principal authority we have responsibility for undertaking formal investigations of code breaches by parish councillors and that this should remain the case. The Committee recognised that this responsibility, however, can be a disproportionate burden for principal authorities and therefore a number of measures were recommended including that parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority’s
decision on sanctions for a parish councillor should be binding.

Committee’s Recommendations

The Committee made 26 recommendations in all, many of which require a change in legislation and others action from central government. It is proposed that a further report be brought back to the General Purposes Committee if and once changes are made to legislation. In the meantime members are asked to note the following in so far as the recommendations in the Committee’s report:

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<th>No</th>
<th>Recommendation</th>
<th>Council’s existing position</th>
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<td>4</td>
<td>Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.</td>
<td>Harrogate’s Code sets out the standards of behaviour required of Councillors whenever they are acting, claim or give the impression that they are acting as a Member or Co-opted Member of Harrogate Borough Council</td>
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<td>5</td>
<td>The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.</td>
<td>These interests are currently registered as “other interests” under the terms of the Harrogate Code and Harrogate’s e Code says “Where you have an interest where your participation or voting on a matter might be seen as conflicting with the general principles set out in the preamble to this Code of Conduct you must declare it and cease to participate or vote and leave the meeting as if it were a disclosable pecuniary interest”</td>
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<td>7</td>
<td>Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.</td>
<td>Advice and training currently given to members is to treat “biased interests” as DPIs – in other words leave the room, do not participate in the debate nor vote. Harrogate’s e Code says “Where you have an interest where your participation or voting on a matter might be seen as conflicting with the general principles set out in the preamble to this Code of Conduct you must declare it and cease to participate or vote and leave the meeting as if it were a disclosable pecuniary interest”</td>
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<td>15</td>
<td>The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); All complaints made; the subject matter of the complaint &amp; outcome are reported to General Purposes Committee in March each year and the report published</td>
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the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

| 23 | The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority’s website. | Harrogate’s policy does and is so published |

| 25 | Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules. | Ethical standards training is a mandatory element of the member induction process with ongoing training being a mandatory element of the member learning & development programme. Non-attendance is reported to the political group leaders and to the General Purposes Committee |

**Best Practice**

The best practice list identified by the Committee in its report is set out below, with officer proposals and comments against each one.

<table>
<thead>
<tr>
<th>Best Practice</th>
<th>Response</th>
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<tbody>
<tr>
<td>1</td>
<td>Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition</td>
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<td>2</td>
<td>Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors</td>
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<td></td>
<td>Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</td>
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<td>4</td>
<td>An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s website and available in council premises.</td>
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<tr>
<td>5</td>
<td>Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</td>
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</table>
| 6 | Councils should publish a clear and straightforward public interest test against which allegations are filtered. | The Committee report recognises that the Monitoring Officer usually filters complaints about councillor conduct and judges if the complaints are trivial or vexatious, or whether they should proceed to a full investigation and that usually this filtering is based on the judgment of the officer, often against a formal policy, though the Monitoring Officer may seek the advice of an independent person or members of a standards committee when they do so. The Committee’s report refers to the Northern Ireland Local Government Commissioner for Standards public interest test:  
1 ‘CAN’ we investigate your complaint?  
• Is the person you are complaining about a councillor?  
• Did the conduct occur within the last six months?  
• Is the conduct something that is covered by the code?  
2 ‘SHOULD’ we investigate your complaint?  
• Is there evidence which supports the complaint?  
• Is the conduct something which it is possible to investigate?  
• Would an investigation be proportionate and in the public interest?  
These matters are currently covered by the code under the heading “Will your complaint be investigated”. The Monitoring Officer as a matter of practice always consults the Independent Person on the issue of whether to refer for investigation. An amendment is proposed to the Code to make this clear as detailed at Appendix 1 |
| 7 | Local authorities should have access to at least two Independent | On 19 June 2012 the then Monitoring Officer submitted his written report to the then Standards Committee that had been considered by General |
| Persons. | Purposes Committee on 14 June 2012 concerning the recommendations regarding implementation of the Localism Act 2011 measures and the new standards regime. The Monitoring Officer’s report made a case for two independent persons and a system where if one is approached for advice by a party to a complaint they effectively declare this to the other independent person and the second independent person effectively leaves themselves free to advise the Monitoring Officer/Panel at a later stage in the process.

The General Purposes Committee, under its Minute 10/12, were recommending to Council that only one Independent Person be appointed. This view was at variance with that of the Standards Committee. Full Council however approved the resolution that only one be appointed.

8 | An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial. | This happens in practice and amendment proposed to code to make this clear as detailed in Appendix 1

9 | Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied. | Decision Notices are published on the Council’s website as soon as possible after any panel hearing. The decision notice contains all of this information other than the view of the Independent Person. It is proposed that going forward the Independent Person’s views be included and Appendix 1 sets out the proposed amendment to the Code

10 | A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes. | The Committee’s report stated that they have seen examples of both good and bad practice in how open councils’ standards processes are. The best examples involved a single, easily accessible page on an authority’s website explaining in straightforward terms how a member of the public can make a complaint under the code of conduct, what their complaint needs to include, the process for handling complaints, and the expected timescales for investigations and decisions. That page would also include links to recent decisions on allegations that came before the standards committee.

It is therefore recommended that work be
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<td>11</td>
<td>Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.</td>
<td>Undertaken this year to develop a page on the Council’s website that mirrors this example</td>
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<td>12</td>
<td>Monitoring Officers’ roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</td>
<td>This is a matter for Parish Council’s but it is proposed that the Monitoring officer write to all Parish Councils’ drawing their attention to the report &amp; its findings</td>
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<td>13</td>
<td>A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</td>
<td>It is proposed that this be reviewed annually as against the number &amp; type of complaints concerning Parish Councils</td>
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<td>14</td>
<td>Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.</td>
<td>The code currently provides that an investigating officer will normally be a Harrogate Borough Council member of staff but in certain circumstances where the Monitoring Officer believes it expedient and appropriate to do so he may request an external investigation. Monitoring Officers from other authorities have been involved in investigating complaints</td>
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<td>15</td>
<td>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</td>
<td>It is proposed to include this in future AGS</td>
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Clarifications around confidentiality
5.3 As a matter of course, in order to ensure the integrity and fairness of the investigation process, the investigation itself is carried out in confidence and parties are advised of this at the time. However, depending on the outcome of the investigation and the facts of an individual case, the outcome and details of the investigation together with the complainant’s and councillor’s name may well be published. It is therefore proposed that the following wording be included in the code to clarify the situation,

“Once the investigation is complete a final report is issued.

Where the Investigating Officer finds that there has not been a breach of the code of conduct, the Monitoring Officer will inform the complainant, the (parish) councillor and the parish council clerk (in the case of a complaint against a parish councillor) in writing. The (parish) councillor will be asked if they agree to the publication of the outcome. If the (parish) councillor does not agree then details of the complaint will remain confidential but the nature of the complaint & its outcome will be reported anonymously to the Council’s General Purposes Committee in the annual report on standards complaints.

Where the Investigating Officer finds that there has been a breach of the code of conduct then the Monitoring Officer will, if appropriate, (and having consulted the Independent Person) facilitate a local resolution. If a local resolution is achieved then the Monitoring Officer will inform the complainant, the (parish) councillor and the parish council (in the case of a complaint against a parish councillor) in writing. In determining whether to publish the outcome of the local resolution, the Monitoring Officer will consider the nature of the allegation(s); any information already in the public domain; where relevant, the proximity of any election; the effect of publication on the subject member; the views of the parties; and the public interest. In any event the nature of the complaint & its outcome will be reported anonymously to the Council’s General Purposes Committee in the annual report on standards complaints.

If a local resolution is not achieved and the matter is referred to a Panel Hearing then this will be a public meeting unless there are legitimate reasons for holding all or part of the hearing in private. Such legitimate reasons may include where there is confidential information about an individual including multiple allegations made against a (parish) councillor, some of which were found by the Investigating Officer not to be proven nor amount to a breach of the code but where others were so proven and found and are subject to a Panel Hearing but it is not possible to separate the two categories by redacting the investigation report.

Investigation Reports will not be published ahead of Panel Hearing as one of the first items of business for the Panel will be to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption from disclosure of the report outweighs the public interest in disclosing the information. Transparency presumes that the hearing will be in public to the extent that this can be managed without detriment to a fair hearing. If it decides to maintain the exemption then the hearing will be
held in private. If not it will be held in public."

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are either considered within the body of the report or detailed below.

OFFICER CONTACT: Please contact Jennifer Norton, Head of Legal & Governance, if you require any further information on the contents of this report. The officer can be contacted at by telephone 01423-500600 Ext 56036 or by e-mail – jennifer.norton@harrogate.gov.uk
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PART 5 - CODES AND PROTOCOLS

CONDUCT OF MEMBERS

Preamble

When a person has been elected as a Councillor they are never a member of the general public in relation to any matter before the Council. Although this means they lose certain privileges available to the general public that is the consequence of holding public office. This situation continues until the Councillor ceases to be a member of Council at all times.

The General Principles of Public Life

At all times regard shall be had to the principles governing the conduct of Members and coopted Members of Council as set out under Section 28 of the Localism Act 2011, namely:-

(a) **Selflessness:**
By which we mean that Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person or in order to gain any personal financial or other material benefits.

(b) **Integrity:**
By which we mean that Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members may take into account the views of others, including their political groups, but must reach their own conclusion on the issues and act in accordance with those conclusions.

(c) **Objectivity:**
By which we mean that Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

(d) **Accountability:**
By which we mean that Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

(e) **Openness:**
By which we mean that Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions. They should restrict information only when the wider public interest demands.

(f) Honesty:

By which we mean that Members 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.

(g) Leadership

By which we mean that Members should promote and support these principles by leadership, and by example.

1.0 Scope of Rules

1.1 These Rules apply to all decision making processes of the Council in which Members of Council are involved and whenever they are acting as a Councillor.

1.2 These Rules apply to coopted members of Committees in their position as such members and a copy of the Members’ Code of Conduct including these Rules will be given to all coopted Members on cooption to a Committee or Board.

1.3 A record shall be kept by the Head of Legal and Governance of all declarations of interest, wherever in the decision making processes of the Council the declaration is made, together with the record of the decision in relation to which the declaration is made.

1.4 The Member Code of Conduct as adopted by this Council forms Appendix 1 to these Rules.

1.5 Where a Member has a disclosable pecuniary interest as defined in the Code in Appendix 1, in any matter which is the subject of discussion at a meeting of the political grouping of which that Member is a part then the interest shall be declared at the group meeting as if it were a formal meeting of the Council and the Member shall leave the meeting during discussion of the matter.

1.6 Guidance on the acceptance of gifts and/or hospitality is set out at Appendix 2 to these Rules.

2.0 Inspection of Land, Premises, Etc

2.1 Unless specifically authorised to do so by the Council or the Executive, a member of the Council shall not issue any order respecting any works which
are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council or the executive any right to inspect or to enter upon any lands or premises which the Council or the executive have the power or duty to inspect or enter.

3.0 Special Interest Declarations by Cabinet Members

3.1 A Cabinet Member is deemed to have a prejudicial interest in relation to any matter within their portfolio where the decision of the individual Cabinet Member is required and

i. the matter arises in their wards;
ii. the matter arises in an adjoining ward and will significantly affect the Cabinet Member’s ward whether the effect is beneficial or adverse,

and the Member shall so notify the Leader of the Council in accordance with these and the Executive Procedure Rules so that a substitute or deputy can be appointed to make or be involved in making any decision affecting the Member’s Ward.

3.2 Any Cabinet Member with a disclosable pecuniary interest arising under the law these Rules or the Code at Appendix 1 must declare that interest in the normal way and ensure it is recorded in accordance with these Rules.

3.3 In relation to matters falling within Rule 3.1 the Cabinet Member shall not make nor be involved in making any decision in relation to their Ward unless the decision is being made by Cabinet, when they shall be entitled to take part in the meeting and vote.

3.4 Where a Cabinet Member is precluded from making or being involved in making a decision because of an interest arising under Rule 3.1 they shall still be entitled to exercise their rights as the Ward Member.

3.5 Any interest declared under this rule must be notified, in writing, by the Cabinet Member with that interest to the Proper Officer who shall record the interest in accordance with these Rules.

4.0 Cabinet Member Attendances at Overview and Scrutiny

4.1 The failure of a Cabinet Member, without good reason, to attend an overview and scrutiny committee after a formal request in accordance with the Overview and Scrutiny Procedure Rules, is a disciplinary matter referable to the Standards Committee at the behest of the overview and scrutiny committee.
5.0 Legal Advice on Interests Issues

5.1 Where a Member has sought advice from a legal officer of the Council relating to whether to declare an interest and the officer has advised that an interest does exist under these rules the Member will be expected to act on that advice.

5.2 If a Member fails to act on such advice then the legal officer shall inform the Monitoring Officer who shall consider whether a prima facie case exists for further investigation under the procedures set out in this part of the Constitution.

5.3 Where such advice is sought from the Monitoring Officer and the Member is advised that an interest exists but the Member does not follow that advice, then the Monitoring Officer shall consider whether a prima facie case exists for further investigation under the procedures set out in this part of the Constitution.

5.4 Where a Member does not take advice from any legal officer of the Council but seeks independent legal advice relating to whether to declare an interest, the view of the Monitoring Officer on the interpretation of the law, the Code of Conduct and these Rules shall prevail, if a complaint against the Member is made to the Monitoring Officer.

6.0 Complaints on Conduct of Members

6.1 Where a complaint has been made against a Member then the Member shall:-

a. cooperate with the Monitoring Officer in consideration of the complaint at the initial stage;

b. cooperate with the Monitoring Officer during preparation of the report to a Standards Panel of the General Purposes Committee;

c. attend the meeting of the Standards Panel of the General Purposes Committee at which the report of the Monitoring Officer is to be considered.

6.2 At the Committee meeting the Member, against whom a complaint has been made which is the subject of a report to the Committee will be expected to:-

a. answer questions put by the Panel;

b. generally cooperate in resolving the complaint

6.3 (i) Any Member who has made a complaint against another Member shall:-
a. cooperate fully with the Monitoring Officer to bring forward the complaint expeditiously;

b. not give or make any statement concerning the existence of the complaint, the subject matter of the complaint, or details of the complaint either to the press or other media, or to the general public or their own political group or party except as set out below.

(ii) Disclosure to a political group or party on the Council may be made confidentially if, and only if, the complaint involves a member of the same political group or party as the Member Complainant provided that that Member reasonably believes the complaint is so serious that it reflects on their political group or party on the Council and provided the provisions of Rules 6.4 and 6.5 are observed.

6.4 Every Member has an obligation to report lapses in the high standards expected of Members to their Group Leader and the Monitoring Officer.

All Group Leaders have an obligation to speak to the Monitoring Officer as soon as they hear of any lapse in the standard of a Member’s conduct.

6.5 The political group on the Council of which a Member, against whom a complaint has been made to the Monitoring Officer, is part, may consider and take disciplinary action against that Member in advance of any decision of the Standards Panel IF:-

a. they are instructed so to do by their party organisation nationally; or

b. they are instructed so to do by the Ward organisation of the Member concerned or by the Ward organisation of any other Member of the same political group; or

c. the political group on the Council consider it necessary or expedient to uphold the good name or discipline of their political group or party or the Council.

6.6 If a political group of the Council gives notice to its members that it intends to consider whether to take disciplinary action or intends to take disciplinary action against one of its members pursuant to Rule 6.3 and/or 6.4 then no Councillor who is a member of the Standards Panel shall take part in any discussion or decision of their political group on the issue and shall absent themselves from any meeting during such discussion or decision making as if they had a disclosable pecuniary interest in the matter and the political groups of the Council shall make every effort to assist their members on the Standards Panel in this.
APPENDIX 1

HARROGATE BOROUGH COUNCIL

MEMBERS’ CODE OF CONDUCT

INTRODUCTION

This Code sets out the standards of behaviour required of Councillors whenever they are acting, claim or give the impression that they are acting as a Member or Co-opted Member of Harrogate Borough Council.

The Code has been adopted by the Borough Council and requires compliance with the general principles of public life set out in the preamble to this part of the Constitution.

In any case where a Borough Council Member has an interest in a matter which is not a disclosable pecuniary or registerable interest under the Localism Act 2011 or regulations but participating or voting (or further participating or voting) on the matter would conflict with the general principles of public life they must declare that interest and take no further action with regard to that matter as if it were a disclosable pecuniary interest.
PART 1

General Provisions

1. You must not treat others with disrespect.

2. You must not do anything which may cause the Borough Council to breach any equality enactment.

3. You must not bully or intimidate any person, or attempt to bully or intimidate them. Bullying includes “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.”

Harassment is defined in the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic”, which has the purpose or effect of violating an individual’s dignity or ”creating an intimidating, hostile, degrading, humiliating or offensive environment” for that individual.

Examples of bullying include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

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.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer or his deputy and/or the Chief Executive or a relevant Officer as set out under the supplementary protocol at the end of this Code.

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 Borough Councillor into disrepute.

8. You must not use your position as Borough 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 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 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 interests and declaring in meetings any disclosable pecuniary interests you may have. You are also required to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.
PART 2

Disclosable Pecuniary Interests

14. 1. A Member of Co-opted Member before the end of 28 days beginning with the day on which the person becomes a Member or Co-opted Member of the authority, notify the authority’s Monitoring Officer of any disclosable pecuniary interests which the person has at the time when the notification is given.

2. A pecuniary interest is a disclosable pecuniary interest if it is of a description specified in regulations by the Secretary of State and it is either:

   (a) an interest of the Members; or

   (b) It is an interest of –

      (i) the Members spouse or civil partner;

      (ii) a person with whom the member is living as husband or wife; or

      (iii) a person with whom the Member is living as if they were civil partners.

15. Disclosable Pecuniary Interests have been defined by the Secretary of State in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 1464) as follows:

   (1) Employment, office, trade, profession or vocation

       Any employment, office, trade, profession or vocation carried on for profit or gain.

   (2) Sponsorship

       Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
(3) **Contracts**

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:

(a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged.

(4) **Land**

Any beneficial interest in land which is within the area of the relevant authority.

(5) **Licences**

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

(6) **Corporate tenancies**

Any tenancy where (to the Members’ knowledge) –

(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.

(7) **Securities**

Any beneficial interest in securities of a body where –

(a) that body (to the Members’ knowledge) has a place of business or land in the area of the relevant authority; and

(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(ii) 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 the relevant person has a
beneficial interest exceeds one hundredth of the total issued share capital of that class.

16. **Effect of Interests on Participation**

1. When you have a disclosable pecuniary 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 meeting or when the interest becomes apparent.

2. Where you have a disclosable pecuniary interest and have not obtained a dispensation you must leave the room during discussion of the relevant business.

3. Unless you have obtain a dispensation from the Monitoring Officer or the General Purposes Committee. You must not exercise executive functions in relation to any business where you have a disclosable pecuniary interest or one which conflicts with the general principles of public life set out in the preamble to this Code of Conduct.

4. Where you have an interest where your participation or voting on a matter might be seen as conflicting with the general principles set out in the preamble to this Code of Conduct you must declare it and cease to participate or vote and leave the meeting as if it were a disclosable pecuniary interest.

5. Where you have an ‘other interest’ which is registered in accordance with the Code of Conduct you need not disclose that interest at the meeting.

17. For the purposes of this Code of Conduct ‘other interests’ which must be included in the Members’ Register of Interests include your membership of our position of general control or management in any:

(a) body to which you have been appointed or nominated by the authority as its representative.

(b) public authority or body exercising functions of a public nature;

(c) body directed to charitable purposes;

(d) body whose principal purposes include the influence of public opinion or policy; *(membership of a political party should be declared under this heading)*

(e) trade union or professional association.
the name and address of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25 in the course of your work as a Councillor – private gifts or hospitality do not need to be recorded.

18. (1) You must also regard yourself as having an interest which must be disclosed and treated as if it were a disclosable pecuniary 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; and

(b) at the time the decision was made or action was taken, you were a member of the executive.

(2) Where you have an interest under paragraph (1) above you may attend a meeting of the Overview and Scrutiny Committee (or of a Sub-Committee of such a Committee) but only for the purposes of answering questions or giving evidence relating to that business. Thereafter, you should withdraw from the meeting and not seek to improperly influence any recommendations about that business.

19. **Sensitive Interests**

(1) Where a Member or Co-opted Member has an interest (whether or not a disclosable pecuniary interest) and the nature of that interest is that the Member or Co-opted Member and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Member or Co-opted person or a person connected with the Member of Co-opted Member being subject to violence or intimidation any published version of the register must not include the details of the interest. The register may state that the Member or Co-opted Member has an interest but the details are withheld under Section 32 (2) of the Localism Act.

(2) In the event that a matter relating to a sensitive interest as set out in sub-paragraph (1) above is being considered at a meeting the Member or Co-opted Member is required to disclose the fact that they have a disclosable pecuniary interest (when it is such an interest) but not the nature of it.

(3) 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.
SUPPLEMENTARY PROTOCOL - DISCLOSURE OF CONFIDENTIAL INFORMATION UNDER PARAGRAPH 5 OF THE CODE

1. Councillors have access to confidential information, both from members of the public and from the Council’s Officers and records. It is vital that the confidentiality of this information is respected. Disclosure of confidential information may be a breach of the Members Code, or the Data Protection Act, or a tort actionable in damages at law.

2. However a situation may arise where a Member believes that disclosure of confidential information is necessary in the public interest; for example to prevent a crime, danger to health or safety or a corrupt practice within the Council.

3. The Members Code provides an exception to the usual rule that confidential information must not be disclosed. Disclosure will not be a breach of the Code if:-
   - It is reasonable in the circumstances;
   - It is made in good faith;
   - It is in the public interest;
   - It is in compliance with the reasonable requirements of the authority.

4. It is a requirement of the authority that before disclosing confidential information, a member who wishes to make use of this exception should contact one of the following Officers and discuss the circumstances with him or her.

   The Officers are:-
   - The Chief Executive
   - The Chief Financial Officer
   - The Monitoring Officer
   - The Head of Legal and Governance
   - The Audit Manager

5. Whether or not disclosure is a breach of the Code will depend on the circumstances and ultimately on the view taken under the procedures for the investigation of Code of Conduct complaints. But Officers will be able to give their view, and may be able to suggest ways of preventing any abuse which do not risk breaking the Code.

   Disclosure of confidential information without a full prior discussion with one of these Officers will not be in accordance with the Authority’s reasonable requirements as stated in paragraph 5 of this Code.
APPENDIX 2

GUIDANCE FOR MEMBERS ON THE ACCEPTANCE OF GIFTS AND/OR HOSPITALITY

1.0 INTRODUCTION

1.1 The following guidelines supplement the law and the Council’s Constitution in relation to the filling of any vacancies for an appointment under the Council whether an Officer or otherwise, or any contract with the Council or in any other circumstances.

1.2 It is essential to remember that dealings with Members of local authorities and other public bodies are subject to the provisions of special legislation with sanctions under the criminal law, designed to protect the public interest and public confidence. In consequence, any offer of hospitality or gifts to a Member even on a modest scale, needs to be approached with great caution.

The legislation is contained in:-

- the Public Bodies Corrupt Practices Act 1889;
- the Prevention of Corruption Act 1906;
- the Bribery Act 2010

Although these Acts are specifically addressed to corrupt practices, it is possible to commit an offence even if you innocently receive something which is given to you corruptly. In other words, you may not recognise what you are given as intended to be an inducement to do something or you may not recognise the corrupt intention of the person behind the gift. There is, of course, other legislation covering deliberate frauds of various sorts, but the ones listed above are specifically directed towards local government.

1.3 The legislation provides that anyone who corruptly gives, promises or offers, any gift, loan, fee, reward or advantage as an inducement to or a reward for any Member of a public body for doing or forbearing to do anything in respect of any matter or transaction, is guilty of a criminal offence. Similarly a criminal offence is committed by anyone who corruptly solicits, receives or agrees to receive for themselves or any other person such an inducement or reward. It does not matter that the corrupt intention is not achieved.
1.4 It is particularly to be noted that in any case where legal proceedings are brought, the giving or acceptance of any money, gift or other consideration, is deemed to have been given or received corruptly as such an inducement or reward, unless the contrary is proved. This represents a departure from the general principle that a person is innocent until proved guilty.

2.0 GIFTS

2.1 There can be little doubt that the acceptance of gifts by Members, from persons who have or may seek to have dealings with the Authority, would be viewed by the public with suspicion and would make the Member concerned and the Council vulnerable to criticism. Members should, therefore, tactfully refuse any personal gift offered to them or to a member of their family directly or indirectly by any person or body involved, either actually or potentially, in any way with the Authority. Members should be particularly vigilant where the person or body involved has applied for planning permission or some similar sort of decision or amy be intending to do so.

2.2 Small gifts of token value for example a calendar or diary which may be by way of an advertisement of a business or charity may be accepted as long as there is not a series of such gifts where the total value in any 12 month period would exceed £25.00. These may be received by Members at Christmas or New Year or, for example, if there has been a need for a visit to an organisation’s premises for a particular reason.

2.3 Any gift offered or accepted above the value of £25.00 should be notified to the Head of Finance as Proper Officer on the pro forma provided to all Members. If a Member wishes to return a gift and would prefer it dealt with formally then they should bring the gift to the office and request the assistance of the Proper Officer.

2.4 Members may have concerns in two other types of circumstances:-

a. Where a gift is offered by a ward constituent in gratitude to a Member for resolving an issue which had been of concern to the constituent.

   In such circumstances, the Member may choose:-

   i. to refuse the gift tactfully explaining that it would be improper to accept it but expressing gratitude for the thoughtfulness;

   ii. accept the gift but advise the constituent that it will be donated to the Mayor’s charity or another charity.

   In any event, if the offered gift is valued at £25.00 or more the Member must notify the Proper Officer on the pro forma provided.

b. Gifts from personal friends
Provided the Member is able to be clear whether the gift is a personal gift, say for a birthday or Christmas present, it can be accepted without reference to the Proper Officer. If the gift relates to some actual or perceived assistance from the Member in relation to a matter connected with the Authority, the Member should deal with the gift in exactly the same way as a gift from any other ward constituent and should declare the offer on the pro forma provided.

3.0 GIVING AND RECEIVING HOSPITALITY

3.1 Any hospitality given by Members should be justified as in the public interest. The hospitality given should be on a scale appropriate to the occasion and parsimoniousness and extravagance alike are to be avoided.

3.2 Concerning offers of hospitality, there should be no cause for concern if the offer is made by another public body but, in all cases, offers of hospitality must be treated with caution.

3.3 Members must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with or a decision from the authority, particularly where the offer is to an individual Member.

3.4 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.

3.5 The following are examples of hospitality which is acceptable and that which is not:-

Acceptable

a. An offer of a drink following a site inspection; or

b. Invitations to attend functions where the Member represents the Council (e.g. dinners where they are invited to speak, opening ceremonies, trade shows, etc) or to functions which they attend by virtue of their position within the Council; or

c. Hospitality offered by other public bodies; or

d. A working lunch of a modest standard provided to enable the parties to continue to discuss business.
Unacceptable

a. Night Club visits or holidays;
b. Personal invitations to have dinners with representatives from a company or firm which has dealings with the Council; or
c. Offer of hotel and tickets for theatre in London or the use of a company flat; or
d. Invitations to hospitality and attendance at a race meeting or other sporting event except where these are part of the life of the local community or where the authority should be seen to be represented.

3.6 Hospitality provided by another local authority or being paid for by Harrogate Borough Council need not be declared.

4.0 CHECKLIST AND REGISTER

4.1 The following checklist of questions should help Members to decide whether a gift or an offer of hospitality should be accepted or tactfully rejected:-

1. Is the donor, or event, significant in the community or in the Council’s area?
2. Are you expected to attend because of your position in the community?
3. Will the event be attended by others of a similar standing in the community?
4. What is the motivation behind the invitation?
5. Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
6. Could you justify the decision to the Council, press and public?
7. Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
8. How will you respond to the hospitality?
9. Are you comfortable with the decision?

4.2 A register of hospitality offered to Members is maintained by the Director of Corporate Affairs and Members should give notice on the appropriate form as soon as possible after receiving hospitality, of:-

a. the name of the person or organisation offering hospitality;
b. the nature of the offer of hospitality, its estimated value and location; and

c. the name or names of Members receiving such hospitality.
APPENDIX 3

ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT

1 Introduction and Context

Harrogate Borough Council and the Parish Councils within the District have a shared legal responsibility to promote and maintain high standards of conduct by members and co-opted members of their authority.

Harrogate Borough Council's approach to investigating complaints will be proportionate to the seriousness of the complaint and Harrogate Borough Council will, in particular, seek to ensure informal resolution of such complaints wherever possible.

These "Arrangements" set out how you may make a complaint that an elected or co-opted member of this authority [or of a parish council within its area] has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority [or of a parish council within the authority’s area], or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member [or a member or co-opted member of a parish council] against whom an allegation has been made.

2 The Code of Conduct

The Council had adopted a Code of Conduct for members, which can be found in Part 5 of the Council's constitution and is available for inspection on the authority's website and on request from Reception at the Civic Offices. [Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, you should inspect any website operated by the Parish Council or request the Parish Clerk to allow you to inspect the Parish Council’s Code of Conduct].

Members’ Code of Conduct
3 Making a complaint

If you wish to make a complaint, please write to:

“The Monitoring Officer
Legal & Governance
PO Box 787
Harrogate  HG1 9RW

Or email: jennifer.norton@harrogate.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct. In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority’s website, next to the Code of Conduct, and is available on request from Reception at the Civic Offices.

When setting out your complaint you should explain which of the 13 paragraphs of the Code of Conduct you believe has been breached. The paragraphs are set out above under the heading PART 1 General Provisions.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will endeavour to acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and may, after consultation with the Independent Person, decide whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request...
information from the member against whom your complaint is directed. [Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council or your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation].

The Monitoring Officer may decide not to investigate your complaint if he/she decides it is inappropriate to do so; among the reasons for taking this decision are:

(i) the potential seriousness of the alleged breach (if true)
(ii) the likely cost of an investigation in time and other resources
(iii) that there is insufficient evidence of a Breach of the relevant Code of Conduct
(iv) the matters detailed in the complaint fall outside the terms of the Localism Act 2011 and/or the relevant Code of Conduct
(v) other actions either to remedy the complaint or prevent its re-occurrence (such as reference to the relevant Parish Clerk) or an informal resolution is seen as more appropriate
(vi) the Member is no longer a serving member of the relevant Council (other than referring a potentially criminal matter to the Police)
(vii) whether the complaint is anonymous - the Council will not normally investigate anonymous complaints unless there is a clear public interest in doing so
(viii) the passage of time - if the complaint happened so long ago that there would be little benefit in taking action now
(ix) the complaint is one that the Monitoring Officer believes has been (or largely has been) determined before
(x) any other circumstances bearing upon the public interest including the Council's stated wish to keep the bureaucracy associated with its standards responsibilities to a minimum.

The Monitoring Officer may consult the Independent Person at this stage and in those circumstances must take their opinion into account before deciding whether or not to nominate an investigating officer.

An investigating officer will normally be a Harrogate Borough Council member of staff but in certain circumstances where the Monitoring Officer believes it expedient and appropriate to do so he may request an external investigation.
If at this stage or at any point during an investigation it appears likely to him that a criminal offence has been committed the Monitoring Officer may refer the matter to the Police or such other regulatory agencies as the Monitoring Officer considers appropriate and, if necessary, halt the investigation pending their consideration and/or criminal proceeding.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At any time during the investigation, the Monitoring Officer may conclude that it should be discontinued for any of the reasons set out in paragraph 4 above.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer’s report and, if he is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the member concerned [and to the Parish Council, where your complaint relates to a Parish Councillor], notifying you that he is satisfied that no further action is required, and give you both a copy
of the Investigating Officer’s final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or feels that there are matters requiring further clarification, he may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer’s report in the same way as in paragraph 6 above and will then either send the matter for local hearing before the Hearing Panel or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action the authority. If the member complies with the suggested resolution, the Monitoring Officer may report the matter to the General Purposes Committee in respect of a breach of the Borough Council Code [and the Parish Council in respect of a breach of a Parish Council Code] for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will give further consideration to referring the matter for a local hearing and may take the Independent Person's view into account in making that decision. However, the decision as to whether the matter should proceed to a hearing is for the Monitoring Officer, who will exercise his discretion reasonably.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer’s report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings, which is attached as Appendix 4 to these arrangements.
Essentially, the Monitoring Officer will conduct a “pre-hearing process” requiring the member to give his/her response to the Investigating Officer’s report. In order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. Both the complainant and a member has a right to be accompanied and/or represented at the hearing. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member’s failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 Who are the Hearings Panel?

The Hearings Panel is a panel of the Council’s General Purposes Committee. The General Purposes Committee has decided that it will comprise a maximum of three members of the Committee.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

9 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.
A person cannot be “independent” if he/she:

9.1 Is, or has been within the past five years, a member, co-opted member or officer of the authority, with the exception that former Independent Members of Standards Committees can be appointed as Independent Persons;

9.2 Is or has been within the past five years, a member, co-opted member or officer of a parish council within the authority’s area), or

9.3 Is a relative, or close friend, of a person within paragraph 9.1 or 9.2 above. For this purpose, “relative” means:

9.3.1 Spouse or civil partner;
9.3.2 Living with the other person as husband and wife or as if they were civil partners;
9.3.3 Grandparent of the other person;
9.3.4 A lineal descendant of a grandparent of the other person;
9.3.5 A parent, sibling or child of a person within paragraphs 9.3.1 or 9.3.2;
9.3.6 A spouse or civil partner of a person within paragraphs 9.3.3, 9.3.4 or 9.3.5; or
9.3.7 Living with a person within paragraphs 9.3.3, 9.3.4 or 9.3.5 as husband and wife or as if they were civil partners.

10 Contact details for Independent Person

The Council has appointed the following Independent Person until 17 July 2016:-

Alan Mitcheson: (Telephone: 0770 2 722931)

The Independent Person’s role is as set out in the Localism Act and this Constitution. The Authority must consult the Independent Person in certain circumstances and may do in others and the subject of a complaint may do so. There is no statutory provision for contact between a complainant or potential complainant and the Independent Person and it is important that all concerned recognise and respect the independence of the person appointed to this role. In particular, whilst the Independent Person is a source of advice, they will not express an opinion on any particular complaint, unless and until it reaches a Hearings Panel.
11 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member (and to the Parish Council), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

The decision notice will include a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the Hearing Panel, and any sanction applied.

12 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:

12.1 Censure or reprimand the member;

12.2 Publish its findings in respect of the member’s conduct;

12.3 Report its findings to Council (or to the Parish Council) for information;

12.4 Recommend to the member’s Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

12.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

12.6 Recommend to Council that the member be replaced as Executive Leader;

12.7 Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;

12.8 Remove (or recommend to the Parish Council that the member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);
12.9 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or

12.10 Exclude (or recommend that the Parish Council exclude) the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The above list is not exhaustive, however, the Hearings Panel has no power to suspend or disqualify the member or to withdraw members’ or special responsibility allowances.

13 Publication and Exempt Information

As explained above once the investigation is complete a final report is issued.

Where the Investigating Officer finds that there has not been a breach of the code of conduct, the Monitoring Officer will inform the complainant, the (parish) councillor and the parish council clerk (in the case of a complaint against a parish councillor) in writing. The (parish) councillor will be asked if they agree to the publication of the outcome. If the (parish) councillor does not agree then details of the complaint will remain confidential but the nature of the complaint & its outcome will be reported anonymously to the Council’s General Purposes Committee in the annual report on standards complaints.

Where the Investigating Officer finds that there has been a breach of the code of conduct then the Monitoring Officer will, if appropriate, (and having consulted the Independent Person) facilitate a local resolution. If a local resolution is achieved then the Monitoring Officer will inform the complainant, the (parish) councillor and the parish council (in the case of a complaint against a parish councillor) in writing. In determining whether to publish the outcome of the local resolution, the Monitoring Officer will consider the nature of the allegation(s); any information already in the public domain; where relevant, the proximity of any election; the effect of publication on the subject member; the views of the parties; and the public interest. In any event the nature of the complaint & its outcome will be reported anonymously to the Council’s General Purposes Committee in the annual report on standards complaints.

If a local resolution is not achieved and the matter is referred to a Panel Hearing then this will be a public meeting unless there are legitimate reasons for holding all or part of the hearing in private. Such legitimate reasons may include where there is confidential information about an
individual including multiple allegations made against a (parish) councillor, some of which were found by the Investigating Officer not to be proven, nor amount to a breach of the code but where others were so proven and found and are subject to a Panel Hearing but it is not possible to separate the two categories by redacting the investigation report.

Investigation Reports will not be published ahead of Panel Hearing as one of the first items of business for the Panel will be to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption from disclosure of the report outweighs the public interest in disclosing the information. Transparency presumes that the hearing will be in public to the extent that this can be managed without detriment to a fair hearing. If it decides to maintain the exemption then the hearing will be held in private. If not it will be held in public.

14. Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

1415 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.
APPENDIX 4

LOCALISM ACT 2011 - PROCEDURE AT PANEL HEARINGS OF THE GENERAL PURPOSES COMMITTEE

At the Hearing the Panel will consider the matter in four stages:

- The findings of fact set out in the investigating officer report focussing especially on those issues still in dispute and the responses of the member to those findings.

- Whether there has been a breach of the Code of Conduct.

- If the member has not failed to follow the Code, any recommendations it would wish to make to the Council or Parish Council arising from the hearing.

- If the member has failed to follow the Code, whether a penalty would be appropriate.

A. Preliminary Matters and Participants

1. The Chair will make introductions and explain the procedure to be followed to those present. The panel will consider whether the public should be excluded from the hearing. Any declarations of interest from members present will be taken. Any preliminary issues not resolved through the pre-hearing process will be considered.

2. The panel may take advice from its legal adviser at any time during the hearing or when they are considering the outcome. The substance of any legal advice given to the panel should be shared with the member and the investigating officer if they are present.

3. The member may attend the hearing. The panel may proceed in his or her absence. The complainant need not attend. The investigating officer may attend and answer questions of the panel.

4. So far as possible, the hearing will consider only evidence submitted in writing before the hearing together with answers to any questions asked at the hearing. Any witness evidence called at the hearing must relate to relevant facts which are in dispute. A witness other than the member may not remain in the hearing until after they have given evidence.
B. Making Findings of Facts

1. After dealing with any preliminary issues, the panel will attend to any significant disagreements about the facts contained in the investigating officer’s report.

2. If there is no disagreement about the facts, the panel will move on to the next stage of the hearing.

3. If there is a disagreement, the investigating officer will be invited to make any necessary representations to support the findings of facts in the reports which are disputed. With the panel’s permission, the investigating officer may call any necessary supporting witnesses to give evidence. The panel will give the member an opportunity to challenge any evidence put forward by and any witness called by the investigating officer but not to cross examine the witness.

4. The member will then have the opportunity to make representations to support his or her version of the facts and, with the panel’s permission or call any necessary witnesses to give evidence.

5. At any time, the panel may question any of the people involved or any of the witnesses, and will allow the investigating officer to challenge any evidence put forward by witnesses called by the member but not to cross examine the witness.

6. If the member disagrees with most of the facts, the investigating officer may start by making presentations on all the relevant facts, instead of discussing each fact individually.

7. If the member disagrees with any relevant fact in the investigating officer report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the investigating officer is not present, the panel will consider whether it would be in the public interest to continue in his or her absence. After considering the member’s explanation for not raising the issue at an earlier stage, the panel may then:-

(a) Continue with the hearing, relying on the information in the investigating officer’s report.

(b) Allow the member to make representations about the issue, and invite the investigating officer to respond and call any witnesses, as necessary; or

(c) Postpone the hearing to arrange for appropriate witnesses to be present, or for the investigating officer to be present if he or she is not already.

8. The panel will usually consider the representations and evidence in private and will ask those present to leave the room so that they may do so.
C. Did the Member fail to follow the Code?

1. The panel will next consider whether or not, based on the fact it has found, the member has failed to follow the Code of Conduct.

2. The member will be invited to give relevant reasons why the panel should not decide that he or she has failed to follow the Code.

3. The panel will consider any verbal or written representations from the investigating officer.

4. The panel may, at any time, question anyone involved on any point they raise in their representations.

5. The member will be invited to make any final relevant points.

6. The panel will then consider the representations in private and will ask those present to leave so that they may do so.

D. If the Member has not failed to follow the Code of Conduct

If the panel decides that the member has not failed to follow the Code of Conduct, the panel may move on to consider whether it should make any recommendations to the Council or Parish Council on any issue, which has arisen.

E. If the member has failed to follow the Code

1. If the panel decides that the member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigating officer and the member as to:

   (a) whether or not the panel should set a penalty; and
   (b) what form any penalty should take.

2. The panel may question the investigating officer and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

3. The panel will then consider in private whether or not to impose a penalty on the member and if so, what the penalty should be.

4. Where the panel finds that the member did fail to comply and that a sanction should be imposed then the Independent Person (if present) should be consulted about the proposed action. In the event that the Independent Person is not present at the hearing, the Panel will consider what penalty it
should impose but make no announcement until the Independent Person has been consulted.

(a) If the member no longer belongs to a relevant authority, the panel will censure the subject Member.

(b) If any other case, the panel, will impose one or more of the sanctions in paragraph 12 to Appendix 3 – Arrangements for Dealing with Standards Allegations under the Localism Act 2011 or other such sanction that it is legally able to impose and believes to be proportionate and appropriate.

(c) Censure or reprimand the member;

(d) Publish its findings in respect of the member’s conduct;

(e) Reports its findings to Council [or to the Parish Council for consideration] for information;

5. After considering any verbal or written representations from the investigating officer the panel will consider whether or not it should make any recommendations to the relevant Council, with a view to promoting high standards of conduct amongst members.

6. The panel will announce its decision on the day unless separate consultation with the Independent Person under paragraph E(4) is required and aim to issue a full written decision within 5 working days of the hearing.

7. The Chair will ensure that the panel’s decision is made public.
1.0 PURPOSE OF REPORT

1.1 This report summarises the complaints made to the Monitoring Officer about alleged breaches of the member’s code of conduct. It covers complaints against Borough Council and Parish Council members made during the financial year 2018/19 and their outcome.

2.0 RECOMMENDATIONS

2.1 That Members note the complaints made and their outcome.

3.0 RECOMMENDED REASONS FOR DECISIONS

3.1 To keep members informed of the number and type of standards complaints received together with how they are being addressed.

4.0 ALTERNATIVE OPTIONS CONSIDERED AND RECOMMENDED FOR REJECTION

4.1 None.

5.0 THE REPORT

5.1 The Localism Act 2011 established an amended ethical standards regime for elected members. Under Section 28(6) and (7) of the Act, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority or of a parish council within the authority’s area, has failed to comply with that authority’s Code of Conduct
can be investigated and decisions made on such allegations.

5.2 The current arrangements for ensuring ethical standards and addressing complaints were adopted by Harrogate Borough Council on 7 March 2012 and can be accessed on the Council’s website.

Complaints Made From 1 April 2018

5.3 Appendix 1 lists the complaints received by the Monitoring Officer from 1 April 2018 to the date of writing this report.

5.4 Of the 8 complaints received 4 relate to Harrogate Borough Councillors with the other 4 being complaints against Parish Councillors.

5.5 By way of summary as at the date of writing this report there are:

- 2 cases under investigation
- 1 case where an investigation concluded no breach
- 4 cases where the Monitoring Officer and Independent Person considered they did not merit formal investigation.
- 1 case where the complainant decided not to make a formal complaint.

The Council's Independent Person is consistently appraised in relation to all complaints and his views taken into account by the Monitoring Officer in deciding on the appropriate course of action.

Complaints Carried Forward from 2017/18

5.6 Since the date of last year’s annual report to the Committee (22 March 2018) the following outcomes have occurred:

- SB 2017-12 Investigation concluded that Parish Councillor not a member of the action group but occupied a “position of general control or management” for the purposes of paragraph 17 of the Parish Code and should therefore have declared an interest in item of business. Local resolution achieved around training and protocols.

- SB 2017 -13 - the Investigating Officer concluded that there had been no breach of the Code of Conduct by the Parish Councillor

- SB 2017-15(1) & (2) – Investigation found breach by Parish Councillor and Former Parish Councillor in failure to declare interests. Local resolution recommended including training on interests and participation for the parish councillor concerned. However, the Monitoring Officer has received a recent complaint that suggests terms of local resolution not being observed and therefore being considered under SB 2018-8
6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

Background Papers – Report to General Purposes Committee 22 March 2018; Code of Conduct for Members and Procedure for making a complaint against elected members.

OFFICER CONTACT: Please contact Jennifer Norton, if you require any further information on the contents of this report. The officer can be contacted on 01423 556036 or by e-mail – Jennifer.norton@harrogate.gov.uk
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| SB 2017 - 18 | Parish Councillor | Complaint about A member’s involvement of payment of invoice. Counter complaint made by member against the members bringing the complaint alleging attempt to improperly to obtain an advantage in the forthcoming election by making complaint and comments at council meeting | No action under the code of conduct because whilst the internal auditor had concluded that the appropriate procedures according to Standing Orders and Financial Regulations had not been followed in relation to the actual costs incurred, there was no suggestion that the work had not been undertaken nor that the claim for costs is in anyway fraudulent or improper. The Independent Person and Monitoring Officer were therefore of the view that this matter could be proportionately and reasonably resolved along the lines proposed in the internal auditor’s letter |
| SB 2017-19 | Parish Councillor | Complaint about Parish Councillor Facebook entries | Complainant chose not to pursue formal complaint |
| SB 2017-20 & 21 | Borough Councillor | Complaint of disrespect in way member spoke to reception staff at customer services | No longer a Borough Councillor following May 2018 election. Monitoring Officer notified member of complaint and concern but agreed with Independent person and complainant not to refer for formal action |
| SB 2018-2 | Borough Councillor | Complaint of bullying and disrespect by member in relation to the way in which they spoke to a Council officer | Referred for investigation & awaiting final report |
| SB 2018-3 | Borough Councillor | Complaint that actions of member in sending an email to complainant’s employer was such that could reasonably be regarded as bringing the council into disrepute or their position as a Borough Councillor into disrepute and also that the member’s actions were such that they used or attempted to use their position as Borough Councillor improperly to obtain a disadvantage to | Investigated by monitoring officer from another authority. Concluded no breach of the code of conduct |
| SB 2018-5 | Parish Councillor | Complaint about statements made by parish councillor in a leaflet when campaigning for election | It was determined that the individual was not acting in his capacity as a Parish Councillor when making the statements in the election leaflet and therefore there was no jurisdiction under the code of conduct to investigate the complaint |
| SB 2018-7 | Borough Councillor | Complaint about the accuracy of statements made by a councillor on social media and at a meeting relating to planning development. | Not referred for investigation as professional officers in the Council’s planning team were supportive of the accuracy of the statements made and therefore the Monitoring Officer and the Independent Person were of the view that there was no issue of any misconduct |
| SB 2018-8 | Parish Councillors | Complaint about the selective reporting of a local resolution of complaint SB 2017-15 and the Parish Councillor’s failure to acknowledge the breach and recommended action | Currently being investigated |
1.0 PURPOSE OF REPORT

1.1 This report summarises the complaints made to the ombudsman for the financial year 2018/19 and the outcome of any investigation.

2.0 RECOMMENDATION/S

2.1 That Members note the complaints made and the outcome of any investigation.

3.0 RECOMMENDED REASON/S FOR DECISION/S

3.1 To ensure transparency as to the complaints made and their outcome and to report on any lessons learned.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION (Must be used for reports to Cabinet & Cabinet Members)

4.1 None.

5.0 THE REPORT

5.1 The Local Government and Social Care Ombudsman (LG&SCO) is the independent body responsible for investigating complaints made against public bodies where it is alleged that there has been maladministration causing injustice. The LG&SCO was previously known as the Local Government Ombudsman. This report also covers complaints to the Housing Ombudsman. The Housing Ombudsman Service looks at complaints about the housing organisations that are registered with it and...
looks to resolve disputes involving the tenants and leaseholders of social landlords (housing associations and local authorities) and its voluntary members (private landlords and letting agents who are committed to good service for their tenants). Both ombudsman organisations work together and share information.

5.2 The remit of the LG&SCO is wide and can cover a number of complaints about different issues, such as:

- Housing and council tax benefit claims
- Housing allocation schemes
- Planning
- Anti-social behaviour
- Council tax

The LG&SCO has the power to investigate complaints where there has been:

- Maladministration causing injustice
- A failure to provide a service that it was the public body’s function to provide
- There was a total failure to provide such a service.

There is no specific definition of “maladministration” but it can include cases where a public body has taken, or has failed to take, action (Section 26(1), Local Government Act 1974). Examples of maladministration include bias; incompetence; perversity; excessive and unreasonable delay; making misleading or inaccurate statements; failure to follow specified procedures or statutory procedures; failing to properly consult or liaise; failing to provide information when requested to do so; and failing to investigate or reply to a query from a member of the public.

5.3 The LG&SCO is only allowed to investigate the procedure behind the decision making. This means that the LG&SCO will not investigate cases where the complainant merely disagrees with a decision that has been made.

Once maladministration has been established, it must be confirmed that it has led to personal injustice for the complainant. Injustice can include:

- The time and trouble involved in pursuing a complaint against a public body
- The loss to a right or service, which the complainant is legitimately entitled to
- Costs associated with pursuing the complaint
- Inconvenience, worry, distress and hurt feelings

5.4 It must also be proved that the injustice was caused by the council and was not merely accidental.

There are a number of situations where the LG&SCO cannot investigate a complaint, including:
• Where a complainant has not exhausted a local authority’s internal complaints procedure (i.e. ‘premature’) (although this may be dispensed with by the ombudsman in certain cases)
• Where the complainant has, or has had, a right of appeal, reference or review or before a statutory tribunal or a Minister of the Crown
• Where the complainant has, or has had, a remedy by way of court proceedings; for example, where a complainant has already submitted a judicial review application
• Where the complainant has failed to make a complaint to the LG&SCO within 12 months of the matter complained of (although, there is discretion to extend this time limit.)

5.5 Upon receipt of a complaint the ombudsman carries out preliminary enquiries to establish whether it merits formal investigation. If it merits investigation the ombudsman notifies the council and invites representatives on the complaint together with requests for information and documentation relevant to the complaint.

Local settlement can also be used as a method for resolving complaints. Local settlement is where the public body or the ombudsman makes suggestions about how a complaint can be resolved before a full investigation is undertaken. If the complainant agrees to local settlement, the ombudsman will stop its investigation before issuing a report. Typically, this type of settlement will happen fairly early on in the ombudsman’s investigation.

The ombudsman must issue a report if they have finished the investigation of a complaint. This report can also include recommendations for action. However, if the ombudsman is satisfied with the actions that the council has decided to take or has already taken to deal with the complaint, it may choose not to send a full report, instead sending a statement of reasons for the decision not to issue a full report.

Remedies recommended by the ombudsman include requiring local authorities to:
• Apologise to a complainant
• Offer financial compensation. This may be appropriate where there is no practical remedy or where the complainant has suffered financial loss as a result of the injustice
• Review the procedure that led to the injustice.
• Offer additional training for public body staff
• Reconsider a decision
• Pay money where the injustice is that money (such as housing benefit) has not been paid
• Consider alternative specific remedies where the injustice has been caused by the loss of a non-monetary benefit, such as enjoyment of a property where the public body has failed to deal with noise nuisance in the area
• Make payments to the complainant in recognition of the time and trouble involved in pursuing the complaint
Appendix 1 lists the complaints received by the ombudsman and notified to the council from 1 April 2018 up to the date of writing this report.

**6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS**

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

**Background Papers** – Report to General Purposes Committee 22 March 2018; Code of Conduct for Members and Procedure for making a complaint against elected members.

**OFFICER CONTACT:** Please contact Jennifer Norton, if you require any further information on the contents of this report. The officer can be contacted at Harrogate Borough Council, Head of Legal & Governance, PO Bo 787, Harrogate, HG1 9RW 01423 556036 or by e-mail – Jennifer.norton@harrogate.gov.uk
<table>
<thead>
<tr>
<th>LGO Reference</th>
<th>Department &amp; Details of Complaint</th>
<th>Date of Enquiry</th>
<th>Details of Complaint</th>
<th>Complaint Upheld or Dismissed</th>
</tr>
</thead>
<tbody>
<tr>
<td>17018977</td>
<td>Planning</td>
<td>April 18</td>
<td>X complained about the way the Council had dealt with three planning applications. X says the actions of the Council’s planning department in general leads to an injustice which affects all residents of the borough.</td>
<td>Ombudsman chose not to investigate. The Ombudsman investigates complaints of administrative fault which has led to significant personal injustice to a complainant. Therefore, we cannot consider the actions of the planning department in general. The Ombudsman does not intend to investigate this complaint. X has not suffered any significant personal injustice because of the Council’s actions. Also, it is unlikely an investigation will lead to a different outcome. Investigator’s decision</td>
</tr>
<tr>
<td>Case ID - 18001889</td>
<td>Benefits</td>
<td>May 18</td>
<td>X complained about the benefit application process; time allowed; and assistance not provided</td>
<td>Ombudsman chose not to investigate Complainant has not made a complaint to the Council under the Council’s complaints process and therefore that process has not been completed.</td>
</tr>
<tr>
<td>Case ID - 18002835</td>
<td>Housing</td>
<td>June 18</td>
<td>X complains the Council has fettered its discretion by failing to consider a move for X and X’s partner to a house rather than a bungalow or ground floor flat. X also complained that the Council has also failed to properly consider all the medical evidence X has submitted.</td>
<td>The Ombudsman found that no evidence of fault by the Council and chose not pursue the complaint any further</td>
</tr>
<tr>
<td>Case ID - 18002575</td>
<td>Planning</td>
<td>June 18</td>
<td>X complains the Council did not publicise the application properly so X did not have the opportunity to object. And that the Council did not consider properly the impact on the development on their home. X says the two storey extension is overbearing and increases the overlooking of their property</td>
<td>Ombudsman found that there was fault by the Council in failing to properly publicise the planning application, in failing to notice an error in the block plan and to provide an analysis of the impact of the development on the complainant’s property. These errors did not however affect the decision made to grant planning permission. Agreed that the Council will pay X £150 in recognition of the faults.</td>
</tr>
<tr>
<td>Case ID - 18003066</td>
<td>Planning</td>
<td>June 18</td>
<td>X concerned by the Chief Planning Officer’s refusal to place an application before the Council’s Planning Committee. Believes this refusal is in breach of the Council’s planning procedure, in that the application is of a significant and sensitive nature to the village</td>
<td>Ombudsman chose not to investigate at this stage as the complaint has not been through Council’s complaints procedure</td>
</tr>
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<tr>
<td>Case ID - 201802324</td>
<td>Housing</td>
<td>June 18</td>
<td>X complains about condition of their property and Council’s failure to resolve issues</td>
<td>Awaiting decision</td>
</tr>
<tr>
<td>Case ID - 17013930</td>
<td>Planning</td>
<td>July 18</td>
<td>X says the Council failed to consult with the highway authority before it determined a planning application X submitted for the relocation of a fence with the result that the highway authority later told X that X had encroached on the highway and so had to remove the fence</td>
<td>Complaint not upheld. Ombudsman found that there was no fault by the Council and that the Ombudsman could not conclude, that there was a clear breach of the protocol because the Council did not consult the highway authority in this instance. The protocol may require clarity in cases which involve the relocation of existing boundary fences. Ombudsman therefore asked the Council to review the protocol.</td>
</tr>
<tr>
<td>Case ID - 18003748</td>
<td>Housing</td>
<td>July 18</td>
<td>X complained that the Council wrongly decided X had refused two suitable offers of housing and has not taken proper account of more recent medical information about X and one of X’s children. X says as a result, the Council removed X’s application from the housing waiting list, it has not yet taken account of X’s housing needs in view of X and X’s child’s medical conditions and X and X’s family remain in unsuitable housing.</td>
<td>No fault found in relation to the Council’s action in relation to the 2 offers and Ombudsman did not criticise the Council for cancelling X’s application In so far as taking account of more recent medical information there was no fault in the Council’s response in requesting further information including an occupational therapist report provided it then progressed matters promptly. Ombudsman found that there is no fault in expecting an applicant to provide information from a medical professional they are in contact with anyway, for example, their GP, health visitor, district nurse or a consultant treating them. However, the Ombudsman found that this fundamentally different from asking an applicant to get evidence from a professional they are not already in contact with. X was not already seeing an OT. For this reason the Ombudsman considered the Council was at fault, Therefore the Ombudsman recommended the Council apologise and pay £150 as a gesture of goodwill and carry out a process review</td>
</tr>
<tr>
<td>Case ID - 18004180</td>
<td>Legal &amp; Governance</td>
<td>July 18</td>
<td>X says the Council has refused to respond to a complaint he made about a councillor whom he says breached the code of conduct.</td>
<td>The Ombudsman decided not to investigate X’s complaint as it had seen no evidence of fault in the way the Council dealt with the complaint. Matter was externally investigated and report completed.</td>
</tr>
<tr>
<td>Case ID - 18007337</td>
<td>Planning</td>
<td>August 18</td>
<td>X complained about the way the Council dealt with planning enforcement action against a neighbour. More specifically X complained about the Council granting X’s neighbour retrospective planning permission.</td>
<td>Ombudsman decided not to investigate this complaint. From the evidence the Ombudsman saw, it was of the view that the Council had correctly explained the choices open to a planning authority when it becomes aware of unauthorised development. There was no fault in the way the Council asked X’s neighbour to put in a retrospective planning application.</td>
</tr>
<tr>
<td>Case ID - Parking Services</td>
<td>August 18</td>
<td>X has complained on behalf of X’s partner about</td>
<td>The Ombudsman chose not to not investigate this complaint about recovery action</td>
<td></td>
</tr>
<tr>
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<tr>
<td>18005711</td>
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<td>issues arising from the Council’s recovery of a penalty charge for a parking contravention. In particular, X says the Council wrongly added additional charges; ignored X’s personal reasons for not paying the penalty charge; and behaved badly towards X’s partner during a phone call and when bailiffs visited their home.</td>
<td>taken by the Council for an unpaid parking penalty charge. This was because the complainant could make a statement to the court which, if accepted, would result in the refund of additional charges X has had to pay. Ombudsman found that it was evident the Council allowed X time to pay on more than one occasion but X did not do so. Ombudsman did therefore not consider the Council was at fault for pursuing the debt when it remained unpaid</td>
</tr>
<tr>
<td>18 007 560/BSH</td>
<td>Revenue &amp; benefits</td>
<td>Sept 18</td>
<td>X complained that in 2016 the Council made X bankrupt for not paying business rates.</td>
<td>LGO decided not to investigate. The Ombudsman cannot look at a complaint about bankruptcy proceedings taken by the Council in 2016 to recover unpaid business rates from the complainant. It is now too late to look at events before the bankruptcy proceedings began. The Ombudsman has no jurisdiction to consider decisions made by the courts.</td>
</tr>
<tr>
<td>17 017 591</td>
<td>Parks &amp; Environmental Services</td>
<td>Sept 18</td>
<td>Complaint about the Council’s handling of their complaint about administrative errors regarding a grave.</td>
<td>The Ombudsman found that the Council was at fault. The Council’s handling of the complaint meant it took too long to take appropriate action to resolve uncertainty about the location of a grave. This caused X further avoidable uncertainty and distress. The Council had already apologised and agreed to pay X £400 in recognition of the uncertainty and distress caused</td>
</tr>
<tr>
<td>Case ID - 18009591</td>
<td>Benefits</td>
<td>Nov 18</td>
<td>X complained about the way the Council went about recovering outstanding council tax</td>
<td>Awaiting decision</td>
</tr>
<tr>
<td>18 011 943</td>
<td>Environmental Protection</td>
<td>Nov 18</td>
<td>Complaint concerns the Council’s alleged failure to deal with the noise and light nuisance from community play area, which is affecting X and X’s partner’s health</td>
<td>The Ombudsman chose not to investigate this matter Environmental Protection investigated the complaint and did not find evidence of a statutory noise or light nuisance. The matter had not been through the Council’s complaints process,</td>
</tr>
<tr>
<td>Case ID - 18013318</td>
<td>Planning</td>
<td>Jan 19</td>
<td>X complained about the conduct of the chairman of the Council’s planning committee and it legal officer. X says: • The chairman of the planning committee failed to declare an interest • The chairman &amp; legal advisor bullied and intimidated any councillor speaking against the planning application • There was confusion over voting as the motion was corrected after voting started • The Council ignored objections from the Campaign for Rural England and Historic England</td>
<td>The Ombudsman chose not to investigate this complaint because it felt it was unlikely to find fault in the Council’s actions, and there was no significant personal injustice The Council confirmed there is no legal reason for members who are elected members of more than one public body not to be allowed to sit on the planning committee. In this case the members took legal advice before declaring their relevant interests in the planning application. The Ombudsman did not see any evidence of fault and therefore did not criticise the Council. X has not suffered a significant personal injustice and further investigation is unlikely to lead to a different outcome.</td>
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<tr>
<td>Case ID - 18016473</td>
<td>Legal &amp; Governance</td>
<td>Feb 19</td>
<td>X has raised a complaint against both Harrogate Borough Council and Selby District Council in respect of the way legal officers from both councils handled a Code of Conduct complaint made by X</td>
<td>Currently at the initial assessment stage</td>
</tr>
<tr>
<td>201812941</td>
<td>Housing</td>
<td>Feb18</td>
<td>X complained about the landlord’s response to concerns about the reception for his TV aerial</td>
<td>At initial assessment stage</td>
</tr>
</tbody>
</table>