

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

1 October 2007

**Requests for Dispensations**

**1.0 PURPOSE OF REPORT**

- 1.1 To present, for Members' consideration, requests from certain County Councillors for a dispensation, in almost identical terms and in respect of the same issue, from the Standards Committee.

**2.0 BACKGROUND**

- 2.1 The following County Councillors have been invited to consider making a request for a dispensation from the Standards Committee:

- a) six (out of seven) County Councillors sitting on Craven Area Committee;
- b) eight (out of eleven) County Councillors sitting on the County Committee for Hambleton;
- c) five (out of six) County Councillors sitting on Richmondshire Area Committee; and
- d) ten (out of fourteen) County Councillors sitting on the Yorkshire Coast and Moors County Area Committee.

A full list of Members affected and invited to consider submitting a dispensation request is set out at Appendix 1, along with copies of actual requests received.

- 1.2 The County Councillors who have been invited to submit a dispensation application are also members of District/Borough Councils. Those who have submitted a request are seeking a dispensation to enable them to speak, vote and be included within the quorum at meetings of the Area Committee on which they sit, when that Committee is determining applications submitted by the District/Borough Council on which they also serve, for funding from the County Community Fund allocation for that district area.
- 1.3 To date, many Members in this situation declare a prejudicial interest and take no part in the decision on that particular allocation. This can, however, lead to Area Committee meetings becoming inquorate: at one recent meeting, the Committee concerned became inquorate for this reason and the applications in question had to be referred to the Executive for decision, causing a delay in the decision-making process.
- 1.4 It was therefore thought sensible to ascertain all County Councillors potentially affected in this way, to invite them to consider making a dispensation request and for the Committee to deal with all requests received at the same time.
- 1.5 At the time of writing this report, one County Councillor has only provided an incomplete, faxed application and I have yet to hear from 3 of the other Councillors contacted, although it is likely they will wish to make such a dispensation request. Given that any request made will be in the same form as

those being considered today, the Committee is therefore requested to consider granting a dispensation to those Councillors on the proviso that they subsequently submit a complete, signed application form to the Monitoring Officer.

### **3.0 INTERESTS ISSUES**

2.1 The County Councillors affected will have a personal interest in such applications and in such circumstances as described in paragraph 2.2 above, as they are also members of other local authorities and have a duty under the Code of Conduct to register such membership in the Register of Members' Interests. Members have a personal interest in any business of the County Council where it relates to or is likely to affect a registrable interest.

2.2 There is the potential for such personal interests to be viewed as prejudicial in certain circumstances, for example if there are competing bids from other sources for Community Fund allocation in that particular area or if there is some significant doubt about the merits of a bid judged against the relevant criteria for Fund allocation. The Monitoring Officer has provided detailed written advice on these issues to the Members affected; a copy of the advice is attached to each dispensation request form.

### **4.0 DISPENSATION PROCESS**

4.1 In accordance with paragraph 12 of the Code, and subject to his/her right to speak (where appropriate), a Member with a prejudicial interest in a matter must withdraw from the room or chamber where a meeting is being held UNLESS s/he has obtained a dispensation from the Standards Committee.

3.2 Under Section 81 of the Local Government Act 2000 and the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, the Standards Committee has power to grant a dispensation to a Member with a prejudicial interest in certain circumstances only:

- a) the transaction of business would otherwise be impeded because:
  - (i) more than 50% of the Members entitled or required to participate would not be able to; or
  - (ii) the County Council would not be able to comply with "any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989" (ie political balance principles);
- b) the Member has submitted to the Standards Committee a written request for a dispensation, explaining why it is desirable; and
- c) the Standards Committee concludes, having regard to the above, the content of the application in (b) and all the other circumstances of the case, that it is appropriate to grant the dispensation.

Given the number of Members affected at each area committee (as set out in paragraph 2.1 above), the Committee will see that limb a) (i) above is satisfied, as is limb b) by virtue of the written applications included at Appendix 1. It is now for Members to decide, in accordance with c) above, whether it is appropriate to grant the dispensation in these circumstances.

3.3 If the Standards Committee is minded to grant a dispensation, it must consider the duration and scope of it. A dispensation cannot be granted for more than four years. The applications in Appendix 1 request that the dispensation be granted until the date of the local government elections in 2009.

- 3.4 Any dispensation granted will allow the Member to fully participate in the matter concerned, including speaking and voting upon it. The dispensation will be recorded in writing and kept with the Register of Members' Interests.

## **5.0 NYCC DISPENSATION REQUEST PROCEDURE**

- 5.1 Whilst considering the issues raised in this report, the Council's Dispensation Request Procedure has been consulted. The Procedure requires updating in light of the introduction of the new Code of Conduct for Members and suggested amendments are set out in Appendix 2 for Members' consideration. These incorporate the Standards Board guidance on dispensations as set out in the Board's Guide for Members May 2007.

## **6.0 CONCLUSION**

- 5.1 Members are requested to consider whether it is appropriate to grant a dispensation to the County Councillors listed in Appendix 1, who regard themselves as having a prejudicial interest in meetings of the Area Committees on which they sit when considering Community Fund allocation applications from other authorities on which they also serve.
- 5.2 Members are further requested to consider the suggested amendments to the Council's Dispensation Request Procedure, as set out in Appendix 2.

## **7.0 RECOMMENDATIONS**

- 6.1 That dispensations be granted to the County Councillors listed at Appendix 1 to enable them to speak, vote and be included within the quorum at meetings of the Area Committee on which they sit, when that Committee is determining applications submitted by the District/Borough Council on which they also serve, for funding from the County Community Fund allocation for that district area.
- 6.2 That the dispensations be granted until the date of the local government elections in 2009.
- 6.3 That, subject to any comments Members may have, the Council's Dispensation Request Procedure be amended as set out in Appendix 2.

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Background documents:  
Section 81 Local Government Act 2000  
The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002

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NORTHALLERTON

20 September 2007