

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 June 2008

**Requests for Dispensations**

**1.0 PURPOSE OF REPORT**

- 1.1 To present, for Members' consideration, requests from Members of the County Committee for Hambleton 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:-

eight (out of eleven) County Councillors sitting on the County Committee for Hambleton;

A full list of Members affected and invited to consider submitting a dispensation request is set out at Appendix 1. Copies of requests received will be circulated at the Meeting.

- 1.2 The County Councillors who have been invited to submit a dispensation application are also members of the District Council. Those who have been invited to submit a request are seeking a dispensation to enable them to speak, vote and be included within the quorum at meetings of the County Committee, when the Committee is determining issues pertinent to the County Council resulting from consideration by Hambleton District Council to impose car parking charges in that area.
- 1.3 Members in this situation may decide to declare a prejudicial interest and take no part in the decision on this matter. This would lead to the County Committee meeting becoming inquorate causing a delay in the decision-making process.
- 1.4 It was therefore thought sensible to liaise with all County Councillors potentially affected in this way, to invite them to consider making a dispensation request.
- 1.5 An informal meeting of the County Committee for Hambleton will take place, prior to the Standards Committee Meeting of 2 June 2008, to ascertain which Members wish to apply for the dispensation and to obtain Dispensation Request Forms for consideration by the Standards Committee. The Forms will be circulated to Standards Committee Members at the Meeting.

**3.0 INTERESTS ISSUES**

- 2.1 The County Councillors affected will have a personal interest in this matter and in such circumstances as described in paragraph 2.2 above, as they are also members of another local authority 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 the following circumstances:-

- a) the matter is not exempt;
- b) the matter affects the Members financial position or the financial position of any person or body through whom the Member has a personal interest;
- c) a member of the public, who knows the facts, would reasonably think that the personal interest was so significant that it was likely to prejudice the Members judgement of the public interest.

2.3 As the matter is likely to correspond to all three of the above criteria it is likely that Members will be required to declare a prejudicial interest.

#### **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 the County 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 to be circulated. 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 respect of the references to the Head of Committee Services, as this post is no longer on the establishment. It is suggested, therefore, that the Request Procedure is amended with references to the Head of Committee Services replaced with Principal Officer Democracy and Governance.

## **6.0 CONCLUSION**

- 6.1 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 Hambleton District Council's car parking charge proposals, insofar as they affect the County Council.

## **6.0 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 County Committee for Hambleton, when that Committee is determining issues pertinent to the County Council, in respect of Hambleton District Council's proposals for car parking charges

6.2 That the dispensations be granted until the date of the local government elections in 2009.

6.3 That references to the Head Of Committee Services, within the Request Procedure, be replaced with the Principal Officer Democracy and Governance.

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### Background documents:

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

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20 May 2007