

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

23 April 2009

Requests for Dispensations

1.0 PURPOSE OF REPORT

- 1.1 To present, for Members' consideration, requests from Members of Craven Area Committee 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 Councillors have been invited to consider making a request for a dispensation from the Standards Committee:
- a) six (out of seven) County Councillors of the Craven Area Committee.
 - b) two (out of eight) non-voting co-opted Members of the Craven Area Committee.

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.

- 2.2 The County Councillors who have been invited to submit a dispensation application are also members of Craven 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 Area Committee, when the Committee is determining issues pertinent to the County Council resulting from consideration by Craven District Council to impose car parking charges in that area.
- 2.3 The non-voting co-opted Members who have been invited to submit a dispensation application are members of Craven District Council. Those Members are seeking a dispensation to enable them to speak and remain present during the consideration of this item.
- 2.4 The next meeting of the Craven Area Committee at which the issue will be discussed is 30 April 2009. For the reasons set out in paragraph 3.0 below, Members of the Area Committee who are also members of Craven District Council are likely to be considered to have a prejudicial interest.
- 2.5 The quorum for the meeting is three. 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 Area Committee meeting becoming inquorate, causing a delay in the decision-making process.
- 2.6 It was therefore thought sensible to liaise with all Members potentially affected in this way, to invite them to consider making a dispensation request.

2.7 Dispensation application forms were sent to the Members affected after the deadline for the delivery of the Standards Committee agenda. Completed application forms submitted by Members following publication of this report will be presented to the Committee at its meeting.

3.0 INTERESTS ISSUES

3.1 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.

3.2 Co-opted, non-voting, Members of the Area Committee who are members of Craven District Council have included membership of the District Council in their County Council register of interests. Members have a personal interest in any business of the County Council where it relates to or is likely to affect a registered interest. They will therefore have a personal interest in any decision of the County Council relating to or likely to affect the District Council which will include the decision in relation to the proposed car parking scheme.

3.3 It must then be considered whether the Members concerned will also have a prejudicial interest. 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 Member's 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 Member's judgement of the public interest.

3.4 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.

4.2 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 Area Committee (as set out in paragraph 2.1 above), the Committee will see that paragraph a) (i) above is satisfied, as is paragraph b) by virtue of the written applications to be circulated.

- 4.3 Members must decide, in accordance with c) above, whether it is appropriate to grant the dispensation in these circumstances. It is important that Members in considering the matter should balance the public interest in preventing Members with prejudicial interests from taking part in decisions, against the public interest in decisions being able to be taken by a reasonably representative group of Members of the Authority. Similar dispensations were granted by the Standards Committee to similarly affected Members of the County Committee for Hambleton on 2 June 2008, to apply when that Committee is determining issues pertinent to the County Council in respect of Hambleton District Council's proposals for car parking charges in the Hambleton District.
- 4.4 If the Standards Committee is minded to grant a dispensation, it must consider the duration and scope of it. The applications (to be circulated) request that the dispensation be granted until the date of the local government elections in 2009.
- 4.5 Any dispensation granted will allow the Members concerned to fully participate in the matter, including speaking and, in the case of the County Council Members (but not the non-voting co-opted Members), voting upon it. The dispensation will be recorded in writing and kept with the relevant entries in the Council's Register of Members' Interests.

5.0 CONCLUSION

- 5.1 Members are requested to consider whether it is appropriate to grant a dispensation to the Craven Area Committee Members listed in Appendix 1, who regard themselves as having a prejudicial interest in this matter which is next to be considered by the Area Committee on 30 April 2009.
- 5.2 The Monitoring Officer is aware that a similar interests issue arose recently in respect of dual-hatted Members on the Yorkshire Coast and Moors County Area Committee, although that issue was resolved as a bare quorum was reached. As such parking interests issues are increasing across all areas of the County, Members of the Standards Committee may wish to consider whether to invite such dual-hatted Members on all Area Committees, after the elections, to apply for general dispensations in respect of such issues.

6.0 RECOMMENDATIONS

- 6.1 That the Committee consider and determine the applications for dispensations by the County Council Members of the Craven Area Committee 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 issues pertinent to the County Council, in respect of Craven District Council's proposals for car parking charges in the Craven district.

- 6.2 That the Committee consider and determine the applications for dispensations by the non-voting co-opted Members of the Craven Area Committee listed at Appendix 1 to enable them to speak at meetings of the Area Committee on which they sit, when that Committee is determining issues pertinent to the County Council, in respect of Craven District Council's proposals for car parking charges in the Craven district.
- 6.3 That the dispensations be granted until the date of the local government elections in 2009.
- 6.4 That the Committee determines whether to invite such dual-hatted Members on all Area Committees, after the elections in June 2009, to apply for general dispensations in respect of such issues.

CAROLE DUNN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background documents:

Section 81 Local Government Act 2000

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002

County Hall
NORTHALLERTON

14 April 2009

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

23 April 2009

Dispensation Applications – Craven Area Committee
Imposition of Car Parking charges by Craven District Council

Name <i>(invited to apply)</i>	Committee	Application received?
BARRETT, Philip	Craven Area Committee	
ENGLISH, Polly	Craven Area Committee	
HEATHER, David	Craven Area Committee	
HESELTINE, Robert	Craven Area Committee	
IRETON, David	Craven Area Committee	
WHEELER, Mark	Craven Area Committee	
WELCH, Richard (non-voting co-opted Member)	Craven Area Committee	
WHITAKER, Paul (non-voting co-opted Member)	Craven Area Committee	

NB: Dispensation application forms were sent to the Members affected after the deadline for the delivery of the Standards Committee agenda. Completed application forms submitted by Members following publication of this report will be presented to the Standards Committee at its meeting.