

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

18 May 2009

Dispensation Issues

1.0 PURPOSE OF REPORT

- 1.1 To update Members regarding the use made of the dispensations granted by the Standards Committee.

2.0 BACKGROUND

- 1.1 Members have previously agreed they would like to be periodically updated as to the use made of dispensations granted by the Committee. An update is set out in section 3 below for Members' information.
- 1.2 At the special meeting of the Committee held on 23 April 2009 to consider dispensation requests from certain Members on Craven Area Committee (who are also members of Craven District Council) in relation to Craven District Council's proposals for car parking charges, given that such interests' issues are increasing across all areas of the County, Members were invited to determine whether to invite such dual-hatted Members on all Area Committees, after the elections, to apply for general dispensations in respect of such interests' issues. Members of the Committee requested that the matter be further researched and be brought back to the Committee. Further information on this is set out in section 4 of this report.

3.0 UPDATE ON USE OF DISPENSATIONS

- 2.1 The extent to which the dispensations granted by the Committee have so far been used by Members is set out below.

Community Fund Allocations

- 2.2 At its meeting on 1 October 2007, the Committee granted dispensations to 28 County Councillors (between them sitting on Craven Area Committee, the County Committee for Hambleton, Richmondshire Area Committee and the Yorkshire Coast and Moors County Area Committee) 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.
- 2.3 The dispensations were granted until the date of the local government elections in 2009 and are therefore due to expire imminently.
- 2.4 There is no record of the County Councillors affected having used the dispensations. The Monitoring Officer is currently exploring with colleagues as to why this might be but it appears to be for reasons such as the Community Fund applications received not relating to issues that Members were required to declare an interest upon ie, they were not initiated or submitted by the relevant District/Borough Council, the beneficiary of the grant in question was not the District/Borough Council, or the specific circumstances in individual cases have

been such that the Member concerned did not have a prejudicial personal interest (hence the dispensation did not apply).

Hambleton District Council's proposals for car parking charges

- 2.5 At its meeting on 2 June 2008, the Committee granted dispensations to eight County Councillors sitting on the County Committee for Hambleton to enable them to speak, vote and be included within the quorum at County Committee for Hambleton meetings 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.
- 2.6 The dispensations were granted until the date of the local government elections in 2009.
- 2.7 Two special meetings of the County Committee for Hambleton were held on 3 June 2008 and 6 April 2009 to discuss the implications for the County Council of Hambleton District Council's proposals for car parking charges in the Hambleton District. All eight Members who had been granted dispensations declared and used them at each of those meetings.

Registration of village green at Helredale Playing Field, Whitby

- 2.8 At its meeting on 2 February 2009, the Committee granted dispensations to two County Councillors sitting on the Yorkshire Coast and Moors County Area Committee to enable them to speak, vote and be included within the quorum at Yorkshire Coast and Moors County Area Committee meetings when that Committee is determining an application submitted by Helredale Neighbourhood Council for the registration of a village green at Helredale Playing Field, Whitby.
- 2.9 At the same meeting, the Committee also granted a dispensation to one co-opted Member sitting on the Yorkshire Coast and Moors County Area Committee to enable him to speak at Yorkshire Coast and Moors County Area Committee meetings when that Committee is determining an application submitted by Helredale Neighbourhood Council for the registration of a village green at Helredale Playing Field, Whitby.
- 2.10 The dispensations were granted until the application is determined or the date of the local government elections in 2009, whichever is the earlier.
- 2.11 All the dispensations granted have been declared and used: the County Councillors affected declared their interests and dispensations and participated fully at the meeting of the Yorkshire Coast and Moors County Area Committee on 9 April 2009 in respect of this item.
- 2.12 The non-voting co-opted Member also declared his interest and dispensation and spoke at the same meeting regarding this item.
- 2.13 The village green registration application will need to go back before the Yorkshire Coast and Moors County Area Committee in due course, therefore affected Members may need to apply for a further dispensation after the elections.

Craven District Council's proposals for car parking charges

- 2.14 At its meeting on 23 April 2009, the Committee granted dispensations to five County Councillors sitting on Craven Area Committee 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.

- 2.15 At the same meeting, the Committee also granted a dispensation to one non-voting co-opted Member of the Craven Area Committee to enable him to speak at meetings of the Area Committee on which he sits, 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.
- 2.16 The dispensations were granted until the date of the local government elections in 2009.
- 2.17 All six Members who were granted dispensations used and declared them at the meeting of the Craven Area Committee on 30 April 2008, to enable them to participate (to the extent legally permissible) in that item.
- 2.18 Members will continue to be briefed annually on the use of the dispensations granted by the Standards Committee.

4.0 CAR PARKING CHARGES' DISPENSATIONS

- 3.1 As such car parking charges' interests issues (as set out in paragraphs 3.5 and 3.14 above) are increasing across all areas of the County, Members of the Standards Committee may wish to consider whether to invite dual-hatted Members on all Area Committees where more than 50% of the Members are dual-hatted, to apply for general dispensations in respect of such issues.
- 3.2 Whether 50% of the Members of each Area Committee are dual-hatted will depend on the outcome of the forthcoming local government election: given its proximity, Members may wish to instruct the Monitoring Officer to write to dual-hatted Members on all Area Committees where more than 50% of the Members are dual-hatted, after the elections and once Committee memberships are known, to apply for general dispensations in respect of such issues.

5.0 RECOMMENDATIONS

- 4.1 That Members note this report.
- 4.2 That dual-hatted Members on all Area Committees where more than 50% of the Members are dual-hatted, after the elections, be invited to apply for general dispensations in respect of car parking charges interests' issues.

CAROLE DUNN
Monitoring Officer

Background documents:

Reports to and minutes of Standards Committee meetings

County Hall
NORTHALLERTON

5 May 2009