

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 September 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 issues, 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) five (out of seven) County Councillors on the Craven Area Committee.

A full list of Members affected and invited to consider submitting dispensation requests is set out at Appendix 1. Copies of requests received will be circulated at the Committee's 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 in respect of Craven District Council's proposals for the introduction of pay and display car parking charges for:

- the car park at Craven Swimming Pool, Aireville Park, Skipton
- North Street Car Park, Gargrave
- Main Street Car Park, Embsay

and all further proposals by Craven District Council relating to car parking charges in the Craven district.

- 2.3 The next meeting of the Craven Area Committee at which the issue of Craven District Council's proposals for the introduction of pay and display car parking charges at Craven Swimming Pool car park, Aireville Park, Skipton, North Street Car Park, Gargrave and Main Street Car Park, Embsay will be discussed is 8 October 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.

- 2.4 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 these matters. This would lead to the Area Committee meeting becoming inquorate, unable to take a decision on these issues, therefore causing a delay in the decision-making process.

- 2.5 It was therefore thought sensible to liaise with all Members potentially affected in this way, to invite them to consider making a dispensation request.
- 2.6 Dispensation application forms have been circulated to the Members affected. Completed dispensation application forms received will be presented to the Committee at its meeting.
- 2.7 The Committee's Dispensation Request Procedure is attached as an Appendix to the other dispensation request report to the Committee at its meeting today.

3.0 INTERESTS ISSUES

- 3.1 The County Councillors affected will have a personal interest in these matters 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 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.
- 3.3 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.
- 4.2 Under Section 81 of the Local Government Act 2000 and the Standards Committee (Further Provisions) (England) Regulations 2009, the Standards Committee has power to grant a dispensation to a Member with a prejudicial interest in certain circumstances:
- a) the transaction of business would otherwise be impeded because:
 - (i) more than 50% of the Members entitled to vote would not be able to; or
 - (ii) the number of Members prohibited from voting would upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting;
 - 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 any other relevant 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 later).

- 4.3 Members must decide, in accordance with c) above, whether it is appropriate to grant the dispensations 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 Craven Area Committee, on 23 April 2009, in respect of Craven District Council's proposals for car parking charges in the Craven District; and 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;

which lapsed at the date of the local government elections in June 2009.

- 4.4 If the Standards Committee is minded to grant dispensations, it must consider the duration and scope of them. The applications (to be circulated) request that the dispensation be granted until the date of the local government elections in 2013.
- 4.5 Any dispensation granted will allow the Members concerned to fully participate in the specified matters, including speaking and voting upon them. The dispensations 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 dual-hatted Craven Area Committee Members listed in Appendix 1 who regard themselves as having a prejudicial interest in these matters which are next to be considered by the Area Committee on 8 October 2009.

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 the introduction of pay and display car parking charges for the car park at Craven Swimming Pool, Aireville Park, Skipton, North Street Car Park, Gargrave and Main Street Car Park, Embsay and all further proposals by Craven District Council relating to car parking charges in the Craven District.
- 6.2 That, should Members be minded to grant the dispensations, the dispensations be

granted until the date of the local government elections in 2013.

CAROLE DUNN

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

Background documents:

Section 81 Local Government Act 2000

The Standards Committee (Further Provisions) (England) Regulations 2009

County Hall

NORTHALLERTON

10 September 2009

NYCC Standards Committee

21 September 2009

Dispensation Applications

– car parking charges for the car park at Craven Swimming Pool, Aireville Park, Skipton, North Street car park, Gargrave, Main Street car park, Embsay and all further proposals by Craven District Council relating to car parking charges in the Craven District

Name <i>(invited to apply)</i>	Committee	Application received?
1. BARRETT, Philip	Craven Area Committee	
2. ENGLISH, Polly	Craven Area Committee	
3. HESELTINE, Robert	Craven Area Committee	
4. IRETON, David	Craven Area Committee	
5. WELCH, Richard	Craven Area Committee	