

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on Thursday 3 January 2019 at 3 pm in County Hall, Northallerton.

Present:-

County Councillors Caroline Patmore (Chairman), Andy Paraskos, Peter Sowray and Cliff Trotter.

In attendance:-

County Councillor Paul Haslam.

Apologies:-

County Councillor John Blackie together with Independent Persons for Standards, Hilary Gilbertson MBE and Louise Holroyd.

Copies of all documents considered are in the Minute Book

30. Minutes

In respect of Minute No. 27 - Members' Attendance Monitoring - the potential for publishing additional attendance figures for Members undertaking other duties associated with their position as County Councillors, it was noted that the officers who recorded those figures were in the process of a re-establishment, and as soon as that had been undertaken, discussions would be undertaken as to the best method of recording these additional attendance statistics, with a view to presenting them to Standards Committee in future. A further update would be presented to the next meeting of the Standards Committee.

In respect of Minute No. 28 - Complaints Update - it was suggested that an alteration be made to paragraph 4, sentence one, removing "the complaint" and replacing with "a letter from the complainant" to reflect what had taken place, and reflect the issues outlined during the informal meeting held immediately prior to this meeting.

It was also noted that County Councillor Peter Sowray had not attended the previous meeting, with County Councillor David Jeffels attending as substitute for him and, therefore, the attendance details within the Minutes required altering to reflect that position.

Resolved -

That the Minutes of the meeting held on 21 September 2018, having been printed and circulated, and subject to the alterations outlined above, be taken as read and be confirmed and signed by the Chairman as a correct record.

31. Declarations of Interest

There were no declarations of interest from Members at this stage of the meeting.

32. Public Questions or Statements

There were no questions or statements from members of the public.

33. Dispensation Issues

Considered -

The report of the Monitoring Officer presenting to the Committee, for determination, requests from the following County Councillors for a dispensation from the Standards Committee:-

County Councillor Michael Harrison
County Councillor Paul Haslam
County Councillor Eric Broadbent
County Councillor John Weighell

The Deputy Monitoring Officer from City of York Council, Alison Hartley, attended the meeting to assist Members with their consideration of the dispensation requests, as the County Council's Monitoring Officer, Barry Khan, had been required to attend a meeting at City of York Council. She provided details of the dispensation process to Members and it was noted that the applicants had each submitted a dispensation application form.

It was noted that, due to illness and hospitalisation, Standards Committee Member County Councillor John Blackie, was unable to attend the meeting, but had submitted views on the applications via e-mail. Members noted the content of those views, which were taken account of during the consideration of each application. Comments on the views submitted, where appropriate, would be outlined within the Minutes relating to each application.

The applications were considered by the Committee as follows:-

County Councillor Paul Haslam

County Councillor Haslam had previously been granted a dispensation by the Monitoring Officer, under delegated powers, enabling him to speak at meetings of the County Area Committee for Harrogate District when consideration was being given to the Harrogate Relief Road Review. The dispensation was until the date of the next County Council elections in 2021. The dispensation did not permit County Councillor Haslam to vote on such items of business.

County Councillor Haslam had a disclosable pecuniary interest as his home address was registered as such and certain options regarding the relief road bypass would potentially impact the land on which he resided, together with other associated land.

County Councillor Haslam had subsequently requested that the Standards Committee review the dispensation and consider whether he could be granted a further dispensation to allow him to speak and vote at all Council meetings, including those of the Harrogate and Knaresborough Area Constituency Committee, which had replaced the County Area Committee for the Harrogate District, when the body was considering business relating to the Harrogate Relief Road review which was also referred to as "Harrogate Congestion Study".

County Councillor Haslam was in attendance at the meeting and outlined the reasons for his request for a review of the dispensation to allow him to vote, in line with the details set out above. He noted that he represented about 8,000 people within his Electoral Division and considered that they would be disenfranchised if he was unable to vote on issues relating to this matter. The Deputy Monitoring Officer advised Members that they should take account of public interest and confidence balanced against public perception of allowing County Councillor Haslam a vote on matters that could be seen to affect him financially. She also noted that, potentially, there was a further issue in relation to pre-determination and bias in respect of material published and views stated by Councillor Haslam if he were to take part in any future planning decisions relating to the relief road.

Members considered that they were happy to continue with the dispensation for Councillor Haslam in relation to him speaking on the issue at meetings, however, they had concerns in relation to him taking part in a vote on such matters.

Resolved -

That County Councillor Haslam's current dispensation allowing him to speak on business relating to the Harrogate Relief Road Review (also referred to as "Harrogate Congestion Study"), until the date of the next County Council elections in 2021, be allowed to continue. However, his request for an extension of the dispensation to allow him to vote at all Council meetings, including those of the Harrogate and Knaresborough Area Constituency Committee, in relation to that business, be refused. The mitigating circumstances outlined did not sufficiently outweigh the public interest in maintaining transparency to prevent the negative public perception that would be likely if the Member were allowed to vote. County Councillor Haslam be required to declare a pecuniary interest in such business, outlining his dispensation to speak on the matter but not vote, and leaving the meeting when any such vote occurred.

County Councillor Michael Harrison

The Chairman noted that the application by County Councillor Harrison had not been summarised within the report as this had been a late submission.

The application was provided to allow County Councillor Harrison to take part, and vote, on matters relating to the budget, and Executive decisions, for Health and Adult Services until the County Council elections in 2021. He stated that his pecuniary interest related to his wife having employment in the Re-ablement Team in Health and Adult Services, based in Harrogate and whilst this was registered as a disclosable pecuniary interest, the dispensation was to ensure that this matter was transparent during his consideration of ordinary budget matters and Executive decisions. Should any decision arise that had a direct impact on the employment of the Re-ablement Teams in Harrogate, he would seek a further dispensation or not take part in that decision.

Members again considered that issues relating to the Harrogate Re-ablement Teams should preclude County Councillor Harrison from making decisions or voting, but he should be allowed to fully participate in other, unrelated, matters.

Resolved -

That County Councillor Michael Harrison be granted a dispensation until the next County Council elections in 2021, to fully participate in meetings where decisions could have an impact on Health and Adult Services, but no dispensation be provided in respect of him participating on matters that related directly to the Re-ablement Teams based in Harrogate. The public interest in maintaining transparency to

prevent the likely negative public perception of allowing the member to take part and vote in decisions despite his pecuniary interest outweighed any mitigating circumstances. Therefore, Councillor Harrison should declare a pecuniary interest, on decisions that could have an impact on Health and Adult Services, outlining that he had been provided with a dispensation to speak on such matters, but would be requested to declare a pecuniary interest and take no part in any items relating to the Re-ablement Teams in Harrogate, leaving the room when any such issues were considered.

County Councillor Eric Broadbent

County Councillor Eric Broadbent had requested a dispensation from the Standards Committee to enable him to speak, and vote, at Council meetings on budgetary issues (where not schools specific).

It was noted that Councillor Broadbent's wife was employed as an Advanced Teaching Assistant at a Pupil Referral Unit which was registered in his interests and was, therefore, a disclosable pecuniary interest in any relevant Council business related to school issues.

County Councillor Broadbent had submitted a written dispensation application, which had been circulated with the papers for this meeting.

Members considered that the public interest in maintaining transparency to prevent the likely negative public perception of allowing Councillor Broadbent to vote on matters related to Pupil Referral Units despite his pecuniary interest would outweigh the mitigating circumstances.

Resolved -

That County Councillor Eric Broadbent be granted a dispensation to speak at Council meetings until the County Council elections in 2021, where business relating to non-school specific budgetary issues was considered, but the dispensation to vote on issues relating directly to Pupil Referral Units be refused on the grounds that the mitigating circumstances outlined did not outweigh the public interest in maintaining transparency to prevent the likely negative public perception of the Member taking part in a vote on an issue in which he had a disclosable pecuniary interest. Councillor Broadbent should, therefore, declare a pecuniary interest on such issues, outlining that he has a dispensation to speak, but not vote, on that business and leave the room when such a vote occurred.

County Councillor John Weighell

County Councillor John Weighell, Chair of the Council's Pension Fund Committee, had submitted an application for a dispensation in respect of the work of the Committee that oversaw the arrangements required in pooling a number of pension schemes together, with a company created (BCPP Limited) to oversee the investment of the pension assets for 12 Pension Scheme Funds. As part of the governance structure for BCPP Limited, two partner Pension Fund nominated non-Executive Directors, who sat on the Board, receiving financial remuneration from the company, were appointed. Through a robust selection process Councillor Weighell had recently been appointed as one of the non-Executive Directors and, therefore, had a disclosable pecuniary interest in business relating to the company discussed at Council meetings, however, Councillor Weighell had been appointed on the basis of his knowledge of Pension Funds and to ensure that the interests of all Pension Fund Committees were represented on the Company's governance structure.

Due to the timing of the next scheduled meeting of the Pension Fund Committee, the Monitoring Officer, under delegated powers, considered Councillor Weighell's

application for a dispensation to chair the Pension Fund Committee on 22 November 2018 and, after consultation with available Members of the Standards Committee and Independent Persons, granted a dispensation to Councillor Weighell to participate, and chair, that meeting. This was granted on the basis that whilst the company may be discussed, any decisions would not affect Councillor Weighell's remuneration on the Board and his knowledge of the area was a reason why he had been appointed as a non-Executive Director of the Company. Subsequently the Monitoring Officer invited Councillor Weighell to make a dispensation application to the Standards Committee, should he wish to seek a dispensation for a longer period. Councillor Weighell had submitted a written dispensation application, which had been circulated with the papers.

It was noted that County Councillor John Blackie's submission to the Standard Committee, as detailed above, had outlined his views in respect of him also being a Member of the Pension Fund Committee. He stated that he had a great level of confidence in County Councillor Weighell's service and chairmanship of the Pension Fund Committee but had concerns regarding granting him a dispensation to vote on items relating to BCPP Limited. He considered that the public perception in relation to County Councillor Weighell voting on issues that had a major implication on both the Pension Fund and BCPP, bodies from which he was provided with remuneration, would be that this was unacceptable. It would be perceived that decisions on these matters by County Councillor Weighell could not be carried out entirely independently of one another.

He suggested, therefore, that on items considered by the Pension Fund Committee in relation to investments in BCPP funds, County Councillor Weighell could remain in the room to offer advice, but did not chair the debate, make a proposal or vote on any other proposal made in relation to these issues.

Members considered the application and all the representations made in relation to these matters, taking account of the public perception, against the mitigating circumstances outlined.

Resolved -

That County Councillor John Weighell be granted a dispensation until the County Council elections in 2021 to speak, but not chair, meetings of the Pension Fund Committee (or any other County Council meetings) where business relating to BCPP Limited was considered, but the dispensation to vote on such issues be refused on the grounds that the mitigating circumstances outlined did not outweigh the public interest in maintaining transparency to prevent the likely negative public perception of a Member taking part in a vote on an issue in which he had a pecuniary interest. Councillor Weighell should, therefore, declare a pecuniary interest on such issues, outlining that he had a dispensation to speak, but not vote, or chair, items on business that related to BCPP Limited, temporarily vacating the Chair when those issues were discussed and leaving the room when such a vote occurred.

The meeting concluded at 4 pm.

SL/JR