

North Yorkshire Council

Standards and Governance Committee

Minutes of the meeting held on Wednesday, 5th July, 2023 commencing at 3.00 pm.

Councillor Clive Pearson (Chair), Councillors Nick Brown, Sam Cross, Melanie Davis, Monika Slater and Nigel Knapton; together with Louise Holroyd (Independent Persons for Standards).

In attendance: Councillors Sam Gibbs and George Jabbour.

Officers present: Owen Griffiths, Corporate Governance Officer (Clerk); Elizabeth Jackson, Democratic Services Manager for Harrogate; Barry Khan, Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer; Jennifer Norton, Assistant Director Legal; Kerry Russett, Head of Democratic and Corporate Modernisation.

Apologies: Councillor Heather Phillips (with Councillor Nigel Knapton substituting).

Copies of all documents considered are in the Minute Book

6 Minutes of the Meeting held on 8th March 2023 and a Special Meeting held on 17th May 2023

Clarity was sought on several issues raised in the previous meetings:

- A Member asked how the complaint process worked. The Monitoring Officer explained that in the instance that a complaint is brought against a Councillor then the complaint is sent to the Councillor and confirmation is sent to the person who raised the complaint. What is sent to the Councillor is details on the complaint, the Councillor(s) involved, and who has raised the complaint. Although complaints can be raised anonymously, there normally needs to be a reason for doing so.
- A Member asked about whether there had been further information relayed between declarations and masonic lodges. The Monitoring Officer said that if it concerned their charitable arm then that should be declared as normal, and all else does not have to be declared but could be done for transparency reasons. A report will be brought to the Committee on this subject in the future.
- A Member asked if all the Committee Chairs would be provided with the relevant dispensation records. Assurance was provided that this would be done.

Resolved -

The minutes of the meeting held on Wednesday 8 March and 17 May 2023 were confirmed and signed as an accurate record.

7 Declarations of Interest

There were no declarations of interest.

8 Public Questions or Statements

There were no public questions or statements.

9 Dispensation Request - Councillor Michael Harrison - Report of the Monitoring Officer

Considered –

A report of the Monitoring Officer concerning a dispensation request from Councillor Michael Harrison. This request was for the four years until the end of his term and would allow for him to speak and vote at meetings which could have an impact on Heath and Adult Services, except for matters which concerned his wife's role within that team, for which he would declare the interest and withdraw from the room.

Members discussed the request, and the following issues were raised:

- A Member raised concerns over the length of the dispensation, as a previous meeting suggested that dispensations should only be two years, alongside the broad nature of the dispensation. There were also fears over what would count as going against the dispensation, would the overall budget not be in conflict? The Monitoring Officer said that Councillor Harrison would be able to take part in all discussions and make decisions on all matters that were not related to his wife's role. The reason why it was recommended to be four years was that would bring the Councillor in question to the end of their term. Several Members said that the Councillor in question had been vigilant with his previous dispensation and the opportunity to manipulate the budget was hard.
- A Councillor asked the questions of why, if his wife had been in employment by the Council since March, was the dispensation only coming to the Committee now.
- If the Committee did not grant the dispensation would Councillor Harrison need to consider his present role on the Executive Committee? In response, one Member asked if the Committee should really have the power to play the role of changing political appointments, was this a form of changing the constitution through stealth? The Deputy Monitoring Officer explained that Councillor Harrison would be able to continue in his present role, but he would need to be careful with the decisions that are made, particularly as the penalty for not declaring an interest would be high. The limited dispensation would allow for him to carry out his Executive role without fear, whilst also being transparent and open to the public.
- The Independent Member of the Committee said that her view was that the public perception was important, and it was important that this dispensation was applied for. It is only a limited dispensation as it would not apply to matters that would have a conflict of interest and the Committee should consider the Councillors expertise that could be lost if he was not on the Executive.

Resolved-

That the dispensation request for Councillor Michael Harrison be approved, as set out in the report.

Voting Record

3 For

3 Against

The Chair gave their casting vote to the recommendations in the report and the item carried.

10 Dispensation Requests - Councillors Gareth Dadd and Carl Les - Report of the Monitoring Officer

Considered –

A report of the Monitoring Officer concerning dispensation requests from Councillors Gareth Dadd and Carl Les. It was explained that this dispensation was needed so that the respective Councillors could sit on the Joint Devolution Committee and York and North Yorkshire Combined Authority which has been put in place between North Yorkshire Council and the City of York Council. This particularly concerned funding bids from the respective authorities to the new Committees; dispensation was needed so that North Yorkshire Council could both apply and receive funding from the money given by central government to the new Combined Authority.

With permission from the Chair to speak, Councillor George Jabbour, asked if, like the City of York had done, whether the provision of named substitutes should be considered.

Resolved –

That the Committee grants the dispensation as set out in the report, with the additional provision that named substitutes be included on the Joint Devolution Committee and York and North Yorkshire Combined Authority.

Voting Record

Unanimous

11 Final Recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough - Report of the Assistant Chief Executive (Legal and Democratic Services)

Considered –

The Report of the Assistant Chief Executive (Legal and Democratic Services). This report was introduced by the Assistant Chief Executive (Legal and Democratic Services), explaining that as the remit of the Committee had expanded to include governance matters, the community governance reviews carried out for Harrogate and Scarborough needed to be considered. This would allow for both areas to move from a position of consultation towards proposal on the matters of the town centres becoming parished.

The report was then explained by the Democratic Services Manager, Elizabeth Jackson, and the Head of Democratic Services and Corporate Modernisation for Scarborough, Kerry Russett. They highlighted the recommendations for their respective areas, the warding arrangements being proposed, and drew upon the comments and consultation feedback provided by residents.

With permission from the Chair, Councillor Sam Gibbs, on behalf of Councillor Michael Harrison, spoke of a potential alternative arrangement to the warding patterns of the newly parished areas. It was acknowledged that the act of both town centres becoming parished, alongside the additional surrounding areas, was positive and they supported it. However, the importance of getting it right was paramount. Therefore, it was proposed that there should be a single Council election, with no wards, and reducing the overall number of Councillors. The reason for this was due to concerns over the level of identity found in the ward system. If that were not agreed to, though, then the idea of single Councillor wards would be preferable to having multiple Councillors for only a few wards. That would still provide a greater level of accountability for the residents.

Members raised questions and gave feedback on both the initial report and the supplementary presentation:

- Members were supportive of both areas becoming parished. One Member said it would bring local connection back to the community, especially with the “mystery” of the North Yorkshire Council.
- Several Members disagreed with the notion of no wards but agreed with single Council

wards as it would prevent overloading wards with Councillors and would allow for the Councillor to be known to the community.

- A Member said that representation related to place and, even if there were not an immediate connection, residents would eventually know what their ward was over time.
- There was concern over why the presentation given by Councillor Gibbs had not been given in the consultation phase, rather than at this stage in the programme.
- One Member asked whether, if they went with a recommendation for single ward Town Councils, then would they need to consult again. The Assistant Chief Executive (Legal and Democratic Services) said that revised proposals would need to be fully considered. One of the Members in favour of this option said that this would still be preferable as it would be harder to change the governance arrangements afterwards, so a delay would be worth doing in the long-term. A Councillor asked whether they would keep consulting until they got the evidence they wanted?

Resolved –

It was moved and seconded that the Standards and Governance Committee make recommendations to Council in relation to each of the areas under review at A) to E), and that the recommendations in the report be approved.

On a vote being taken 3 Members voted for the motion and 3 voted against. The Chair used his casting vote to vote against the motion and the motion therefore fell.

It was then moved and seconded that parish councils be created for Harrogate and Scarborough, with a warding pattern of single councillor wards. On a vote being taken 3 Members voted for the motion and 3 Members voted against. The Chair used his casting vote to vote for the motion and it was carried.

The Report will go to Full Council on 19 July with the amended recommendation for single Councillor wards. The timeframe set out in the report and appendices will be amended accordingly.

Councillor Gibbs left the meeting after this item.

12 Temporary Appointment to Hellifield Parish Council - Report of the Assistant Chief Executive (Legal and Democratic Services)

Considered –

Report of the Assistant Chief Executive (Legal and Democratic Services) to inform the Committee of the situation of Hellifield Parish Council, which was currently inquorate, and to seek approval to invoke the power to temporarily appoint a North Yorkshire Council division member to sit on the Parish Council.

Resolved –

That the Council appoints the Division Member for Mid Craven, Councillor Simon Myers under Section 91 (1) of the Local Government Act 1972 to Hellifield Parish Council to make it quorate, unless or until either sufficient vacancies on Hellifield Parish Council have been filled by way of co-option or election so that the Parish Council is able to act lawfully, or the Order made under Section 91 (1) is revoked.

That the Assistant Chief Executive (Legal and Democratic Services) be authorised to make the required order as attached at Appendix A.

Voting Record

5 For
1 Against

- 13 Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency**

There being no further business, the meeting ended at 4:55pm.