



## Agenda

**Meeting** Standards and Governance Committee

**Venue:** MR 2, County Hall, Northallerton

**Date:** Monday, 15 July 2024

**Time:** 10.00 am

**Councillors:** Nick Brown, Melanie Davis, Clive Pearson (Chairman), Heather Phillips, Monika Slater, David Ireton, Nigel Knapton, Andy Solloway and Peter Wilkinson.

**Independent Persons for Standards;** Gillian Baker, Hilary Gilbertson, Louise Holroyd, Roy Martin, James Nelson and Richinda Taylor.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the Democratic Services Officer whose details are at the foot of the first page of the agenda if you would like to find out more.

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### Business

1. **Welcome and Introductions**

2. **Apologies for Absence**

3. **Declarations of Interest**

4. **Public Participation**

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to Christine Phillipson of Democratic Services (contact details at the foot of page 1 of the agenda sheet) by midday on Wednesday 10<sup>th</sup> July 2024. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes); or
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

**5. Harrogate and Scarborough Community Governance Review (Pages 3 - 34)**

**6. Councillor Peacock Dispensation (Pages 35 - 42)**

**7. Urgent Business**

**8. Date of the Next Meeting**

The next meeting is on Friday 6<sup>th</sup> September 2024 @ 2pm in The Brierley Room at County Hall, Northallerton.

Barry Khan  
Assistant Chief Executive  
Legal and Democratic Services

County Hall  
Northallerton

5<sup>th</sup> July 2024

## North Yorkshire Council

### Standards and Governance Committee

15 July 2024

## Final Recommendations on the Community Governance Reviews for Harrogate and Scarborough

### Report of the Assistant Chief Executive Legal and Democratic Services

#### 1.0 PURPOSE OF REPORT

- 1.1 Following further consultation on the Community Governance Reviews for the unparished parts of Harrogate and Scarborough, to present final recommendations for new town councils to be created for Harrogate and Scarborough, along with proposed minor amendments to parish boundaries in Scarborough affecting three parish councils.

#### 2.0 SUMMARY

- 2.1 This report details the outcomes of the recent Stage 3 consultation on warding patterns for the proposed Harrogate and Scarborough Town Councils following the resolution of Council on 19 July 2023.
- 2.2 The report presents final recommendations in relation to the creation of town councils for Harrogate and Scarborough for consideration by the Standard and Governance Committee and requests the Committee to make recommendations for consideration by Council on 24 July 2024.
- 2.3 The report also presents final recommendations in relation to the Community Governance Reviews of Eastfield, Newby and Scalby and Osgodby parish councils in which recommendations are made in respect of minor amendments to parish boundaries to align with division boundaries.

#### 3.0 BACKGROUND

- 3.1 A community governance review (CGR) is a review of whole or part of a principal council's area for the purpose of making recommendations in relation to creating, merging or abolishing parishes and the naming and electoral arrangements of parishes. A CGR provides a principal council with the opportunity to consider what the most effective parish governance arrangements might be for a certain area as set out in The Local Government and Public Involvement in Health Act 2007 (LGPIHA 2007). The final recommendations documents attached as appendices to this report provide further information on the scope of such reviews and set out the background for each of the reviews referred to at 3.2 below.
- 3.2 On 19 July 2022 the Executive approved Terms of Reference for CGRs of the unparished parts of Harrogate and Scarborough, and three anomalous areas adjacent to the Scarborough unparished area. A timeline of the CGR is given below:

19 July 2022	<a href="#">Executive</a> approved the Terms of Reference
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August to October 2022	Stage 1 consultation to establish whether there was local interest in creating town councils
10 January 2023	<a href="#">Executive</a> considered the stage 1 consultation responses and agreed draft recommendations for consultation at Stage 2
March to May 2023	Stage 2 consultation on the draft recommendations that town councils be created for Harrogate and Scarborough and the electoral arrangements for those parish councils

3.3 On 5 July 2023 the [Standards and Governance Committee](#) considered a report setting out the final recommendations following the stage 2 consultation, which were that town councils be created. The report is attached at Appendix C. The recommendations included proposals in relation to the electoral arrangements for the town councils including the numbers of councillors to be elected, and the warding patterns and names of the wards. For both Harrogate and Scarborough it was proposed that the same warding pattern be used as for North Yorkshire Council:

- Harrogate – it was proposed that there be two parish councillors for each ward, with the exception of Saltergate ward which would only have one, giving a council size of 19 councillors
- Scarborough – it was proposed that there be three parish councillors per ward, giving a council size of 15 parish councillors.

3.4 At the meeting the Committee recommended to Council that town councils be created, but that a warding pattern of single councillors be used for each town council. For Harrogate this should be the ward pattern used by the former Harrogate Borough Council, which consisted of 19 wards. For Scarborough the committee requested that a new warding pattern be developed of 15 single member wards.

3.5 On 19 July 2023 the recommendations of the Standards and Governance Committee were considered by [Council](#) and it was resolved that Council:

- i) note the consultation results and equality impact assessment
- ii) defer making resolutions to conclude the Community Governance Review in order for the following additional work to be undertaken:
  - (a) for the Assistant Chief Executive Legal and Democratic Services to draft up proposed warding arrangements for Scarborough Town Council to be 15 single member wards
  - (b) to propose the preferred warding arrangements for Harrogate Town Council to be 19 single member wards on the former Borough warding arrangements
  - (c) for the Assistant Chief Executive Legal and Democratic Services to carry out the necessary consultation on the revised warding arrangements and for the results of that consultation to be considered at a future Standards and Governance Committee and Council meeting.

#### 4.0 STAGE 3 CONSULTATION

4.1 The stage 3 consultation on warding patterns took place from 6 – 31 May 2024. Appendix A provides information on the methodologies used to. Respondents were asked to select their preferred warding pattern from two options: the multi-member warding pattern previously consulted on, and a single member warding pattern. Respondents were not asked for views on whether town councils should be created.

4.2 The results of the Harrogate consultation are as detailed below:

#### Harrogate

	Number	Percentage
Option 1 – 2 councillor wards	67	22%
Option 2 – 1 councillor wards	212	71%
Don't know / not sure	18	6%
Blank	3	1%
<b>Total</b>	<b>300</b>	<b>100%</b>

Of those residents and other stakeholders who took the time to respond there is a majority in favour of creating 19 single councillor wards for Harrogate.

4.3 The results of the Scarborough consultation are as detailed below:

#### Scarborough

	Number	Percentage
Option 1 – 3 councillor wards	161	54%
Option 2 – 1 councillor wards	123	42%
Don't know / not sure	11	4%
Blank	0	
<b>Total</b>	<b>295</b>	<b>100%</b>

Of those residents and other stakeholders who took the time to respond there is a majority in favour of creating 5 wards with three councillors each for Scarborough.

## 5.0 FINAL RECOMMENDATIONS OF THE COMMUNITY GOVERNANCE REVIEWS

5.1 Following the stage 3 consultation it is therefore recommended that

- 1) **Harrogate** – the final recommendations be amended to reflect:
  - a change to the proposed warding pattern and ward names to be that of the former Harrogate Borough Council and consist of 19 single member wards
  - that the new parish come into effect on 1 April 2025, with the first election to be 1 May 2025 for a reduced term of 2 years
  - the change take place on 15 October 2024 for electoral purposes (ahead of publication of the revised register planned for 1 December 2024)
  - all other recommendations remain the same.
- 2) **Scarborough** – the final recommendations in relation to warding pattern remain unchanged from the recommendations presented to the Committee in July 2023, the final recommendations be amended to reflect:
  - that the new parish come into effect on 1 April 2025, with the first election to be 1 May 2025 for a reduced term of 2 years
  - the change take place on 15 October 2024 for electoral purposes (ahead of publication of the revised register planned for 1 December 2024)
  - all other recommendations remain the same.

Detailed recommendations are set out at section 15.0 of the report.

- 5.2 Section 15.0 also contains recommendations in respect of Eastfield, Newby and Scalby and Osgodby Parish Councils.
- 5.3 Attached at Appendix C to this report is the report considered by Standards and Governance Committee on 5 July 2023 which sets out the responses to the stage 2 consultation and considerations arising from that consultation. Detailed Final Recommendations reports in respect of the five areas under review are also attached. No changes have been made to documents in Appendix C since they were first published.

## **6.0 CONSIDERATION OF STATUTORY CRITERIA**

6.1 The legislation requires that the council must have regard to the need to ensure that community governance within the area under review:

- reflects the identities and interests of the community in that area
- provides effective and convenient governance of the area

6.2 Councils are also advised to consider factors such as:

- what impact proposed community governance arrangements might have on community cohesion
- whether the size (area), population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria;
- whether there are any existing arrangements for community representation in the area which might be undertaking the functions of a parish council

6.3 These statutory criteria are discussed within each consultation report in Appendix C.

## **7.0 CONTRIBUTION TO COUNCIL PRIORITIES**

7.1 Establishing town councils can be seen as supporting the council's priorities in relation to localities. North Yorkshire Council will aim to work closely with town and parish councils, wider partners and communities to ensure that local priorities drive locally led decision-making and local action. Services and assets can be devolved to town and parish councils and community groups, where they want to take these on and where it would be better value for money for all involved.

## **8.0 ALTERNATIVE OPTIONS**

8.1 *Amend the final recommendations:* Any amendments to the final recommendations may require a further consultation on the amended recommendations. An additional period of consultation would lead to a further delay in the implementation date for any town council / change to boundaries.

8.2 *Not to approve the final recommendations to create town councils:* If town councils were not created for Harrogate and / or Scarborough the Charter Trustees would continue until such time as town councils were created. The role of Charter Trustee bodies is limited to ceremonial activities and such bodies would not be able to fulfil the ambitions of the Council to keep service delivery local and empowering local communities.

8.3 *Not to approve the final recommendations to align parish boundaries with division boundaries:* Anomalous areas where boundary lines differ are not easily understood by electors and can cause confusion.

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 The three consultations have cost a total of £92k, which includes the printing and postage costs of two mailings to each household with an information pack, and also £800 for digital marketing.
- 9.2 A sum of £30k was allocated to the costs of engaging an AEA consultant with specified numbers of days allocated to each stage. Currently spending is below what has been budgeted for and funds are available if further support is required from the AEA.
- 9.3 Should parish councils be created a parish precept will be added to council tax bills for those living within the relevant areas. In order to create a new town council the council must make a reorganisation order and at that time must anticipate a precept for the new town council. The Charter Trustees for Harrogate and Scarborough were consulted on possible levels of precept before the stage 2 consultation and suggested precept figures were included in the consultation documentation. These figures will be used as the basis for consideration of the level of any precept which will be determined in consultation with the Corporate Director of Resources.
- 9.4 As parish councils are being established there will be set up costs and it is expected that some tasks will need to be carried out before the town councils formally come into being. The costs of these tasks would be initially borne by North Yorkshire Council, then recharged back.

## **10.0 LEGAL IMPLICATIONS**

- 10.1 The 2007 Act gave local authorities responsibility for carrying out Community Governance Reviews within the relevant guidance and taking into account consultation responses to ensure that the identities and interests of communities are reflected and that arrangements made are effective and convenient. If town councils are created a review would need to be undertaken about what roles and duties are transferred or undertaken by the new legal entities to determine the potential TUPE implications for any relevant staff affected.

## **11.0 EQUALITIES IMPLICATIONS**

- 11.1 The public consultation was undertaken in such a way as to ensure that a broad range of responses are obtained and no groups were excluded. Every household was sent a letter in the post at both stage 1 and stage 2 consultations. Consultation documents were offered in alternative languages and formats on request. An Equality Impact Assessment screening form is attached at Appendix B.

## **12.0 CLIMATE CHANGE IMPLICATIONS**

- 12.1 None. An initial climate change impact assessment form is attached at Appendix 7 of Appendix C.

## **13.0 CONCLUSIONS**

- 13.1 The report sets out the outcome of the stage 3 consultation in relation to warding patterns for proposed town councils for Harrogate and Scarborough.
- 13.2 Final recommendations in relation to the community governance reviews of Harrogate, Scarborough, Eastfield, Newby & Scalby and Osgodby were presented to the Standards and Governance Committee in July 2023.
- 13.3 Following the stage 3 consultation no changes are recommended to the final recommendations for Scarborough, or the three neighbouring parishes.



- 13.4 For Harrogate the stage 3 consultation showed support for a single member warding pattern. It is therefore proposed that the final recommendations be amended in respect of the warding pattern and ward names, as set out in the recommendations below.
- 13.5 Members are requested to consider the consultation results and take account of the statutory criteria as set out at section 6 of this report when making recommendations to Council on 24 July 2024.

#### **14.0 REASONS FOR RECOMMENDATIONS**

- 14.1 The Local Government and Public Involvement in Health Act 2007 gives power to local authorities to make decisions about the creation of parishes and the electoral arrangements for parishes created. On 19 July 2022 the council resolved to undertake a community governance review of the unparished parts of Harrogate and Scarborough, and some minor amendments to boundaries of existing parishes adjacent to Scarborough. The council must now make recommendations on whether or not to establish parish councils for Harrogate and Scarborough.
- 14.2 In making its recommendations the Council must consider representations received during the consultation and can also use its own local knowledge of the area. In accordance with the statutory criteria the recommendations should ensure that the arrangements for the areas are reflective of the identities and interests of the community in the areas and provide effective and convenient governance of the area
- 14.3 Following the making of a decision the 2007 Act requires councils to make available a document setting out the reasons for the decisions it has taken and to publicise these reasons.

#### **15.0 RECOMMENDATIONS**

That Standards and Governance Committee are requested to:

- i) consider the consultation results and equality impact assessment
- ii) make recommendations to Council in relation to each of the areas under review at A) to E) below:

##### **A) HARROGATE**

- (1) to create a new parish for the unparished area of Harrogate
- (2) the new parish be named Harrogate
- (3) the new parish have a parish council and to name that parish council Harrogate Town Council
- (4) the parish come into effect from 1 April 2025 for administrative purposes, and the first election for the town council be 2 May 2025 for a reduced term of two years, with ordinary elections taking place in 2027 and every four years thereafter
- (5) the parish be divided into wards, named
  - Bilton Grange
  - Bilton Woodfield
  - Central
  - Coppice Valley



Duchy  
Fairfax  
Harlow  
High Harrogate  
Hookstone  
Kingsley  
New Park  
Oatlands  
Old Bilton  
Pannal  
Saltergate  
St Georges  
Starbeck  
Stray  
Valley Gardens

(6) there should be 19 councillors elected to the parish

(7) the number of parish councillors to be elected for each ward shall be

Bilton Grange	1
Bilton Woodfield	1
Central	1
Coppice Valley	1
Duchy	1
Fairfax	1
Harlow	1
High Harrogate	1
Hookstone	1
Kingsley	1
New Park	1
Oatlands	1
Old Bilton	1
Pannal	1
Saltergate	1
St Georges	1
Starbeck	1
Stray	1
Valley Gardens	1

(8) the change take effect on 15 October 2024 for electoral purposes (ahead of publication of the revised register planned for 1 December 2024)

(9) the boundaries of the new parish and wards should be as shown on the map at Annex A

## **B) SCARBOROUGH**

(1) to create a new parish for the unparished area of Scarborough

(2) the new parish be named Scarborough

(3) the new parish have a parish council and to name that parish council Scarborough Town Council

(4) the parish come into effect from 1 April 2025 for administrative purposes, and the first election for the town council be 2 May 2025 for a reduced term of two

years, with ordinary elections taking place in 2027 and every four years thereafter

(5) the parish be divided into wards, named

Castle  
Falsgrave & Stepney  
Northstead  
Weaponness & Ramshill  
Woodlands

(6) there should be 15 councillors elected to the parish

(7) the number of parish councillors to be elected for each ward shall be

Castle	3
Falsgrave & Stepney	3
Northstead	3
Weaponness & Ramshill	3
Woodlands	3

(8) the change take effect on 15 October 2024 for electoral purposes (ahead of publication of the revised register planned for 1 December 2024)

(9) the boundaries of the new parish and wards should be as shown on the map at Annex A

#### **C) EASTFIELD**

(1) the north-eastern boundary line of Eastfield Town Council be extended towards the A165 to match the Eastfield Division and Ward boundaries (and consequentially excluding the 3 known anomalous properties at Osgodby)

(2) the changes take effect on 1 April 2025 for administrative purposes.

(3) the change takes effect on 15 October 2024 for electoral purposes (ahead of publication of the revised register planned for 1 December 2024)

(4) the changes should be as shown on the map at Annex A

#### **D) NEWBY AND SCALBY**

(1) to extend Newby & Scalby Town Council boundary to include all of Charles Williams Apartments, to become coterminous with the Newby Division)

(2) the changes take effect on 1 April 2025 for administrative purposes.

(3) the change takes effect on 15 October 2024 for electoral purposes (ahead of publication of the revised register planned for 1 December 2024)

(4) the changes should be as shown on the map at Annex A

#### **E) OSGODBY**

- (1) to extend Osgodby Parish Council boundary to include those 3 properties currently outside of the parish, at the norther boundary line, and to become coterminous with the Cayton Division
- (2) the changes take effect on 1 April 2025 for administrative purposes.
- (3) the change takes effect on 15 October 2024 for electoral purposes (ahead of publication of the revised register planned for 1 December 2024)
- (4) the changes should be as shown on the map at Annex A

- iii) if Council recommends creation of parish councils and changes to existing parishes authority be granted to the Assistant Chief Executive Legal and Democratic Services in consultation with the Corporate Director of Resources to implement the decisions including making reorganisation orders which amongst other things will set the precept for the first year of the town councils to take effect from 1 April 2025.

#### **APPENDICES:**

Appendix A – Consultation methodology

Appendix B – Equality Impact Assessment

Appendix C – Final Recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough – Report to Standards and Governance Committee – 5 July 2023

#### **BACKGROUND DOCUMENTS:**

Executive report of 19 July 2022 - [Decision on whether to proceed with Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough](#)

Executive report of 10 January 2023 – [Draft Recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough](#)

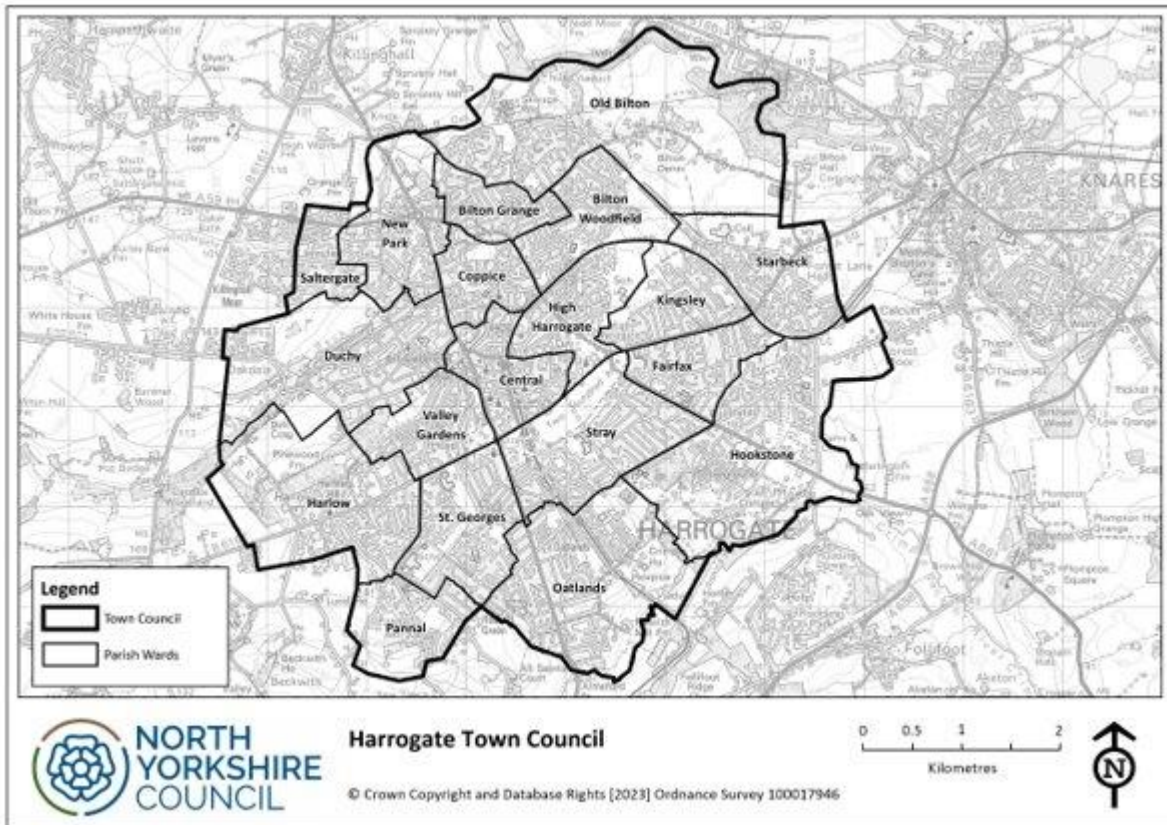
Barry Khan  
Assistant Chief Executive Legal and Democratic Services  
County Hall  
Northallerton

*5 July 2024*

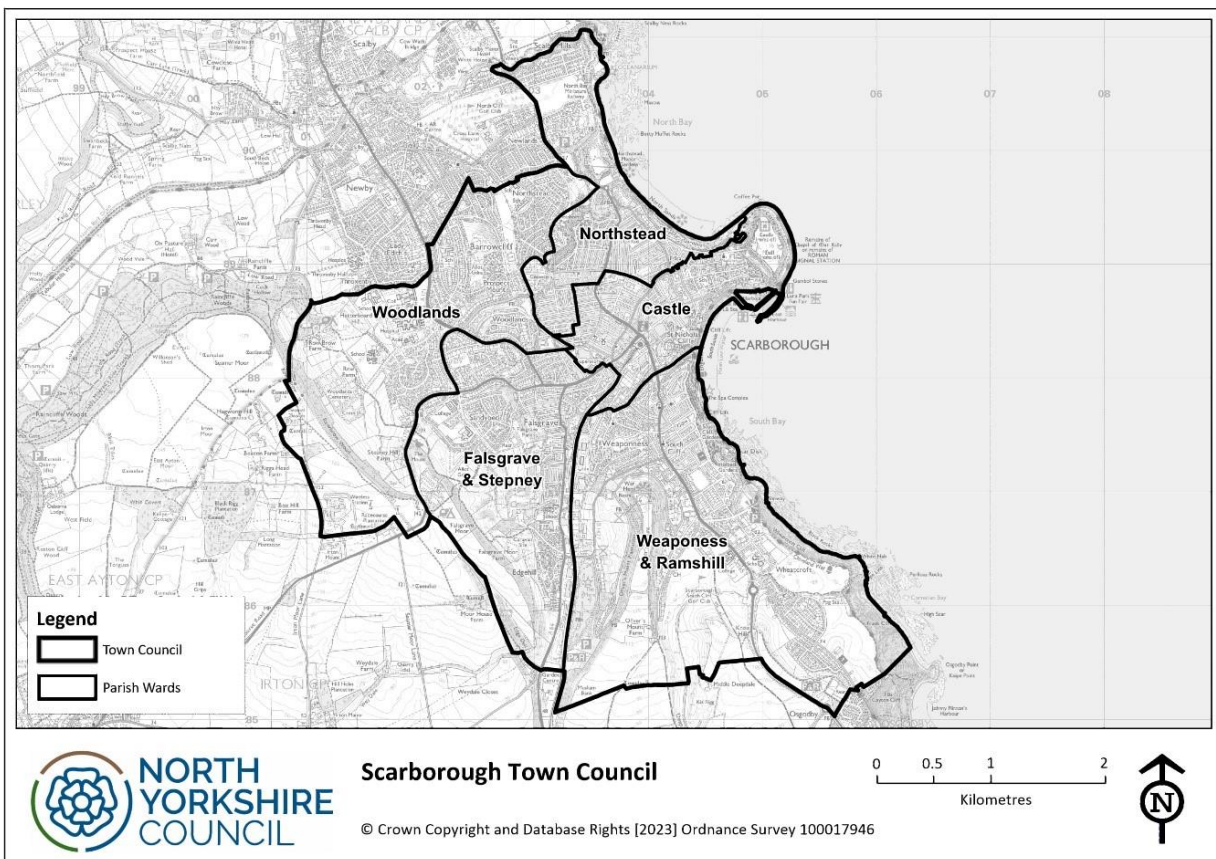
Report Author – *Elizabeth Jackson – Principal Democratic Services Officer*  
Presenters of Report – *Elizabeth Jackson – Principal Democratic Services Officer*  
- *Kerry Russett – Head of Electoral Services*

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

**A) HARROGATE**

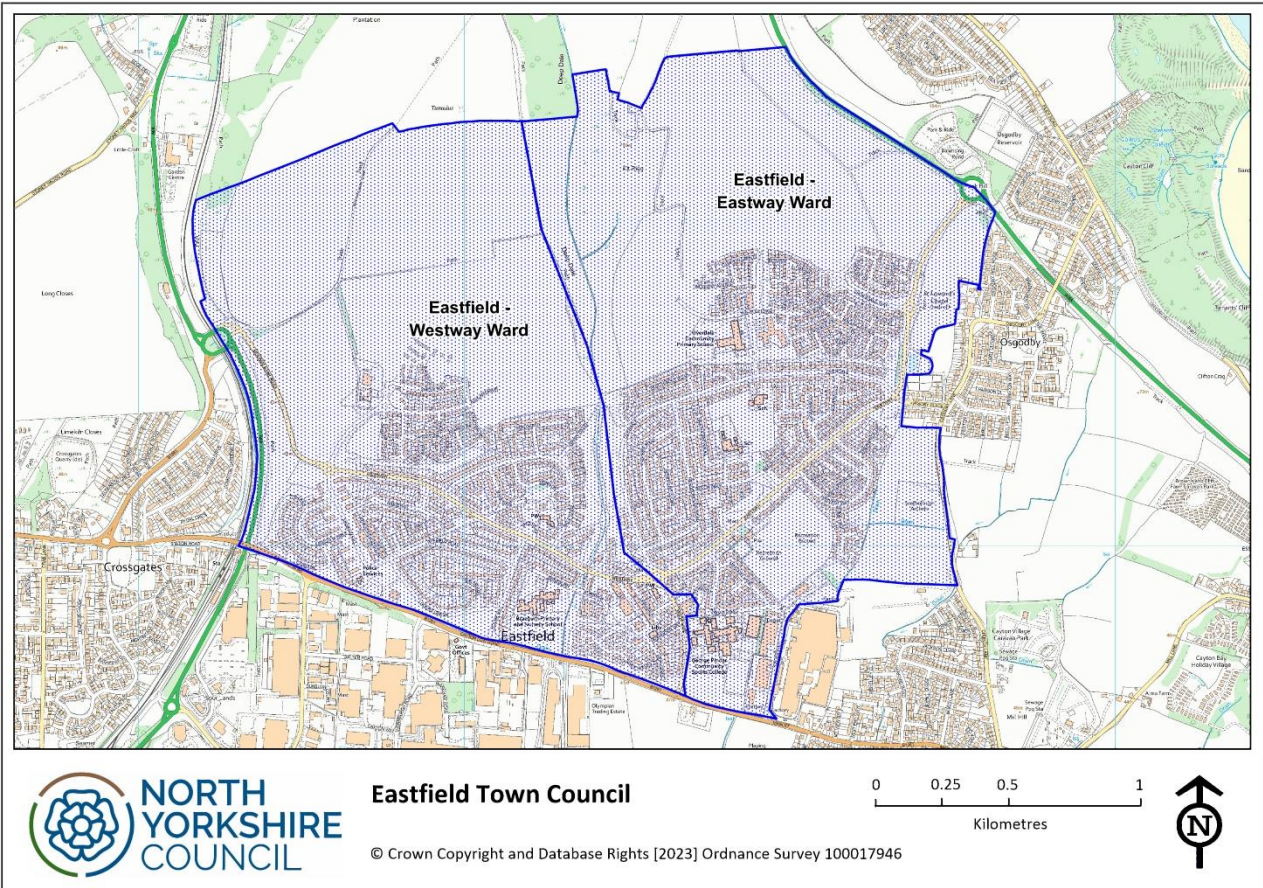


**B) SCARBOROUGH**

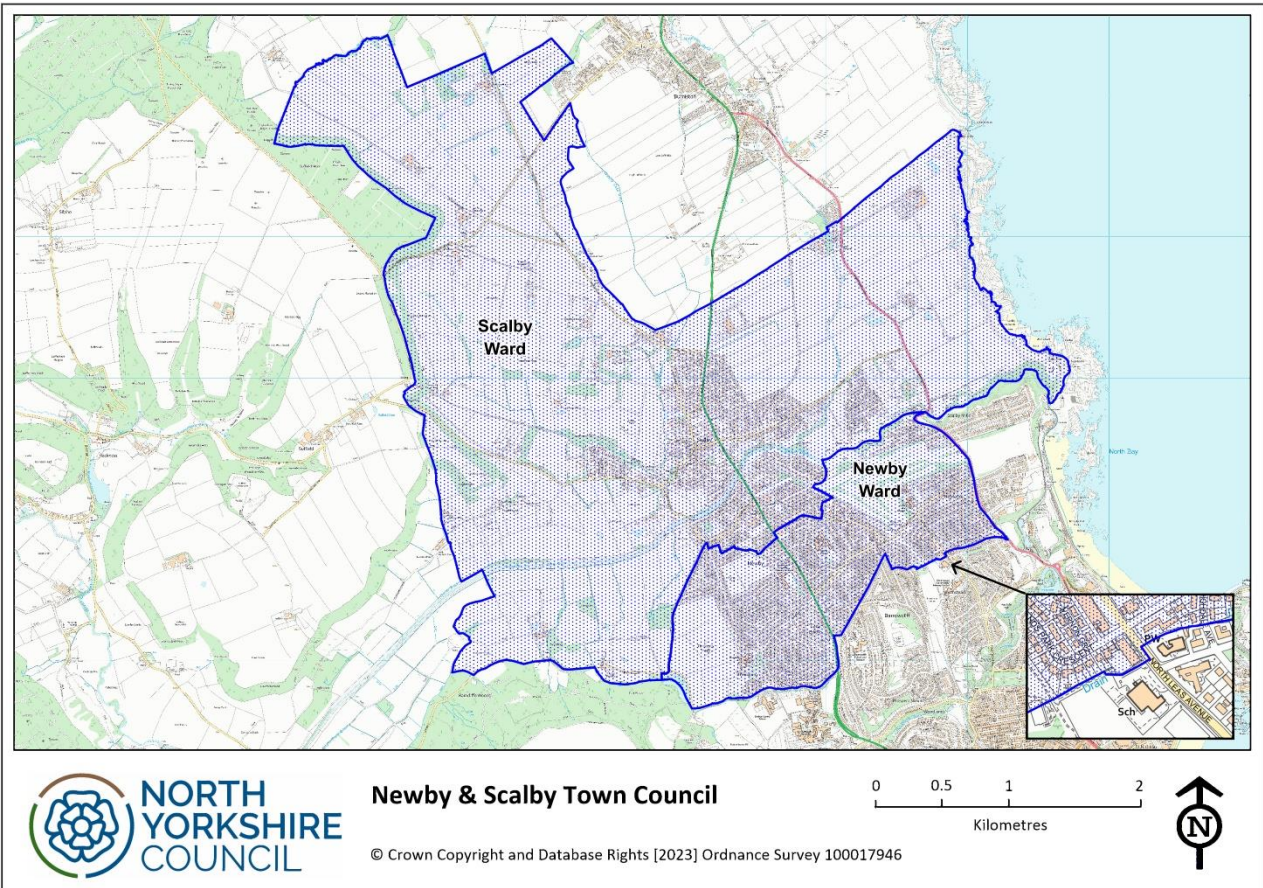




### C) EASTFIELD

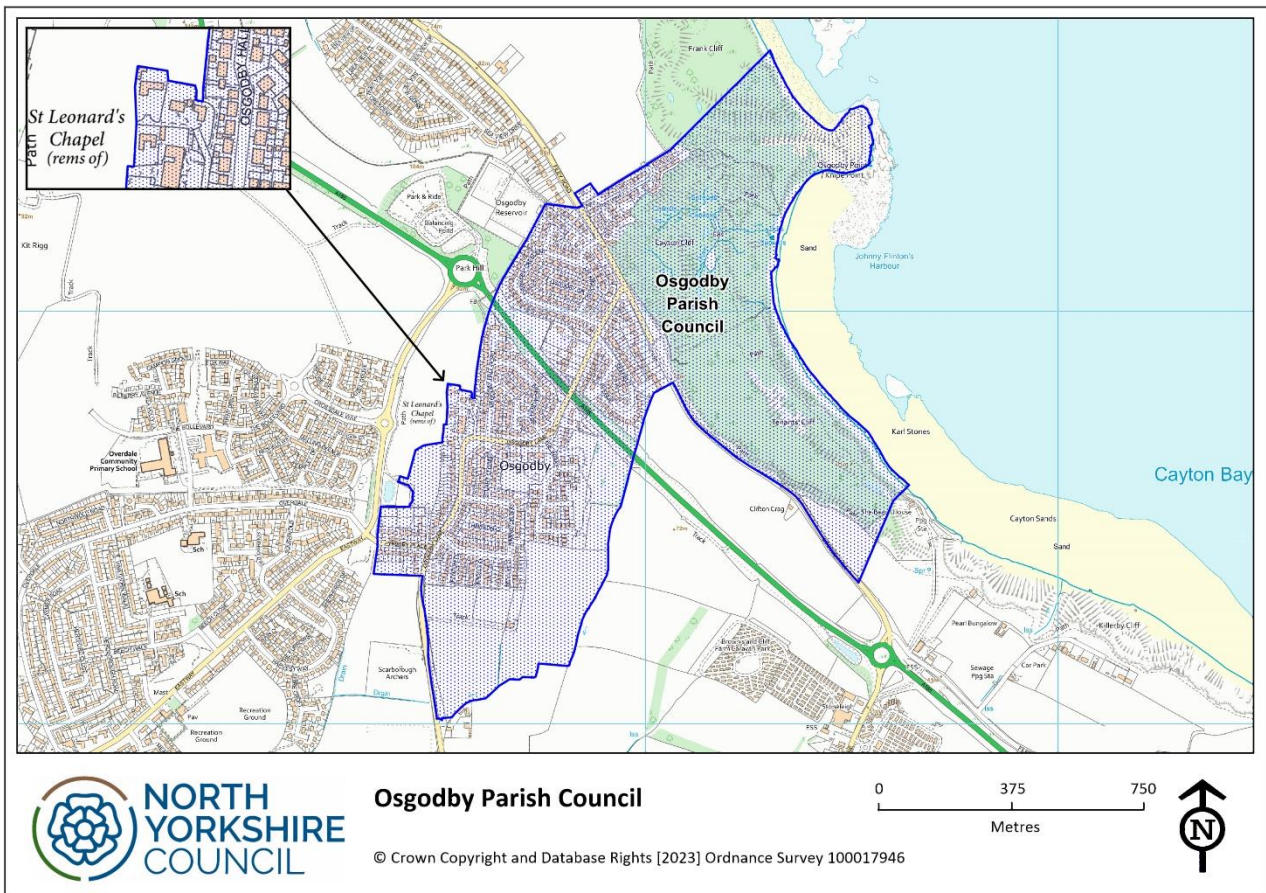


### D) NEWBY AND SCALBY





# E) OSGODBY



# Community Governance Review- Consultation Stage 3 Methodology

## 1. Harrogate Unparished Area

- The stage 3 consultation began on Tuesday 7<sup>th</sup> May 2024, and ran for a period of 4 working weeks, closing on 31<sup>st</sup> May 2024.
- The Community Governance Review webpage used for the stage 1 and stage 2 consultation was re-instated, and updated with further information for stage 3 including information from both previous consultations and the draft and final recommendations. Links to the Standards and Governance Committee and Full Council reports from July 2023 were added.
- The consultation webpage contained a link to an online survey allowing residents and other stakeholders to submit views on further consultation, seeking a preference of warding patterns.
- An option was provided to request hard copies of the survey via telephone or email for those residents who preferred to complete a paper copy of the survey or who did not have access to the internet.
- Copies of the paper survey and pre-paid return envelopes were made available at Harrogate Civic Centre, Harrogate Library, and Bilton and Woodfield Library.
- Key stakeholders were also emailed a link to the consultation webpage and invited to give their views. This included the following stakeholders:
  - local MPs, and councillors for the relevant area
  - North Yorkshire Council's consultation stakeholder list which included disability groups, business, charities, voluntary groups, local associations, business groups and local public services
  - Any respondees to the initial and consultation who did not already appear on any of the above distribution lists and had requested be included in any future stages of consultation
- The survey which was used for this unparished area invited stakeholders and residents to say whether they preferred the originally proposed 10 wards (based on the North Yorkshire Council divisions), each being represented by 2 members, with the exception of Saltergate which was to be represented by 1 member (19 members in total), or a revised proposal of 19 single member wards based on the previous Harrogate Borough Council warding pattern.



- In addition to the above, NYC social media feeds were used to raise awareness of the further review. All social media posts used a consistent approach with messaging, signposting and branding to avoid confusion for residents.
- A press release entitled “New consultation on plans for town councils for Harrogate and Scarborough ” was issued on 7<sup>th</sup> May 2024 leading to the review gaining coverage in the local press to promote the consultation.
- An ‘easy read’ version of the information leaflet could be made available on request for residents with learning difficulties and the survey could also be made available in other formats on request.

## 2. Scarborough Unparished Area

- The stage 3 consultation began on Tuesday 7<sup>th</sup> May 2024, and ran for a period of 4 working weeks, closing on 31<sup>st</sup> May 2024.
- The Community Governance Review webpage used for the stage 1 and stage 2 consultation was re-instated, and updated with further information for stage 3 including information from both previous consultations and the draft and final recommendations. Links to the Standards and Governance Committee and Full Council reports from July 2023 were added.
- The consultation webpage contained a link to an online survey allowing residents and other stakeholders to submit views on further consultation, seeking a preference of warding patterns.
- An option was provided to request hard copies of the survey via telephone or email for those residents who preferred to complete a paper copy of the survey or who did not have access to the internet.
- Copies of the paper survey and pre-paid return envelopes were made available at Scarborough Town Hall, Scarborough Library, and Newby and Scalby library and information centre.
- Key stakeholders were also emailed a link to the consultation webpage and invited to give their views. This included the following stakeholders:
  - local MPs, and councillors for the relevant area
  - Directly affected parishes of Eastfield, Newby & Scalby, and Osgodby, as they had areas specifically detailed within the Terms of Reference
  - Parish councils adjoining the unparished area

- North Yorkshire Council’s consultation stakeholder list which included disability groups, business, charities, voluntary groups, local associations, business groups and local public services
  - Any respondees to the initial and consultation who did not already appear on any of the above distribution lists
- The survey which was used for this unparished area invited stakeholders and residents to say whether they preferred the originally proposed 5 wards (based on the North Yorkshire Council divisions), each being represented by 3 members (15 members in total), or a revised proposal of 15 single member wards. Respondees were able to provide comments against their preference.
  - In addition to the above, NYC social media feeds were used to raise awareness of the further review. This was supplemented by reminder posts during, and close to the end of the review. All social media posts used a consistent approach with messaging, signposting and branding to avoid confusion for residents.
  - A briefing was held with all directly affected NYC members (those representing divisions within the unparished areas) to make them aware of the revised single member ward option for the proposed new town council, and to explain that a further stage of consultation was required to establish a preferred warding arrangement.
  - A press release entitled “New consultation on plans for town councils for Harrogate and Scarborough ” was issued on 7<sup>th</sup> May 2024 leading to the review gaining coverage in the local press to promote the consultation.
  - Council staff were informed of the review via internal messaging, weekly staff news and the intranet inviting affected colleagues to take part.
  - An ‘easy read’ version of the information leaflet was available on request for residents with learning difficulties and the survey could also be made available in other formats on request.

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**Appendix B - Initial equality impact assessment screening form**

This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.

<b>Directorate</b>	Central Services
<b>Service area</b>	Democratic/Election services
<b>Proposal being screened</b>	Decision on final recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough
<b>Officer(s) carrying out screening</b>	Barry Khan, Assistant Chief Executive Legal and Democratic Services
<b>What are you proposing to do?</b>	To consider making final recommendations for new town councils for Harrogate and Scarborough, along with proposed minor amendments to parish boundaries in Scarborough.
<b>Why are you proposing this? What are the desired outcomes?</b>	The creation of town councils will enable Harrogate and Scarborough to have stronger and more effective local governance , ensuring parity with the remainder of the county of North Yorkshire
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	It is anticipated the budget of the town council could be between £1m and £1.5m pa, which would be funded through a precept added to council tax bills.

**Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC’s additional agreed characteristics**  
 As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the proposal relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the proposal relates to?

**If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked ‘Don’t know/no info available’, then a full EIA should be carried out where this is proportionate. You are advised to speak to your [Equality rep](#) for advice if you are in any doubt.**

Protected characteristic	Potential for adverse impact		Don’t know/No info available
	Yes	No	
Age		No	
Disability		No	
Sex		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	

Marriage or civil partnership		No	
<b>NYCC additional characteristics</b>			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	It is known that there are areas of deprivation but the creation of town councils is not expected to have a negative impact on such areas.		
<b>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	Three sets of consultations have taken place with a wide range of voluntary and community organisations, business groups, charities, disability organisations and community associations. The views of those organisations which responded to the consultation have been considered. The potential creation of town councils will create a new level of local democracy for those unparished areas.		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	Yes (at this stage)	Continue to full EIA:
<b>Reason for decision</b>	It is not considered that the proposals to create town councils will have a disproportionate impact on areas where there are known inequalities or organisations supporting those with protected characteristics.		
<b>Signed (Assistant Director or equivalent)</b>	Barry Khan		
<b>Date</b>	5 July 2024		

# North Yorkshire Council

## Standards and Governance Committee

5 July 2023

### 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)

#### 1.0 PURPOSE OF REPORT

- 1.1 Following Stage 2 consultation on the Community Governance Reviews for the unparished parts of Harrogate and Scarborough, to present final recommendations for new town councils to be created for Harrogate and Scarborough, along with proposed minor amendments to parish boundaries in Scarborough affecting three parish councils.

#### 2.0 SUMMARY

- 2.1 This report provides information on the recent Stage 2 consultation on the draft recommendations that new town councils be created and provides a summary of the consultation responses. An analysis of the responses is included and final recommendations made based on the responses received.
- 2.2 The report asks the Standards and Governance Committee to consider the consultation responses received and make recommendations for consideration by Council.

#### 3.0 BACKGROUND

- 3.1 A community governance review is a review of whole or part of a principal council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes and the naming and electoral arrangements of parishes. The final recommendations documents attached as appendices to this report provide further information on the scope of such reviews and set out the background for each of the reviews referred to at 3.2 below.
- 3.2 On 19 July 2022 the Executive approved the Terms of Reference for a Community Governance Review (CGR) for the unparished parts of Harrogate and Scarborough, and three anomalous areas adjacent to the Scarborough unparished area. A CGR provides a principal council with the opportunity to consider what the most effective parish governance arrangements might be for a certain area as set out in The Local Government and Public Involvement in Health Act 2007 (LGPIHA 2007). The process can lead to the creation of new parish councils and provides a way to make sure that those living in an area, and other interested groups, have a say in how their local communities are represented.
- 3.3 Following publication of the Terms of Reference the CGR began with Stage 1 consultation from August to October 2022. These consultation responses were used to develop draft recommendations which were considered by the Executive on 10 January 2023. The Executive considered and noted the responses from the stage 1 consultation and agreed a stage 2 consultation on the draft recommendations.

3.4 The North Yorkshire (Structural Changes Order) 2022 conferred transitional powers on the Implementation Executive to undertake community governance reviews during the transitional period up to 31 March 2023. Since 1 April 2023 North Yorkshire Council is the principal council for North Yorkshire and community governance reviews are now a council function under the council's constitution. The terms of reference of the Standards and Governance Committee provides for it to make recommendations to full Council in respect of community governance reviews.

#### 4.0 CONSULTATION

4.1 The LGPIHA 2007 required the Council to consult the local government electors for the area under review and any other person or body who may have an interest and to take the representations that are received into account by judging them against the statutory criteria.

4.2 The stage 2 consultation on the draft recommendations took place over a period of 9 weeks from 2 March to 5 May 2023. Each household within the areas under review was sent a letter and information pack and invited to provide views either via an online survey or by requesting a paper copy of the survey. More information on the consultation are available in each draft recommendations report.

4.3 The consultation results have been analysed and final recommendations are now presented in relation to each of the five areas under review. Full details of each review including consultation methodologies, analysis, full consultation responses and development of draft recommendations are available in the appendices to this report and the final recommendations for each area are set out in the report recommendations at section 14.

4.4 A summary of the stage 2 consultation outcomes is shown in the table below:

	No. of responses	Support for creation of a town council	
<b>Harrogate</b>	1,698	65.5%	
<b>Scarborough</b>	731	69.9%	
<b>Eastfield</b>	256		61.3% support the extension of Eastfield Town Council boundary to include the unparished part of Eastfield Division (Middle Deepdale)
<b>Newby and Scalby</b>	16		75% support the amendment to Newby & Scalby Town Council boundary to include the 12 currently unparished Charles Williams Apartments
<b>Osgodby</b>	1		1 response in total, in support of the extension of Osgodby parish Council boundary to include the 3 currently unparished properties at Osgodby

4.5 It is noted from the above table that of those residents and other stakeholders who took the time to respond there is a majority in favour of creating parish councils in Harrogate and Scarborough. It is noted that the majority of residents did not respond to the consultation but it is important to consider the views of those who have taken the effort to respond and to give their views due weight. For Eastfield, Newby and Scalby and Osgodby the responses provide a mandate to work to align the parish boundaries with division boundaries.



4.6 The final recommendations were presented at an informal Member briefing held on 21 June 2023, to which all Members were invited. Responses were provided to a number of questions from Members and the following comments were made:

**HARROGATE**

- A proposal was made that the warding pattern for a Harrogate parish reflect the warding pattern used for the former Harrogate Borough Council, and that each ward be represented by one councillor. This proposal would comply with guidance that parish wards should not be divided by a division boundaries. Members felt this could make it easier for the public to identify their ward councillor. Members were advised that such a major change to the proposed warding pattern may require a further consultation as it is a substantial change to the proposals which had been consulted on.
- A number of comments were made in support of single member wards arguing that it would reduce duplication of work by councillors and make it easier for the public to identify their councillor. Officers advised that this could be achieved by amending the warding pattern to that suggested at the bullet point above, or reducing the council size to 10 councillors, both of which might require a further period of consultation.
- Other Members supported multi-member wards, which enabled work to be shared and facilitated team working. In particular there was a proposal that the parish of Harrogate not be warded.
- In response to questions, officers advised that should members wish to amend the final recommendations a further period of consultation may be required, which would delay the implementation date of a town council, meaning the first elections probably wouldn't take place until May 2025.
- Officers advised that following the LGBCE review of division boundaries in advance of the election in 2027 it could be expected that there would be a requirement to review parish ward boundaries should new division boundaries divide parish wards. This would provide an opportunity to review the warding pattern and councillor numbers.

**SCARBOROUGH**

- It was suggested by some councillors that the parishes not be warded, the reason being that it would enable the councillors to act on behalf of all residents and remove confusion around who residents' ward councillors were.
- A comment was made that not enough information had been provided on what town councillors would do.
- A number of comments were made in relation to the response rate. Some members felt not enough people had responded to provide a mandate for change or that a referendum should have been arranged.
- A comment was made that it would be helpful for NYC councillors for there to also be parish councillors for constituents to speak to.

4.7 *Response rates:* the response rates for the stage 2 consultation are as shown in the table:

<b>Consultation Stage</b>	<b>Harrogate</b>	<b>Scarborough</b>
Households posted to	<b>35,583</b>	<b>21,904</b>
Responses received for area	1,698	731
Response rate by household	4.77 %	3.34 %

Every household in the areas under review were written to, and every member of a household could respond to the survey. Advice received from the Association of Electoral Administrators (AEA) is that such response rates are not unusual for community governance reviews, especially when a large number of properties are included in the survey area. Other reviews have proceeded successfully on similar or lower response rates and data obtained in other recent CGRs which resulted in parish councils being created show these figures compare favourably with other reviews. Every household in the areas under review was written to at both stage 1 and stage 2 consultation so the council took reasonable endeavours to ensure that all residents were aware of the consultations and given the opportunity to respond if they wished.

- 4.8 *Warding Pattern:* a number of different views were expressed in relation to the warding pattern, with some members suggesting an increase in the number of wards to facilitate single member wards, and others suggesting a single ward for the whole of the area of the parish.

In considering whether or not a parish should be divided into wards the principal council must have regard to the statutory guidance issued by the Secretary of State and the LGBCE under section 100 of the 2007 Act. This 'Guidance on community governance reviews' provides:

Paragraph 159 states:

"In considering whether or not a parish should be divided into wards, the 2007 Act requires that consideration be given to whether:

- a) the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- b) it is desirable that any area or areas of the parish should be separately represented"

Paragraph 163 states:

"The principal council should also consider the desirability of parish warding in circumstances where the parish is divided by district or London borough ward and/or county division boundaries. It should be mindful of the provisions of Schedule 2 (electoral change in England: considerations on review) to the Local Democracy, Economic Development and Construction Act 2009 in relation to reviews of district or London borough and county council electoral arrangements. These provide that when the LGBCE is making changes to principal council electoral arrangements, **no unwarded parish should be divided by a district or London borough ward or county division boundary, and that no parish ward should be split by such a boundary.** While these provisions do not apply to reviews of parish electoral arrangements, the LGBCE believes that, in the interests of effective and convenient local government, they are relevant considerations for principal councils to take into account when undertaking community governance reviews. For example, if a principal council chooses to establish a new parish in an area which is covered by two or more district or London borough wards or county division boundaries it may also wish to consider the merit of putting parish warding in place to reflect that ward and/or division."

- 4.9 Given that the area under review covers 10 divisions for Harrogate, and 5 divisions for Scarborough, the recommendations have been made that the division boundaries be used for warding the parish. Both Harrogate and Scarborough consist of a number of different localities, focussed around housing estates or shopping areas, each with their own sense of identity, and residents might find it easier to identify with a particular ward councillor for their area.

4.10 Members provided examples of other town councils where elections take place to a single ward, such as Helmsley. It should be noted that these town councils are relatively small, and none are larger than an electoral division. Close to Harrogate, Knaresborough Town Council and Ripon City Council both cover 4 electoral divisions, their warding pattern reflects the division boundaries and each of the wards has 3 members. We are not aware of any urban parish councils divided into single member wards within North Yorkshire, normally single member parish wards only relate to separate villages in a grouped parish council. The statutory rules for the LGBCE provides that as Harrogate and Scarborough consist of multiple electoral divisions, when they conduct their review in advance of the 2027 elections, they would be obliged to apply parish warding arrangements to any newly formed parish councils.

## **5.0 CONSIDERATION OF STATUTORY CRITERIA**

5.1 The legislation requires that the council must have regard to the need to ensure that community governance within the area under review:

- reflects the identities and interests of the community in that area
- provides effective and convenient governance of the area

5.2 Councils are also advised to consider factors such as:

- what impact proposed community governance arrangements might have on community cohesion; and
- whether the size (area), population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria;
- whether there are any existing arrangements for community representation in the area which might be undertaking the functions of a parish council

5.3 These statutory criteria are discussed within each attached consultation report.

## **6.0 CONTRIBUTION TO COUNCIL PRIORITIES**

6.1 Establishing town councils can be seen as supporting the council's priorities in relation to localities. North Yorkshire Council will aim to work closely with town and parish councils, wider partners and communities to ensure that local priorities drive locally led decision-making and local action. Services and assets can be devolved to town and parish councils and community groups, where they want to take these on and where it would be better value for money for all involved.

## **7.0 ALTERNATIVE OPTIONS**

7.1 *Amend the final recommendations:* Any amendments to the final recommendations may require a further consultation on the amended recommendations. An additional period of consultation would lead to a delay in the implementation date for any town council / change to boundaries, which is currently timetabled for 1 April 2024.

7.2 *Not to approve the final recommendations to create town councils:* If town councils were not created for Harrogate and / or Scarborough the Charter Trustees would continue until such time as town councils were created. The role of Charter Trustee bodies is limited to ceremonial activities and such bodies would not be able to fulfil the ambitions of the Council to keep service delivery local and empowering local communities.

7.3 *Not to approve the final recommendations to align parish boundaries with division boundaries:* Anomalous areas where boundary lines differ are not easily understood by electors and can cause confusion.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 The two consultations have cost a total of £92k, which includes the printing and postage costs of two mailings to each household with an information pack, and also £800 for digital marketing.
- 8.2 A sum of £30k was allocated to the costs of engaging an AEA consultant with specified numbers of days allocated to each stage. Currently spending is below what has been budgeted for and funds are available if further support is required from the AEA.
- 8.3 Should parish councils be created a parish precept will be added to council tax bills for those living within the relevant areas. In order to create a new town council the council must make a reorganisation order and at that time must anticipate a precept for the new town council. The Charter Trustees for Harrogate and Scarborough were consulted on possible levels of precept before the stage 2 consultation and suggested precept figures were included in the consultation documentation. These figures will be used as the basis for consideration of the level of any precept which will be determined in consultation with the Corporate Director of Resources.
- 8.4 As parish councils are being established there will be set up costs and it is expected that some tasks will need to be carried out before the town councils formally come into being. The costs of these tasks would be initially borne by North Yorkshire Council, then recharged back.

## **9.0 LEGAL IMPLICATIONS**

- 9.1 The 2007 Act gave local authorities responsibility for carrying out Community Governance Reviews within the relevant guidance and taking into account consultation responses to ensure that the identities and interests of communities are reflected and that arrangements made are effective and convenient. If town councils are created a review would need to be undertaken about what roles and duties are transferred or undertaken by the new legal entities to determine the potential TUPE implications for any relevant staff affected on 1 April 2024.

## **10.0 EQUALITIES IMPLICATIONS**

- 10.1 The public consultation was undertaken in such a way as to ensure that a broad range of responses are obtained and no groups were excluded. Every household was sent a letter in the post at both stage 1 and stage 2 consultations. Consultation documents were offered in alternative languages and formats on request. An Equality Impact Assessment screening form is attached at Appendix 6.

## **11.0 CLIMATE CHANGE IMPLICATIONS**

- 11.1 None. An initial climate change impact assessment form is attached at Appendix 7.

## **12.0 CONCLUSIONS**

- 12.1 This report sets out the final recommendations in relation to the community governance reviews of Harrogate, Scarborough, Eastfield, Newby & Scalby and Osgodby. Members are requested to take account of the statutory criteria as set out section 5 of this report in consideration of the final recommendations.

### 13.0 REASONS FOR RECOMMENDATIONS

- 13.1 The Local Government Public Involvement in Health Act 2007 gives power to local authorities to make decisions about the creation of parishes and the electoral arrangements for parishes created. On 19 July 2022 the council resolved to undertake a community governance review of the unparished parts of Harrogate and Scarborough, and some minor amendments to boundaries of existing parishes adjacent to Scarborough. The council must now make recommendations on whether or not to establish parish councils for Harrogate and Scarborough.
- 13.2 In making its recommendations the Council must consider representations received during the consultation and can also use its own local knowledge of the area. In accordance with the statutory criteria the recommendations should ensure that the arrangements for the areas are reflective of the identities and interests of the community in the areas and provide effective and convenient governance of the area
- 13.3 Following the making of a decision the 2007 Act requires councils to make available a document setting out the reasons for the decisions it has taken and to publicise these reasons.

### 14.0 RECOMMENDATIONS

That Standards and Governance Committee are requested to

- i) consider the consultation results and equality impact assessment
- ii) make recommendations to Council in relation to each of the areas under review at A) to E) below:

#### A) HARROGATE

- (1) to create a new parish for the unparished area of Harrogate
- (2) the new parish be named Harrogate
- (3) the new parish have a parish council and to name that parish council Harrogate Town Council
- (4) the parish come into effect from 1 April 2024 for administrative purposes, and the first election for the town council be 2 May 2024 for a reduced term of three years, with ordinary elections taking place in 2027 and every four years thereafter
- (5) the parish be divided into wards, named
  - Bilton & Nidd Gorge
  - Bilton Grange & New Park
  - Coppice Valley & Duchy
  - Fairfax & Starbeck
  - Harlow & St Georges
  - High Harrogate & Kingsley
  - Oatlands
  - Saltergate
  - Stray, Woodlands & Hookstone
  - Valley Gardens & Central Harrogate

- (6) there should be 19 councillors elected to the parish
- (7) the number of parish councillors to be elected for each ward shall be

Bilton & Nidd Gorge	2
Bilton Grange & New Park	2
Coppice Valley & Duchy	2
Fairfax & Starbeck	2
Harlow & St Georges	2
High Harrogate & Kingsley	2
Oatlands	2
Saltergate	1
Stray, Woodlands & Hookstone	2
Valley Gardens & Central Harrogate	2

- (8) the change take effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 1 December 2023)
- (9) the boundaries of the new parish and wards should be as shown on the map at Annex A

**B) SCARBOROUGH**

- (1) to create a new parish for the unparished area of Scarborough
- (2) the new parish be named Scarborough
- (3) the new parish have a parish council and to name that parish council Scarborough Town Council
- (4) the parish come into effect from 1 April 2024 for administrative purposes, and the first election for the town council be 2 May 2024 for a reduced term of three years, with ordinary elections taking place in 2027 and every four years thereafter
- (5) the parish be divided into wards, named

Castle	
Falsgrave & Stepney	
Northstead	
Weaponness & Ramshill	
Woodlands	

- (6) there should be 15 councillors elected to the parish
- (7) the number of parish councillors to be elected for each ward shall be

Castle	3
Falsgrave & Stepney	3
Northstead	3
Weaponness & Ramshill	3
Woodlands	3

- (8) the change take effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)
- (9) the boundaries of the new parish and wards should be as shown on the map at Annex A

**C) EASTFIELD**

- (1) the north-eastern boundary line of Eastfield Town Council be extended towards the A165 to match the Eastfield Division and Ward boundaries (and consequentially excluding the 3 known anomalous properties at Osgodby)
- (2) the changes take effect on 01 April 2024 for administrative purposes.
- (3) the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)
- (4) the changes should be as shown on the map at Annex A

**D) NEWBY AND SCALBY**

- (1) to extend Newby & Scalby Town Council boundary to include all of Charles Williams Apartments, to become coterminous with the Newby Division)
- (2) the changes take effect on 01 April 2024 for administrative purposes.
- (3) the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)
- (4) the changes should be as shown on the map at Annex A

**E) OSGODBY**

- (1) to extend Osgodby Parish Council boundary to include those 3 properties currently outside of the parish, at the norther boundary line, and to become coterminous with the Cayton Division
- (2) the changes take effect on 01 April 2024 for administrative purposes.
- (3) the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)
- (4) the changes should be as shown on the map at Annex A

- iii) if Council recommends creation of parish councils and changes to existing parishes authority be granted to the Assistant Chief Executive (Legal and Democratic Services) in consultation with the Corporate Director of Resources to implement the decisions including making reorganisation orders which amongst other things will set the precept for the first year of the town councils to take effect from 1 April 2024.

**APPENDICES:**

- Appendix 1** – [Harrogate Final Recommendations](#)  
**Appendix 2** – [Scarborough Final Recommendations](#)  
**Appendix 3** – [Eastfield Final Recommendations](#)  
**Appendix 4** – [Newby and Scalby Final Recommendations](#)  
**Appendix 5** – [Osgodby Final Recommendations](#)  
**Appendix 6** – [Equality impact assessment screening form](#)  
**Appendix 7** – [Initial climate change impact assessment form](#)



**BACKGROUND DOCUMENTS:**

Executive report of 10 January 2023 – [Draft Recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough](#)

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)  
County Hall  
Northallerton

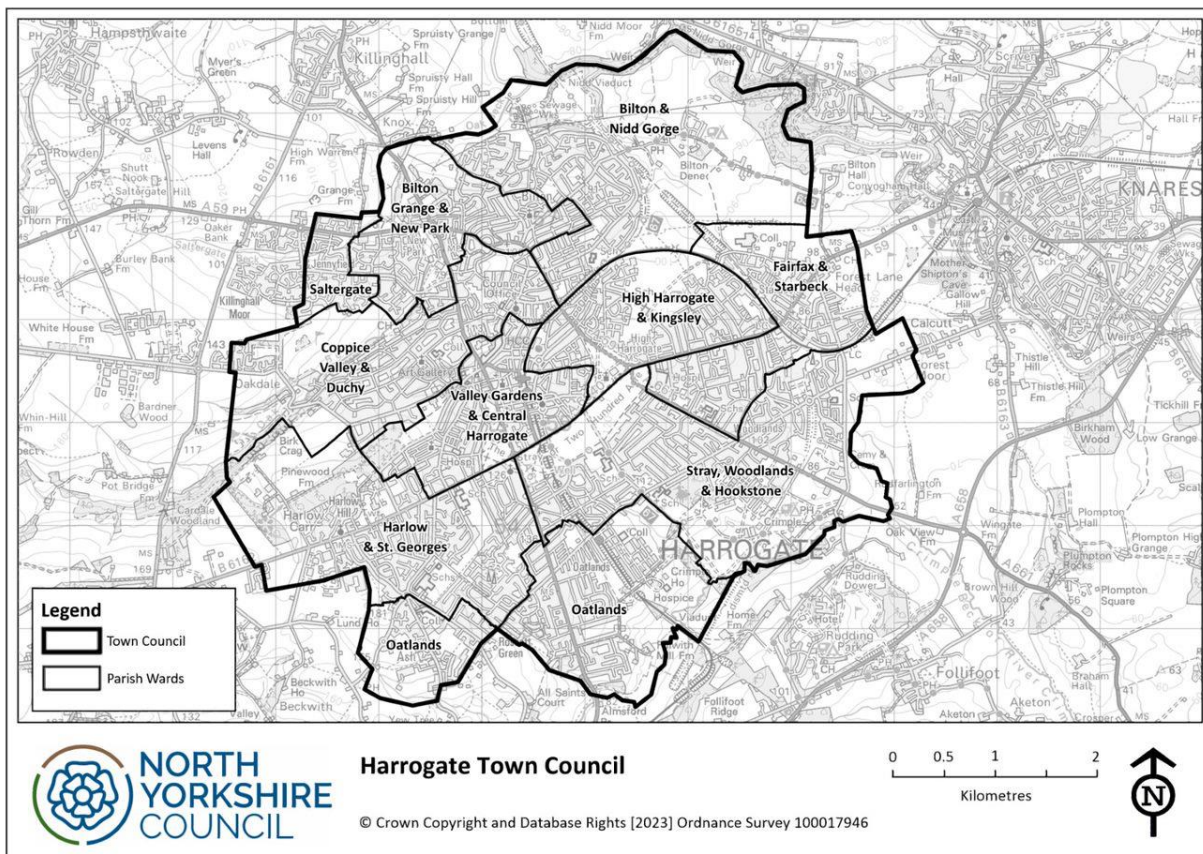
27 June 2023

**REPORT AUTHORS:**

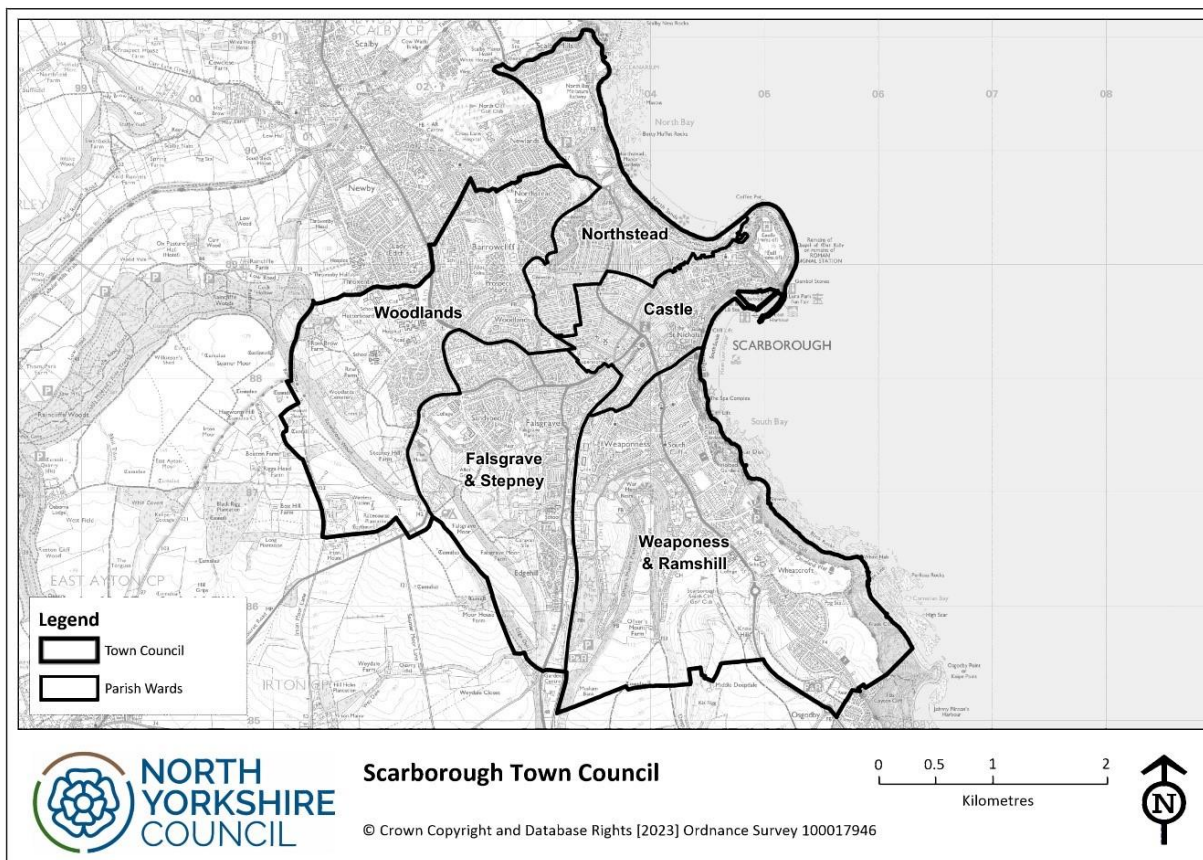
*Elizabeth Jackson – Democratic Services Manager*  
*Kerry Russett – Head of Democratic Services and Corporate Modernisation*

Note: Members are invited to contact the authors in advance of the meeting with any detailed queries or questions.

**A) HARROGATE**

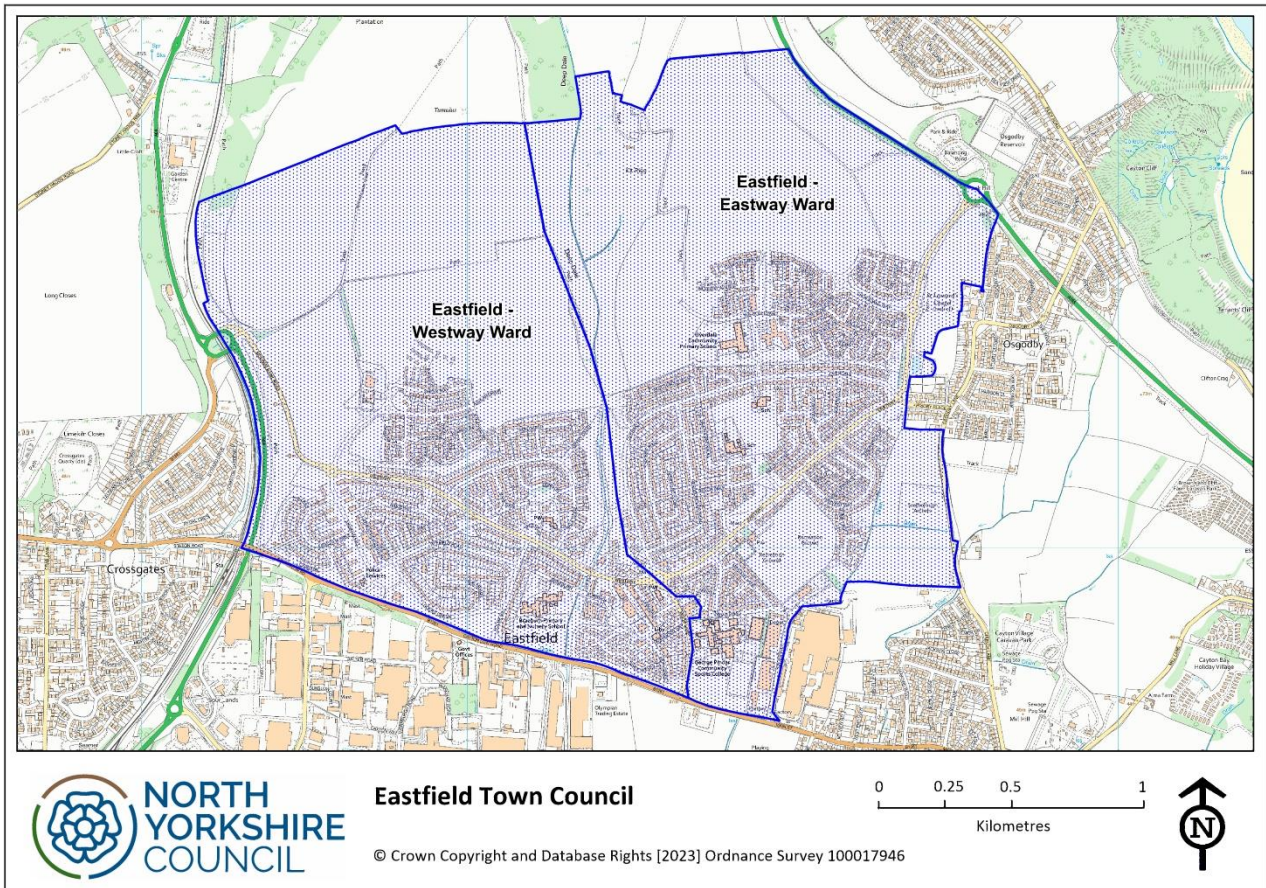


**B) SCARBOROUGH**

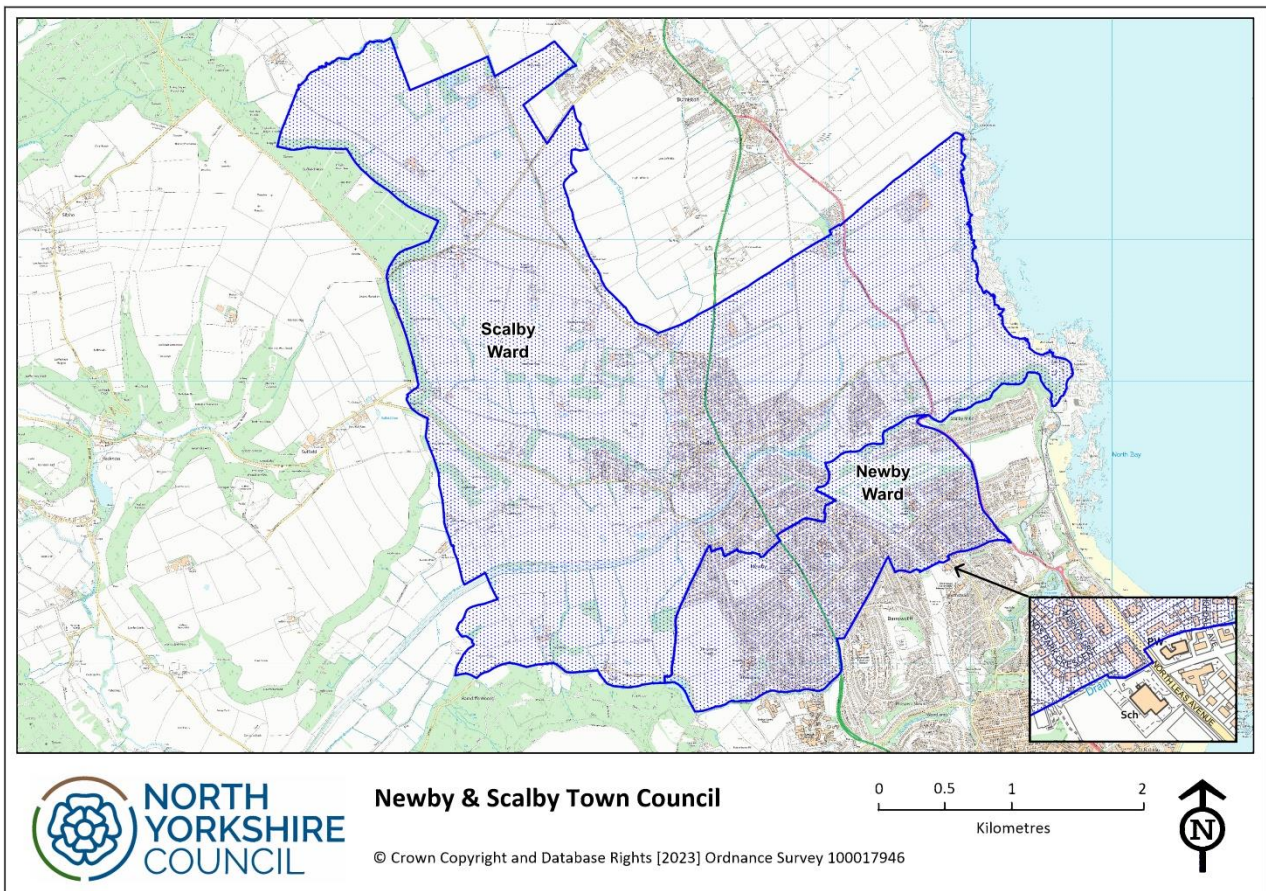




### C) EASTFIELD

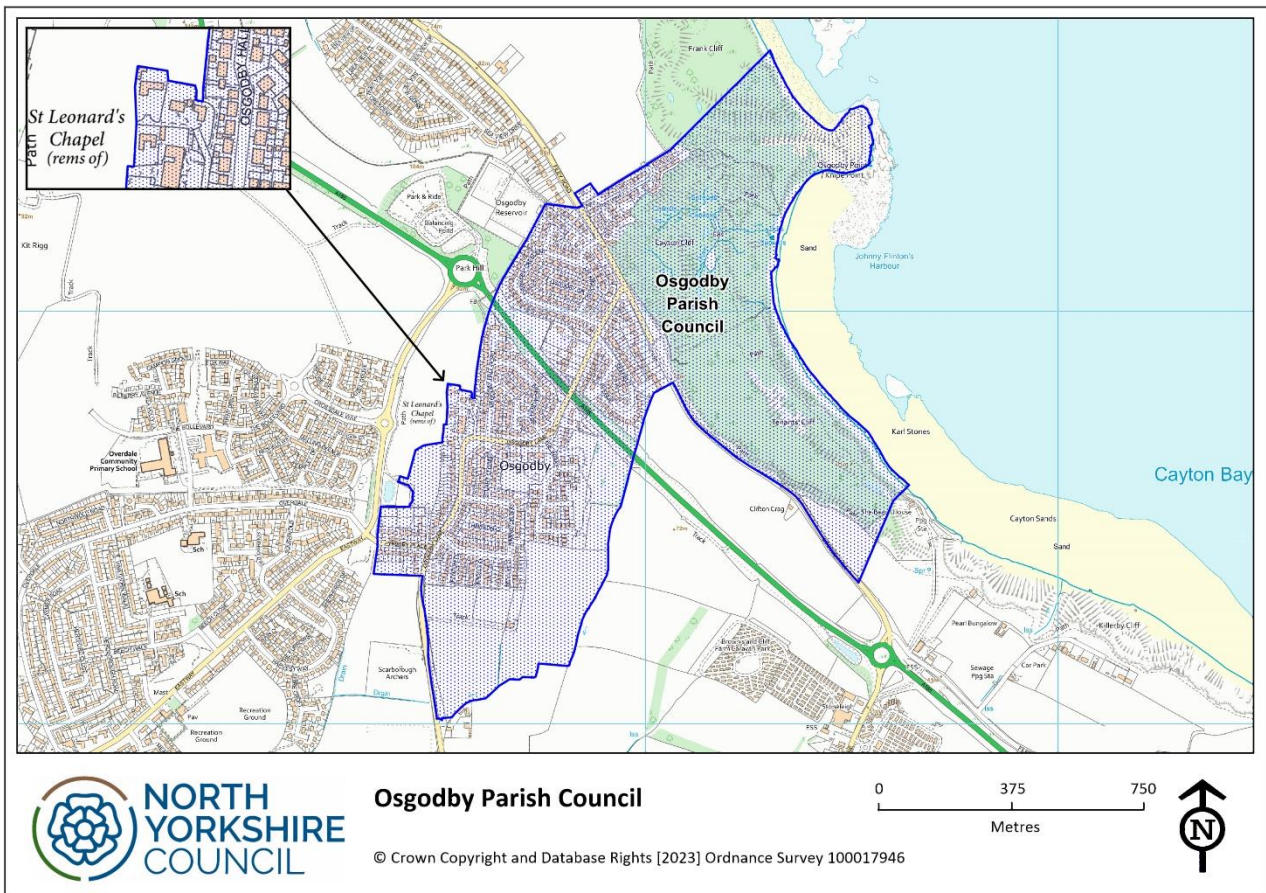


### D) NEWBY AND SCALBY





# E) OSGODBY



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## NORTH YORKSHIRE COUNCIL

### STANDARDS AND GOVERNANCE COMMITTEE

15 July 2024

#### **Dispensation Request from Councillor Peacock**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To present to the Committee, for determination, a request from Councillor Yvonne Peacock for a dispensation from the Standards and Governance Committee.

#### **2.0 BACKGROUND**

- 2.1 The Assistant Chief Executive Legal and Democratic Services and Monitoring Officer was designated by the Council as Proper Officer to receive written requests by Members/voting Co-opted Members for a dispensation under section 33 Localism Act 2011 relieving them from either or both of the restrictions on participating in the discussion and vote on a matter where they have a disclosable pecuniary interest (DPI).
- 2.2 Under North Yorkshire Council's standards regime, Members holding an other registrable interest (ORI) or non-registrable interest (NRI) may also seek a dispensation in relation to that interest.
- 2.3 The power to grant dispensations to Members and voting Co-opted Members under the new ethical framework was delegated by the Council to this Committee, after consultation with the Independent Persons.
- 2.4 Power was also delegated to the Monitoring Officer to grant dispensations (after consultation with the Independent Persons) where the timescales are such that a Standards and Governance Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards and Governance Committee, all of whom consent to the granting of the dispensation.

#### **3.0 DISPENSATION PROCESS**

- 3.1 Under the Localism Act 2011 and delegated power from the Council, where a written request has been made to the Assistant Chief Executive Legal and Democratic Services and Monitoring Officer as Proper Officer, the Standards and Governance Committee has power to grant a dispensation to a Member from non-participation in relation to a disclosable pecuniary (and other) interests where the Committee concludes, after having had regard to all relevant circumstances, that:
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
  - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
  - (c) granting the dispensation is in the interests of persons living in the authority's area;

- (d) without the dispensation each Member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the Executive; or
  - (e) it is otherwise appropriate to grant a dispensation.
- 3.2 The Committee must decide whether the application fulfils any of the criteria set out in paragraph 3.1 and, if so, whether it is appropriate to grant the dispensation in the circumstances, after balancing the public interest in preventing a Member with an interest from taking part in Council business, against the public interest in the relevant constituents not being disenfranchised and their views being able to be put forward on the business in question.
- 3.3 If the Standards and Governance Committee is minded to grant a dispensation, it must consider the scope (for example whether the dispensation will allow the Member to speak, discuss and vote on the item or speak and discuss only) and the duration of it. Dispensations may be granted for a maximum period of 4 years.
- 3.4 Any dispensation granted will be recorded in writing.

#### **4.0 DISPENSATION REQUEST BY COUNCILLOR PEACOCK**

- 4.1 Councillor Peacock has emailed the Monitoring Officer to request a dispensation for 4 years from the Standards and Governance Committee, to enable her to speak, fully participate and vote on matters at meetings of the Housing and Leisure Overview and Scrutiny Committee and full Council regarding community led housing and the 'policy on second home extra council tax to spend on housing'. A copy of Councillor Peacock's application is attached at **Appendix 1** to this report. She believes the application would satisfy criteria (c) set out in paragraph 3.1 above, namely that the granting of the dispensation would be in the interests of persons living in the authority's area.
- 4.2 Councillor Peacock states that she is a Director on the Upper Dales Community Land Trust which covers the Upper Dales which has over 640 second homes. She states that she has been heavily involved in delivering the building of homes in the Upper Dales and has detailed knowledge of the difficulties and barriers facing the delivery of affordable homes in rural areas. Councillor Peacock feels she could usefully inform any debate on these issues and is seeking a dispensation to enable her to fully participate in council business relating to these issues. In her application, Councillor Peacock has stated in her application that should anything arise at a meeting necessitating a vote on direct funding to the Upper Dales Community Land Trust then she would leave the meeting.
- 4.3 Upper Dales Community Land Trust is included in Councillor Peacock's registration of interests form under 'unpaid directorships' and 'charitable bodies', which are other registrable interests (not disclosable pecuniary interests). The interests form indicates that Councillor Peacock receives no financial benefit from her directorship of the Trust.
- 4.4 If there is an item of business due to be considered at a meeting which **directly relates** to the financial interest or wellbeing of the Trust, then, without a dispensation, Councillor Peacock would need to declare the existence and nature of her interest to the meeting, speak if the public can but then not participate in any vote on the matter and withdraw from the meeting room for that item unless she has a dispensation.

4.5 If the item of business doesn't directly relate to the Trust, but could more indirectly **affect** the Trust's finances or wellbeing, then Councillor Peacock may have a Non-Registrable Interest in the agenda item. She would need to declare the existence and nature of her interest to the meeting, and consider whether the matter affects the Trust's financial interest/wellbeing more than it affects that of the majority of inhabitants of the division affected and, if so, whether a reasonable member of the public knowing all the facts would believe it would affect Councillor Peacock's view of the wider public interest:

- if yes, then Councillor Peacock may speak if the public can but must otherwise take no part in the discussion or vote and must leave the meeting room unless she has a dispensation;
- if no, the matter does not so affect the Trust's financial interest/wellbeing, then Councillor Peacock can speak and vote in the usual way after declaring the interest.

4.6 The LGA guidance on the code of conduct states:

**Other registerable interests**

*... The second category of interests are 'other registerable interests' or ORIs.*

*If you have an 'Other Registerable Interest' – that is an interest which falls within the categories in Table 2 in Annex B - the Code says you should not participate in the relevant business in two circumstances:*

1. *when a matter directly relates to the finances or wellbeing of that interest.  
... or*
2. *when a matter affects the finances or wellbeing of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected ...*

**An interest 'directly relates' to an outside body where the local authority is taking a decision which directly relates to the funding or wellbeing of that organisation.**

*For example, under a) if you are a member of a group which has applied for funding from the local authority, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.*

*In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the organisation's case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.*

*If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.*

*If the local authority is simply discussing that outside organisation but not making a decision which relates to its finances or wellbeing – for example discussing the annual report from the organisation – that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.*



*Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.*

*You would not have an interest if the local authority was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.*

*There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the local authority might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.*

*If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the monitoring officer (or clerk if you are a parish councillor).*

*As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting*

### **Non-registerable interest**

*... A **Non-registerable Interest** arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).*

*As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or wellbeing. The Code says you should not participate in the relevant business in two circumstances:*

- **a.** *when a matter directly relates to that interest. Or*
- **b.** *when a matter affects that interest to a greater extent than it affects the majority of inhabitants and*
  - *a reasonable member of the public would thereby believe that your view of the public interest would be affected*

*For example, under a) if your son has submitted an application for a licence to open a bar, the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.*

*For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their*

*application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.*

*Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare a Non-Registerable Interest.*

*In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of constituents.*

*As with DPIs you can be granted a dispensation (see below).*

#### **What is the difference between ‘relates to’ and ‘affects’?**

*Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.*

*‘Affects’ means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.*

- 4.7 Should the Committee be minded to consider granting a dispensation, the relevant grounds may be:
- (c) granting the dispensation is in the interests of persons living in the authority’s area;
  - (e) it is otherwise appropriate to grant a dispensation.

Even if a dispensation is granted by the Committee, the interest would still need to be declared by Councillor Peacock and she would need to state to the meeting that she is relying on a dispensation to fully participate.

- 4.8 The Committee is therefore requested to consider and determine the dispensation request from Councillor Peacock to enable her to participate in business at meetings of the Housing and Leisure Overview and Scrutiny Committee and full Council regarding matters relating to community led housing and the policy re the council tax premium on second homes. Councillor Peacock has indicated that she is seeking the dispensation in order to inform relevant debate and would not participate in any vote required on direct funding to the Trust.

- 4.9 Should Members be minded to grant a dispensation, they must also determine:
- the scope of the dispensation, for example whether it covers speaking only or speaking and voting;
  - in respect of what business, for example any relevant items of business *affecting* the Trust only or also those *directly relating* to the Trust (although

Councillor Peacock has indicated that she would not participate in any vote required on directing funding to the Trust);

- the grounds for granting the dispensation; and
- how long it should last (the maximum is four years).

## **5.0 FINANCIAL IMPLICATIONS**

5.1 There are no significant financial implications arising from this report.

## **6.0 LEGAL IMPLICATIONS**

6.1 The legal implications are set out in the body of this report.

## **7.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS**

7.1 There are no significant environmental/climate change implications arising from this report.

## **8.0 EQUALITIES IMPLICATIONS**

8.1 There are no equalities implications arising from this report.

## **9.0 CONCLUSION**

9.1 That the Committee determines the submitted application by Councillor Peacock for a dispensation.

## **10.0 RECOMMENDATIONS**

10.1 That the Committee considers and determines the application for a dispensation by Councillor Peacock.

10.2 That, should the Committee be minded to grant the dispensation requested, the Committee determine the scope, grounds and duration of the dispensation.

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

### Background Papers:

- The Localism Act 2011

County Hall  
NORTHALLERTON

4 July 2024

**NORTH YORKSHIRE COUNCIL**  
**STANDARDS AND GOVERNANCE COMMITTEE**

**Request for a Dispensation**

**Name of Member seeking dispensation:**

**In respect of which meeting(s)?** *(Include dates, where possible)*

HOUSING, LEISURE OVERVIEW & SCRUTINY COMMITTEE  
FULL COUNCIL

**In respect of what business?** *(If applicable, include full details of the agenda item or other matter)*

COMMUNITY LED HOUSING  
THE POLICY ON SECOND HOME EXTRA COUNCIL TAX TO  
SPEND ON HOUSING

**Name of the Relevant Officer:** *(Please indicate the name of the officer who usually presents reports on the matter for which a dispensation is sought).*

NIC HARNE

**Desired length of dispensation:** *(Please note the maximum length of a dispensation is four years)*

4 years

**Ground(s) for application:** *(Please tick the relevant box(es))*

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation each Member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the Executive; or
- (e) it is otherwise appropriate to grant a dispensation.

**Details of your interest:**

Please set out full details of your interest in the business concerned. Please continue on a separate sheet if necessary:

I am a DIRECTOR ON UPPER DALES COMMUNITY LAND TRUST which covers THE UPPER DALES which has over 640 Second HOMES.

**Reasons for seeking a dispensation:**

Please set out full reasons why it is desirable for the Standards and Governance Committee to grant you a dispensation in respect of the above interest. Please continue on a separate sheet if necessary:

I have been heavily involved in <sup>delivering</sup> building homes in Upper Dales. I have a lot of knowledge on the difficulties and barriers for Affordable Houses. I could benefit debate on what is needed in rural areas to deliver affordable houses. If at some point in a meeting ~~it~~ was a vote on direct funding to Upper Dales Community Land Trust I would leave the meeting.

**PLEASE REMEMBER THAT WHEN ACTING UNDER A DISPENSATION, MEMBERS MUST AT ALL TIMES ACT, AND APPEAR TO ACT, IN THE AUTHORITY'S BEST INTERESTS.**

TO: **BARRY KHAN**, Monitoring Officer, North Yorkshire Council