

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

8 March 2023

Dispensation Requests

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee, for determination, requests from certain County Councillors for a dispensation from the Standards Committee.

2.0 BACKGROUND

- 2.1 The Monitoring Officer was designated by the County 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 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.
- 2.3 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 Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards 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 Monitoring Officer as Proper Officer, the Standards 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 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 and kept with the Councillors' interests forms in the Council's Register of Members' Interests.

4.0 DISPENSATION REQUEST BY COUNTY COUNCILLOR LACEY

- 4.1 Councillor Lacey has submitted a written application for a dispensation from the Standards Committee. A copy is attached at **Appendix 1** to this report.
- 4.2 Councillor Lacey is seeking a dispensation for the maximum period of four years for meetings of the Scrutiny of Health Committee when it is considering business relating to Tyne, Esk & Wear Valley NHS Trust, on the grounds that granting the dispensation is in the interests of persons living in the authority's area.
- 4.3 Councillor Lacey owns, and is Managing Director, of Whole Systems Partnership Ltd (WSP), a consulting company working across health and social care (www.thewholesystem.co.uk). WSP is currently working with TEWV NHS Trust on a pro-bono basis and may in the future, gain paid consultancy business from the Trust. Councillor Lacey would not wish his comments on TEWV CQC reports or other concerns regarding service quality to indicate any advantage or inside knowledge of the Trust, nor would he wish his position as a member of the Scrutiny of Health Committee to advantage himself, or appear to do so, regarding the winning of such business that his company may secure.
- 4.4 Councillor Lacey's directorship of WSP, his business, is registered on his interests form and is therefore a Disclosable Pecuniary Interest (DPI). If there is an item of business due to be considered at the Scrutiny of Health meeting which directly relates to WSP itself, ie is specifically about it, then Councillor Lacey would need to declare the existence and nature of his interest to the meeting, not participate in any discussion or vote on the matter and withdraw from the meeting room for that item unless he has a dispensation. If something arises which doesn't directly relate to WSP but could more indirectly affect its finances or wellbeing, then Councillor Lacey may have a non-registrable interest. He would need to declare the existence and nature of his interest to the meeting, and consider whether the matter affects the financial interest/wellbeing more than it affects that of the majority of inhabitants of the ward affected and a reasonable member of the public knowing all the facts would believe it would affect Councillor Lacey's view of the wider public interest:
- if yes, then Councillor Lacey may speak if the public can but must otherwise take no part in the discussion or vote and must leave the meeting room unless he has a dispensation;
 - if no, the matter does not so affect financial interest/wellbeing etc, then he can speak and vote in the usual way after declaring the interest.

4.5 The Committee is therefore requested to consider and determine the dispensation request from Councillor Lacey to enable him to speak, vote and be included within the quorum at meetings of the Scrutiny of Health Committee when it is considering matters relating to the Tees Esk and Wear Valley NHS Trust.

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 CONCLUSION

8.1 That the Committee determines the submitted application by County Councillor Lacey for a dispensation.

9.0 RECOMMENDATIONS

9.1 That the Committee considers and determines the application for a dispensation by County Councillor Lacey.

9.2 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

28 February 2023