

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

5 July 2023

Dispensation Request from Councillor Harrison

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

- 2.1 The 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 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 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 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 HARRISON

4.1 Councillor Harrison emailed the Monitoring Officer on 2 March 2023 to request a dispensation from the Standards and Governance Committee.

4.2 He is seeking a dispensation for the maximum period of four years:

To enable him to speak, vote and be included in the quorum at meetings where decisions could have an impact on Health and Adult Services, excluding those matters relating directly to the county-wide Review Team on the grounds that granting the dispensation is in the interests of persons living in the authority's area.

4.3 Councillor Harrison was previously granted a dispensation by the predecessor authority North Yorkshire County Council's Standards Committee on 3 January 2019 in the following terms:

To enable him to fully participate in meetings where decisions could have an impact on Health and Adult Services, until the next County Council elections in 2021. This dispensation does not permit Councillor Harrison to participate on matters that relate directly to the Harrogate Re-ablement Teams.

as his wife then worked in North Yorkshire County Council's Health and Adult Services. Councillor Harrison allowed this dispensation to ultimately lapse after his wife left the County Council's employment.

4.4 With effect from 6 March 2023, Councillor Harrison's wife has been employed in the Council's Health and Adult Services as a Social Care Co-Ordinator in the county-wide Review Team. Councillor Harrison has registered his wife's employment as a Disclosable Pecuniary Interest (DPI) in his register of interests.

4.5 As a DPI, if there is an item of business due to be considered at a meeting which directly relates to his wife's employment, ie is specifically about it, then Councillor Harrison 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 his wife's employment but could more indirectly affect her finances or wellbeing, then Councillor Harrison 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 Harrison's view of the wider public interest:

- if yes, then Councillor Harrison 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.

4.6 Given his role as Executive Member for Health and Adult Services, Councillor Harrison is seeking a dispensation, as before, to allow him to fully participate (speaking and voting) in meetings where decisions could have an impact on Health and Adult Services, excluding those decisions relating directly to the county-wide Review Team on the grounds that granting the dispensation is in the interests of persons living in the authority's area. He would not rely on the dispensation where the business

4.7 The Committee is therefore requested to consider and determine the dispensation request from Councillor Harrison to enable him to speak, vote and be included in the quorum at meetings where decisions could have an impact on Health and Adult Services, excluding those matters relating directly to the county-wide Review Team on the grounds that granting the dispensation is in the interests of persons living in the authority's area.

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 Harrison for a dispensation.

10.0 RECOMMENDATIONS

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

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

26 June 2023