

North Yorkshire Council

Standards and Governance Committee

5 July 2023

Dispensation Requests

Report of the Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee, for determination, requests from certain Councillors 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) or other registrable interest.
- 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.
- 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;

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- (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 applications fulfil 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 Members 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 REQUESTS BY COUNCILLORS LES AND DADD

- 4.1 Councillors Les and Dadd have requested dispensations from the Standards Committee.
- 4.2 Councillors Les and Dadd are seeking dispensations for the maximum period of four years for meetings of the Joint Devolution Committee and York and North Yorkshire Combined Authority (subject to government approval to proceed) constituted between North Yorkshire Council and the City of York Council on the grounds that 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 and it would otherwise be appropriate to grant a dispensation.
- 4.3 Councillors Les and Dadd are both members of the Executive of North Yorkshire Council. North Yorkshire Council has submitted bid applications for funding for various projects under the government's Brownfield Housing and Net Zero schemes to the York and North Yorkshire Local Enterprise Partnership who are currently administering the schemes. These applications have been made alongside applications from other public and private sector bodies including the City of York Council. It is anticipated that North Yorkshire Council will submit further funding applications for future schemes in due course.
- 4.4 It is intended that, should Parliament approve an Order to establish a Mayoral Combined Authority for York and North Yorkshire in accordance with the scheme proposed by both constituent councils, the York and North Yorkshire Local Enterprise Partnership will integrate into the new Combined Authority. Responsibility for administration for the Brownfield Housing, Net Zero and other schemes will then be assumed by the Combined Authority. Until such time as the Combined Authority is

established (if approved), North Yorkshire and City of York Councils have formed a Joint Devolution Committee to oversee the arrangements to establish the Combined Authority and to take decisions relevant to facilitate its creation. This includes oversight of projects which will transition over to the Combined Authority, if and when it is established.

- 4.5 Prior to the anticipated formation of the new Combined Authority, it will be necessary for the Joint Devolution Committee to make decisions as to which applications should be accepted to receive funding from the Brownfield Housing and Net Zero workstreams. Without these decisions being made in a timely manner, the programme of projects will be undeliverable by the timescale set by central government and the funding opportunity for York and North Yorkshire will be lost. Although Councillors Les and Dadd will not benefit financially in a personal capacity from any decision on these applications, as both Councillors are members of North Yorkshire Council's Executive they may be viewed as having an interest as the decision will affect the position of the Council ie a body exercising public functions of which they are a member. Therefore they may have an interest in the discussion and decision on these issues which they may need to declare to the relevant meeting, not participate in any discussion or vote on the matter and withdraw from the meeting room for those items unless they have a dispensation.
- 4.6 If Councillors Les and Dadd were to withdraw from the debate on these issues and are unable to vote, the meeting would become inquorate as all Committee Members from both City of York Council and North Yorkshire Council are required to be present at the meeting for it to be quorate. No decision would therefore be able to be taken on the allocation of these important funding streams for the region and the funding opportunity would be lost.
- 4.7 It should be noted that the decision as to which funding applications to take forward will be based on the assessment and recommendation of external consultants. In addition, the City of York Council's Monitoring Officer, in consultation with the City of York Council's Chair of the Joint Standards Committee, has granted dispensations to allow the two Committee members from the City of York Council to participate in the discussion and decision making.
- 4.8 The Committee is therefore requested to consider and determine the dispensation requests from Councillors Les and Dadd to enable them to speak, vote and be included within the quorum at meetings of the Joint Devolution Committee and Combined Authority (when and if formed) when it is considering matters relating to applications for funding from North Yorkshire Council.

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 EQUALITIES/ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

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

8.0 CONCLUSION

- 8.1 That the Committee determines the requests for dispensations submitted by Councillors Les and Dadd.

9.0 RECOMMENDATIONS

- 9.1 That the Committee considers and determines the requests for dispensations by Councillor Les and Councillor Dadd.
- 9.2 That, should the Committee be minded to grant the dispensations requested, the Committee determine the scope, grounds and duration of the dispensations.

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Papers:

- The Localism Act 2011

County Hall
NORTHALLERTON

27 June 2023