

NORTH YORKSHIRE COUNCIL  
STANDARDS AND GOVERNANCE COMMITTEE

14 March 2025

**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 Section 33 of the Localism Act 2011 provides that a relevant authority may, on a written request made to the proper officer of the authority by a Member or co-opted Member of the authority, grant a dispensation relieving the Member or co-opted Member from the restrictions regarding speaking and voting in relation to disclosable pecuniary interests. Any dispensation requests for parish and town councillors relieving them from the requirements of their authority's Code of Conduct must therefore be made to the Clerk of the relevant parish/town council.
- 2.2 The Assistant Chief Executive Legal and Democratic Services and Monitoring Officer was designated by the Council as Proper Officer to receive written requests by North Yorkshire Council 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).
- 2.3 Under North Yorkshire Council's standards regime, Members holding an other registrable interest (ORI) or a non-registrable interest (NRI) may also seek a dispensation in relation to that interest.
- 2.4 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.
- 2.5 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) interest 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 On 28 January 2025, Councillor Peacock submitted a dispensation request (attached at **Appendix 1**) to the Monitoring Officer, seeking a dispensation in relation to Council and Richmond (Yorks) Area Committee meetings discussing Home to School Transport issues, as she is a partner in a private hire firm which has a contract with NYC for home to school transport. This is listed as a DPI in the Employment and Contracts sections of her interests form - [Register of interests for Councillor Yvonne Peacock | North Yorkshire Council](#).

4.2 Councillor Peacock requested a dispensation on the grounds that it is in the interests of persons living in the area and it is otherwise appropriate to grant the dispensation, so she is able to represent residents as local Member. She states in her application that the Home to School Transport Policy has had a big effect on the residents in her division and she would like to be able to speak at relevant meetings where Home to School Transport is being discussed, to put forward their case, even if not vote.

4.3 Cllr Peacock felt she may require a dispensation before the next scheduled meeting of the Standards and Governance Committee on 14 March 2025, as Home to School Transport is a live issue. The Monitoring Officer therefore considered the request under his delegated powers and consulted the Members of the Committee and the Independent Persons for Standards for their views.

4.4 As there was a range of views expressed by the available Committee Members and Independent Persons, and not all of the available Members were in agreement, the Monitoring Officer was unable to exercise his delegated power to grant a dispensation.

- 4.5 Councillor Peacock was informed of the outcome and confirmed she wished to submit her application to the next meeting of the Standards and Governance Committee on 14 March 2025 for consideration by the full Committee.
- 4.6 Councillor Peacock subsequently requested, on 31 January 2025, to revise her application to remove references to full Council and voting and therefore for it to stand as a request for a dispensation to enable her to speak (not vote) at meetings of Richmond (Yorks) Area Committee meetings only. The Monitoring Officer again consulted the Members of the Committee and the Independent Persons for Standards for their views on the amended request (and whether or not it changed any earlier expressed views).
- 4.7 Of the responses received, views were unchanged and therefore the dispensation could not be granted under the Monitoring Officer's delegated powers. In any event, the Monitoring Officer felt it more appropriate for the matter to be considered by the full Committee in consultation with the Independent Persons, given the divergence of views.
- 4.8 The dispensation request has therefore been brought to today's meeting of the Committee for consideration.
- 4.9 If there is an item of business due to be considered at a meeting which **directly relates** to Councillor Peacock's DPI, then, without a dispensation, she would need to declare the existence and nature of her interest to the meeting, not participate in any discussion or vote on the matter and withdraw from the meeting room for that item.
- 4.10 Councillor Peacock believes that application grounds c and e (as set out above) are applicable:
- (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.
- 4.11 The Committee is therefore requested to consider and determine the dispensation request from Councillor Peacock and, if minded to grant a dispensation, to determine the scope, grounds and duration of it.

## **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 a dispensation, 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

17 February 2025