

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

13 March 2026

Dispensation request by dual-hatted councillors sitting on/clerking parish and town councils regarding Community Governance Review reports to full Council

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee, for consideration and determination, request(s) from dual-hatted NYC councillors who also sit on and/or clerk potentially affected parish/town councils for a dispensation from the Committee, to enable them to fully participate in meetings of full Council when considering reports regarding the 2025/26 Community Governance Reviews.
- 1.2 If any such dispensations are granted, to seek:
- a) authorisation from the Committee for similar dispensations to be granted for any further requests received by the Monitoring Officer after the Committee's meeting but prior to the Council meeting on 18 March 2026; and
 - b) a delegation from the Committee to the Monitoring Officer, in consultation with the Chair of full Council, to grant similar analogous dispensations, on similar terms, as may be requested by such dual-hatted Members (and confirmed by them in writing) who are members of/clerks to a parish/town council which may be affected by the 2025/26 Community Governance Review, at meetings of full Council on 18 March 2026, 15 July 2026 and any other full Council meetings when the Review will be considered.

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 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 REQUESTS BY DUAL-HATTED COUNCILLORS SITTING ON/CLERKING PARISH AND TOWN COUNCILS

4.1 The 2025/26 Community Governance Review is underway and draft recommendations for the second phase consultation will be considered by full Council on 18 March 2026. It is anticipated that a further report will be taken to full Council on 15 July 2026 to approve the 2025/26 Community Governance Review outcome.

- 4.2 NYC councillors who are members of a parish/town council should have registered their membership of their parish/town council in their register of interests. For such dual-hatted Members whose parish/town council may be affected through the Community Governance Review, they are likely to have an Other Registerable Interest (as they will not receive any allowance/remuneration for being a parish councillor to make it a disclosable pecuniary interest) in any Council business regarding the 2025/26 Community Governance Review as the business will directly relate to their registered interest. The Monitoring Officer does not view any such interest as a disclosable pecuniary interest as parish council membership is not remunerated and consequently the outcome of any Community Governance Review will not affect the Member financially. Having an Other Registrable Interest means that such dual-hatted councillors would not be able to participate in the debate and vote on any Community Governance Review related reports without a dispensation.
- 4.2.1 For NYC councillors who may be a clerk to a parish/town council which may be affected through the Community Governance Review, their clerkship should be registered in their register of interests. They may have a disclosable pecuniary interest if the position is remunerated or otherwise an Other Registrable Interest in any Council business regarding the 2025/26 Community Governance Review as the business will directly relate to their registered interest. As explained above, this means that they would not be able to fully participate in the debate and vote on any Community Governance Review related reports without a dispensation.
- 4.3 The Monitoring Officer is, at the time of writing this report, contacting those NYC Members who also sit on/clerk parish/town councils which may be affected by the 2025/26 Community Governance Review to see if they would wish to seek a dispensation, in the form set out in **Appendix 1**, in relation to their registered interest to enable them to fully participate.
- 4.4 The Monitoring Officer will update the Committee at its meeting as to any such dispensation requests received.
- 4.5 The Committee is therefore requested to consider and determine such dispensation requests received by the date of its meeting, to enable such dual-hatted Members whose parish/town council they sit on/clerk may be affected by the 2025/26 Community Governance Review to speak, vote and be included in the quorum at meetings of full Council when it is considering business relating to the 2025/26 Community Governance Review, the dispensation to last until the next local government elections in 2027.
- 4.6 If minded to grant any such dispensation request(s) received by the date of the Committee's meeting:
- a) the Committee is requested to authorise similar dispensations for any further requests received by the Monitoring Officer after the Committee's meeting but prior to the Council meeting on 18 March 2026;
 - b) the Committee is requested to delegate to the Monitoring Officer, in consultation with the Chair of full Council, the power to grant similar analogous dispensations, on similar terms, as may be requested by such dual-hatted Members (and confirmed by them in writing), who are members of/clerk to a parish/town council which may be affected by the 2025/26 Community Governance Review, at meetings of full Council on 18 March 2026, 15 July 2026 and any other full Council meetings when the Review will be considered.

5.0 PARTICIPATION WITH A DISPENSATION

5.1 Any councillor who has a dispensation from the Committee, must still declare their interest to the meeting and state that they are relying on a dispensation to participate.

6.0 FINANCIAL IMPLICATIONS

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

7.0 LEGAL IMPLICATIONS

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

8.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

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

9.0 EQUALITIES IMPLICATIONS

9.1 There are no equalities implications arising from this report

10.0 RECOMMENDATIONS

10.1 That Members consider and determine any dispensation requests, as set out at **Appendix 1**, submitted by dual-hatted Members who are members of/clerk to a parish/town council which may be affected by the 2025/26 Community Governance Review, by the date of the Committee's meeting, for a dispensation until the next local government elections in 2027 to enable them to speak, vote and be included in the quorum at meetings of full Council when it is considering business relating to the 2025/26 Community Governance Review.

10.2 That if the Committee is minded to grant any such dispensation requests(s) received by the date of the Committee's meeting:

- a) then the Committee is requested to authorise similar dispensations for any further requests received by the Monitoring Officer after the Committee's meeting but prior to the Council meeting on 18 March 2026; and
- b) the Committee is requested to delegate to the Monitoring Officer, in consultation with the Chair of full Council, the power to grant similar analogous dispensations, on similar terms, as may be requested by such dual-hatted Members (and confirmed by them in writing) who are members of/clerk to a parish/town council which may be affected by the 2025/26 Community Governance Review, at meetings of full Council on 18 March 2026, 15 July 2026 and any other full Council meetings when the Review will be considered.

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Documents:

None

County Hall

NORTHALLERTON

4 March 2026