

## NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

3 January 2019

**Dispensation Issues****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, the Standards Committee has power to grant a dispensation to a Member from non-participation in relation to a disclosable pecuniary 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 a disclosable pecuniary 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 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 HASLAM**

- 4.1 As Members have previously been informed, on 6 December 2017 a dispensation was granted by the Monitoring Officer, under delegated powers, to County Councillor Paul Haslam, to enable him to speak at meetings of the County Area Committee for the Harrogate District when the Committee is considering business relating to the Harrogate Relief Road Review until the date of the next local elections in 2021. The dispensation does not permit County Councillor Haslam to vote on such items of business. The matter could not await the next scheduled meeting of the Standards Committee as there was an item on the agenda of the Area Committee's meeting the following day which updated the Committee on the project and sought the Committee's views on the approach to the consultation.
- 4.2 Councillor Haslam has a disclosable pecuniary interest in items relating to the review as his home address is registered as a disclosable pecuniary interest (DPI) on his interests form and he would therefore have a DPI in the agenda item being considered at the meeting as certain of the options regarding a relief road bypass would potentially impact the land he resides and associated land. Without a dispensation Councillor Haslam would therefore need to declare his interest at the start of the item and then leave the meeting room, although he could ask another Member to represent his constituents' views or submit written representations to the meeting in respect of that item.
- 4.3 After consultation with the available members of the Standards Committee and Independent Persons, the Monitoring Officer granted the dispensation to speak as the dispensation is in the interests of persons living in the authority's area, the public interest may favour local member participation and it is appropriate to grant the dispensation.
- 4.4 Councillor Haslam has requested that the Standards Committee review the dispensation and consider whether a dispensation could be granted to allow him to speak **and vote** at all council meetings including those of the Harrogate and Knaresborough Area Constituency Committee (former the County Area Committee for the Harrogate District) when the body is considering business relating to the Harrogate Relief Road Review which is also referred to as "Harrogate Congestion Study". A written dispensation application from Councillor Haslam will follow.
- 4.5 The Committee is requested to consider and determine the dispensation application from County Councillor Haslam.

#### **5.0 DISPENSATION REQUEST BY COUNTY COUNCILLOR WEIGHELL**

- 5.1 County Councillor John Weighell is the Chair of the Council's Pension Fund Committee. Part of the work of that Committee is to oversee the work required in

pooling a number of pension schemes together, which has seen the creation of eight Local Government Pension Pools across the Country. As part of that work, a Company (BCPP Ltd) has been created to oversee the investment of the pension assets for 12 Pension Scheme Funds.

- 5.2 As part of the governance structure of BCPP Ltd there are two 'Partner Fund Pension Nominated Non-Executive Directors' who sit on the Board. These two Directors receive a financial remuneration from the Company of £12,500 a year.
- 5.3 Councillor Weighell has recently been appointed (through a robust selection process) as one of these Non-Executive Directors and therefore has a Disclosable Pecuniary Interest in Council business relating to the Company. However Councillor Weighell has been appointed on the basis of his knowledge of Pension Funds and to ensure that the interests of all Pension Fund Committees are represented on the Company's governance structure.
- 5.4 Due to the timing of the next scheduled meeting of the Pension Fund Committee, the Monitoring Officer, under delegated powers, considered Councillor Weighell's application for a dispensation to chair the Pension Fund Committee meeting on 22 November 2018. After consultation with the available members of the Standards Committee and Independent Persons, the Monitoring Officer granted a dispensation to Councillor Weighell to participate in and chair the Pension Fund Committee meeting on 22 November. The decision to grant the dispensation was made on the basis that whilst the Company may be discussed, any decisions would not affect Councillor Weighell's remuneration on the Board and indeed, his knowledge of the area is a reason why he had been appointed as a Non-Executive Director of the Company. The Monitoring Officer would then invite Councillor Weighell to make a dispensation application to the Standards Committee should he wish to seek a dispensation for a longer period.
- 5.5 Councillor Weighell has been invited to submit a written dispensation application, a copy of which will be circulated to the Committee Members once available.
- 5.6 The Committee is requested to consider and determine the dispensation application from County Councillor Weighell.

## **6.0 DISPENSATION REQUEST BY COUNTY COUNCILLOR BROADBENT**

- 6.1 County Councillor Eric Broadbent has requested a dispensation from the Standards Committee to enable him to speak and vote at Council meetings on budgetary issues (where not school specific).
- 6.2 Councillor Broadbent's wife is employed by the Council as an advanced teaching assistant at a Pupil Referral Unit. This is registered by Councillor Broadbent in his interests form in the Register of Members' Interests and is therefore a disclosable pecuniary interest for him in any relevant Council business relating to schools' issues.
- 6.3 Councillor Broadbent has been invited to submit a written dispensation application, a copy of which will be circulated to the Committee Members once available.
- 6.4 The Committee is requested to consider and determine the dispensation application from County Councillor Broadbent.

## **7.0 OTHER ISSUES**

- 7.1 Another County Councillor is currently considering whether to submit an application to the Standards Committee for a dispensation. Should the Councillor submit an

application before the Committee's meeting, it will be circulated to Members for consideration at the meeting.

- 7.2 The Committee is requested to consider and determine any further dispensation applications submitted before the meeting.

## **8.0 CONCLUSION**

- 8.1 That the Committee determines submitted applications by County Councillors for a dispensation.

## **9.0 RECOMMENDATIONS**

- 9.1 That the Committee considers and determines the applications for a dispensation by County Councillor Haslam, County Councillor Weighell and County Councillor Broadbent and any other dispensation applications submitted before the Committee's meeting.
- 9.2 That, should the Committee be minded to grant the dispensations requested, the Committee determine the grounds and duration of the dispensations.

**BARRY KHAN**  
**Monitoring Officer**

### Background Papers:

- The Localism Act 2011

County Hall  
NORTHALLERTON

17 December 2018