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**Report from Service Area:** Law and Governance

**Responsible Officer:** Stephen Ballantyne, Lawyer Specialist (Tel: 643 5329 )

**Wards affected:** All

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## **PART 1**

### **1.1 Executive Summary:**

To determine requests for dispensations from members in relation to their appointment to outside bodies by the Authority.

### **1.2 Recommendation(s):**

It is recommended that:

- (1) The Head of Law and Governance agrees the requests for dispensations attached to this report.

### **1.3 Information:**

- 1.3.1 At the beginning of each Municipal Year Members of the Council are appointed to various outside bodies by the Authority. These appointments are Registerable Personal Interests under the Authority's Code of Conduct for Members.
- 1.3.2 Those interests may be in relation to any item of business considered at an Authority meeting (including specifically in connection with an Authority budget setting meeting) mean that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied requiring the Member to leave the meeting.
- 1.3.3 The Localism Act 2011 introduced a more generous regime of dispensations, to that which existed under the previous arrangements, for Members to speak and vote where they have an interest that is such that it prevents them from participating in an item of business.
- 1.3.4 Members may be given a dispensation either to speak but not vote, or to speak and vote, on several grounds, including that it would be in the interests of local people to allow a dispensation, or even that it is simply "appropriate to grant a dispensation".
- 1.3.5 Dispensations last for either 4 years or the date when the Member ceases to be the Authority's representative on the outside body, whichever is earlier.
- 1.3.6 Members have applied to seek dispensation from the requirements of the Code of Conduct, under Section 33(2)(e) of the Localism Act 2011 to enable them to speak and

vote on any item of business to be considered at any Authority meeting in relation to the outside body to which they have been appointed. The letters from the Members seeking dispensation are attached at Appendix 1.

1.3.7 Officers in Law and Governance have reviewed the dispensation applications received as compared to dispensations previously granted by the Sub-Committee. A number of Members' appointments to outside bodies have remained the same as the previous year(s). Where there have been no changes to the appointments to outside bodies and a dispensation has been previously granted (and remains in existence for the rest of this municipal year), there is no need for the dispensation to be renewed. In these circumstances Members will be advised by the Head of Law and Governance that their existing dispensation remains in operation and does not require renewal.

1.3.8 A dispensation can be granted in the following circumstances –

- (1) So many Members of the decision-making body have interests that require them not to take part in a matter that it would "impede the transaction of the business". Effectively this means the decision-making body would be inquorate as a result;
- (2) Without a dispensation, no member of the Cabinet would be able to participate on the matter;
- (3) Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (4) the Council considers that a dispensation is in the interests of persons living in its area; and
- (5) the Council considers that it is otherwise appropriate to grant a dispensation.

1.3.9 The Sub-Committee should note that the Code of Conduct for Members includes pre-existing dispensations in relation to the matters listed below.

1.3.10 The pre-existing dispensations contained in the Code of Conduct for Members are:

- Housing
- School meals or transport
- Statutory sick pay
- An allowance, payment or indemnity given to Members
- Any ceremonial honour given to Members and
- Setting the Council Tax or precept.

1.3.11 An on-line training package in relation to the requirements of the Code of Conduct and dispensations, accessed by the Learning Pool, has been developed and has been available to all Members since early January 2013.

1.3.12 As detailed above, the application for dispensation relates to the appointment by the Authority of the Member to an outside body. The Standards Sub-Committee has previously granted dispensations in these circumstances using grounds (4) and (5) detailed above in paragraph 1.3.8.

1.3.13 On 19 December 2019 the Standards Sub-committee met to consider requests for dispensations from Members received in relation to their appointment to outside bodies by the Authority.

1.3.14 At this meeting the Sub-committee agreed to grant the dispensations requested.

- 1.3.15 The Sub-committee also agreed that delegated authority be granted to the Head of Law and Governance to agree any further written requests from Members for a dispensation that relates to a registerable interest by virtue of their appointment by the Authority to an outside body during 2019-20.
- 1.3.16 Since the meeting on 19 December 2019, 5 further requests for dispensations have been received. These are attached as appendix 1.

#### **1.4 Decision options:**

The following decision options are available for consideration:

Option 1

To agree the dispensations requested.

Option 2

To not agree the dispensations requested.

Option 1 is the recommended option.

#### **1.5 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The dispensations sought would enable the Members to speak and vote on any item of business at any Authority meeting (including specifically the Authority's budget setting meetings) in which they had a registerable interest by virtue of their appointment by the Authority to outside bodies.

#### **1.6 Appendices:**

'Appendix: Applications for dispensation.

#### **1.7 Contact officers:**

Stephen Ballantyne, Lawyer Specialist: Governance  
and Employment (0191) 643 5329

Joanne Holmes, Democratic Services Officer (0191) 643 5315

#### **1.8 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) Report to the Standards Sub-committee: Dispensations – Appointments to Outside Bodies– 19 December 2019
- (2) Minutes of the Standards Sub-committee – 19 December 2019



Requests from Dispensations have been received from the following members:

1. Councillor Trish Brady
2. Councillor Brian Burdis
3. Councillor Carole Burdis
4. Councillor Julie Crudas
5. Councillor Matthew Thirlaway



North Tyneside Council  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
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The Monitoring Officer  
North Tyneside Council  
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North Tyneside  
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10 January 2020

Dear Madam

**Further Application to Standards Sub-Committee for Dispensation  
Appointment to Outside Bodies**

I have been appointed by the Authority to the following Outside Body which was not listed in my original letter to the sub-committee dated 25 November 2019. This/these appointments are registerable personal interest(s). I have registered this/these appointment(s) on my Register of Interests.

Outside Bodies (Exercising Executive Functions):

Bus Lane Adjudication Service Joint Committee (Substitute)

Accordingly, it is likely that with regard to this/these appointment(s) in relation to any item of business considered at an Authority meeting (including specifically in connection with an Authority budget setting meeting), that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied requiring me to leave the meeting.

This is because my interest may be such that a member of the public knowing the relevant facts would reasonably think it is so significant that it is likely to prejudice my judgement of the public interest. However, as mentioned above the Authority has appointed me to this/these outside bodies.

I therefore apply for dispensation in accordance with Section 33(2)(e) of the Localism Act 2011 to enable me to attend speak and vote on any item of business to be considered at any Authority meeting, on the basis that it is appropriate 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 Cabinet would be prohibited from participating in any particular business to be transacted by the Authority's Cabinet, or
- e) it is otherwise appropriate to grant a dispensation.

If you require any further information from me with respect to this request for dispensation please do not hesitate to contact me.

Yours faithfully

Councillor Trish Brady



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The Monitoring Officer  
North Tyneside Council  
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13 January 2020

Dear Sir

**Application to Standards Sub-Committee for Dispensation  
Appointment to Outside Bodies**

I have been appointed by the Authority to the following Outside Body(ies). This/these appointments are registerable personal interest(s). I have registered this/these appointment(s) on my Register of Interests.

Outside Bodies (Exercising Executive Functions):

North Shields Fish Quay Company Limited

Accordingly, it is likely that with regard to this/these appointment(s) in relation to any item of business considered at an Authority meeting (including specifically in connection with an Authority budget setting meeting), that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied requiring me to leave the meeting.

This is because my interest may be such that a member of the public knowing the relevant facts would reasonably think it is so significant that it is likely to prejudice my judgement of the public interest. However, as mentioned above the Authority has appointed me to this/these outside bodies.

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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 Cabinet would be prohibited from participating in any particular business to be transacted by the Authority's Cabinet, or
- e) it is otherwise appropriate to grant a dispensation.

If you require any further information from me with respect to this request for dispensation please do not hesitate to contact me.

Yours faithfully

Councillor Brian Burdis

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The Monitoring Officer  
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13 January 2020

Dear Sir

**Application to Standards Sub-Committee for Dispensation  
Appointment to Outside Bodies**

I have been appointed by the Authority to the following Outside Body(ies). This/these appointments are registerable personal interest(s). I have registered this/these appointment(s) on my Register of Interests.

Outside Bodies (Not Exercising Executive Functions):

North Tyneside Citizens Advice Bureau

Outside Bodies (Exercising Executive Functions):

Safer North Tyneside Partnership Board

Accordingly, it is likely that with regard to this/these appointment(s) in relation to any item of business considered at an Authority meeting (including specifically in connection with an Authority budget setting meeting), that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied requiring me to leave the meeting.

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- d) without the dispensation each member of the Authority's Cabinet would be prohibited from participating in any particular business to be transacted by the Authority's Cabinet, or
- e) it is otherwise appropriate to grant a dispensation.

If you require any further information from me with respect to this request for dispensation please do not hesitate to contact me.

Yours faithfully

Councillor Carole Burdis

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The Monitoring Officer  
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7 January 2020

Dear Sir

**Application to Standards Sub-Committee for Dispensation  
Appointment to Outside Bodies**

I have been appointed by the Authority to the following Outside Body(ies). This/these appointments are registerable personal interest(s). I have registered this/these appointment(s) on my Register of Interests.

Outside Bodies (Exercising Executive Functions):

Tyne Port Health Authority (Substitute)

Accordingly, it is likely that with regard to this/these appointment(s) in relation to any item of business considered at an Authority meeting (including specifically in connection with an Authority budget setting meeting), that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied requiring me to leave the meeting.

This is because my interest may be such that a member of the public knowing the relevant facts would reasonably think it is so significant that it is likely to prejudice my judgement of the public interest. However, as mentioned above the Authority has appointed me to this/these outside bodies.

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Yours faithfully

Councillor Julie Crudas

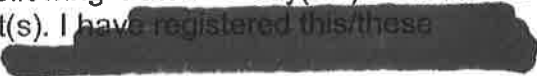
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19 December 2019

Dear Sir

**Application to Standards Sub-Committee for Dispensation  
Appointment to Outside Bodies**

I have been appointed by the Authority to the following Outside Body(ies). This/these appointments are registerable personal interest(s). I have registered this/these appointment(s) on my Register of Interests. 

Outside Bodies (Not Exercising Executive Functions):

North East Regional Employers Organisation

Accordingly, it is likely that with regard to this/these appointment(s) in relation to any item of business considered at an Authority meeting (including specifically in connection with an Authority budget setting meeting), that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied requiring me to leave the meeting.

This is because my interest may be such that a member of the public knowing the relevant facts would reasonably think it is so significant that it is likely to prejudice my judgement of the public interest. However, as mentioned above the Authority has appointed me to this/these outside bodies.

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If you require any further information from me with respect to this request for dispensation please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, which has been heavily redacted with a thick black horizontal bar.

Councillor Matthew Thirlaway