

North East Derbyshire District Council

Standards Committee

23 January 2025

Requests for Dispensations

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

Three Councillors have requested dispensations in relation to their Disclosable Pecuniary Interests (DPIs) resulting from their membership of the Rykneld Homes Ltd Board. The DPI would prevent the Councillors from taking part in the discussion of the HRA budget at the Council meeting on 27th January 2025.

RECOMMENDATIONS

1. That Members consider the applications received and determine whether a dispensation should be given.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: Details included in the report.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none">Completed EIA stage 1 to be appended if not required to do a stage 2	Not applicable
Stage 2 full assessment undertaken <ul style="list-style-type: none">Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No – not appropriate

Links to Council Plan priorities;

- **A great place that cares for the environment**
- **A great place to live well**
- **A great place to work**
- **A great place to access good public services**

All the above as goes to the ethical framework.

REPORT DETAILS

1 Background *(reasons for bringing the report)*

1.1 The functions of the Standards Committee include:

Granting dispensations to allow Councillors and co-opted members to take part in meetings where they have a disclosable pecuniary interest.

1.2 Three requests have been received for dispensations in relation to DPIs held. All three requests are from Members who are also Directors on the Rykneld Homes Ltd Board. All three Members were appointed to the Board by the Council. All three Members receive a Board Director's payment. The 4th Member of the Board has given apologies for the Council Meeting

1.3 At Council on the 27th of January 2025, Members will receive details of the Council's budget for approval. This will include the HRA which is mainly delivered by Rykneld Homes Ltd (Rykneld). The DPI means that in accordance with the law and Constitutional requirements the Board Members should leave the Chamber before the debate and vote takes place.

1.4 One of the grounds for granting a dispensation is:

That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.

This is the situation in relation to the consideration of the HRA.

The political balance is as follows if all Members are present:

Labour	27	
Conservative	18	Combined Opposition 26
NE Derbyshire Independents	5	
Independents	3	

If 4 Board Members declare their DPIs and leave the numbers would be:

Labour	24	
Conservative	17	Combined Opposition 25
NE Derbyshire Independents	5	

This means the political balance would be skewed towards the Opposition Parties.

The fourth Board Member has said that he will be offering his apologies for the meeting. This however does not alter the figures above. Having not applied for a dispensation he would not be able to remain and vote on the item even if he were present.

- 1.5 The letters requesting the dispensation are attached at Appendix 1 and 2. Appendix 1 contains the request letter from Cllr Gillott which Cllr Christine Smith has been confirmed is the basis of her request too. Appendix 2 contains the request from Cllr Clegg. Although the letter refers to a non pecuniary interest it is in fact a DPI and should be treated as such.

2. Details of Proposal or Information

- 2.1 It is for Members to decide on the basis of the information before them whether or not to grant these dispensations.
- 2.2 If granted, I will write to confirm and request that each of the three Members makes the position clear at the Council meeting when declarations are requested.
- 2.3 In addition and if thought suitable, the Vice Chair and I could email all Members to make them aware in advance of the Council Meeting in order to ensure transparency.

3 Reasons for Recommendation

- 3.1 The request for dispensations has been received and needs determining.

4 Alternative Options and Reasons for Rejection

- 4.1 The Standards Committee must decide. There is no alternative.

DOCUMENT INFORMATION

Appendix No	Title
1	Letter from Cllr Gillott requesting a dispensation and the basis for the request for a dispensation by Cllr Christine Smith.
2	Letter from Cllr Clegg requesting a dispensation.
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)</p>	