

NORTHUMBERLAND COUNTY COUNCIL

STANDARDS COMMITTEE

At a remote meeting of the **Standards Committee** on Wednesday, 10 June 2020 at 11.00 am.

PRESENT

Mr J. Jackson
(Independent Chair, in the Chair)

COUNTY COUNCILLORS

Dungworth, S.
Homer, C.
Murray, A.H.

Rickerby, L.J.
Swinburn, M.
Webb, G.

PARISH COUNCILLORS

Tebbutt, A.

Wallace, A.

IN ATTENDANCE

Milner, K.

Independent Person

OFFICERS

Henry, L.
Bennett, Mrs L.M.

Monitoring Officer
Senior Democratic Services Officer

10. APOLOGIES FOR ABSENCE

Apologies were received from Councillor E. Armstrong and Parish Councillor R. Greig.

11. MINUTES

RESOLVED that the minutes of the meeting of the Standards Committee held on Thursday, 16 January 2020, as circulated, be confirmed as a true record and signed by the Chair.

12. REPORT OF THE MONITORING OFFICER

Application for Dispensation - Councillor J.G. Watson

Members were requested to consider the granting of a dispensation to Councillor J.G. Watson who had submitted the attached application in relation to his appointment, in February 2020, as a Partner Fund nominated non-executive director on the Board of Border to Coast Pensions Partnership Ltd (“**BCPP Ltd**”), which constituted a registerable personal interest under Annex 3 of the Northumberland Members’ Code of Conduct as well as a disclosable pecuniary interest under Sections 29 and 30 of the Localism Act 2011. (Report attached to the signed minutes as **Appendix A**).

The Monitoring Officer reported that the dispensation was required to allow Councillor Watson to fully participate as a member of the Council’s Pension Fund Panel, of Council and, most recently, the Tyne & Wear Pension Fund Committee. The first meeting of the Tyne & Wear Pension Fund Committee was due to take place on 11 June 2020, hence the Standards Committee meeting being held today. Councillor Watson’s letter of application and supporting legal opinion were attached for information.

The report outlined five circumstances for which dispensation could be considered and of these the following two were relevant in this case:-

- That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- That the authority considers that it is otherwise appropriate to grant a dispensation

As there was no statutory definition of the criteria or advice from Government as to their meaning, it was at the Committee’s discretion as to how these criteria were interpreted.

The request had previously been considered at the January 2020 meeting but no vote had been taken. Legal advice from Counsel had been sought and it had been confirmed that there was no bar to Councillor Watson repeating his application for a dispensation.

Clarification was sought as to whether there would still be a conflict of interest if no remuneration was offered for this post or if it was offered but declined. The Monitoring Officer confirmed that if there was no remuneration then there would be no disclosable pecuniary interest and Councillor Watson would be free to participate at the member forums previously mentioned. It was only because there was a remuneration that there was any need to disclose a pecuniary interest. In response to a further enquiry he advised that, while he did not know for certain, he expected that it would be possible for Councillor Watson to waive the remuneration if he chose to do so.

Concern was expressed at the situation of a member receiving remuneration for a position which was clearly a conflict of interest and that there were no other positions whereby a member could receive remuneration from a body and

then represent it. However, it was pointed out that the criteria to allow this dispensation existed and the fact that the position was paid did not mean that it was not in the interests of the people of the area for a dispensation to be granted.

In support of the dispensation application, another member, who formerly served on the Council's Pension Fund Panel, reiterated that Councillor Watson had great experience and was extremely knowledgeable both of which were very important, especially in view of the volatility of the financial markets at present. To prevent Councillor Watson from representing Northumberland would be very negative for Northumberland and its residents.

Other members commented that they were happy to support the application and that Councillor Watson was highly skilled and committed to the interests of local people. There was some sympathy for the concerns already expressed but Councillor Watson had been very correct in applying for the dispensation.

Some discussion followed regarding the position of other Councillors representing the Council on other bodies and the potential need for dispensations. The Monitoring Officer reported that he would need further information on any such positions and was happy to discuss with members, if necessary, outside the meeting,

Councillor C.R. Homer informed the Committee that she was in favour of granting the dispensation but would shortly have to leave the meeting. The Monitoring Officer explained that unless the Chair wished to move to a vote, Councillor Homer would be unable to participate.

The Chair stated that, as the Monitoring Officer had agreed to look at the more generalised area of dispensations and particular positions, and if there were no further comments or questions, the Committee could now move on to a vote on the dispensation request from Councillor Watson.

Councillor C.R. Homer proposed, seconded by Councillor L.J. Rickerby, that a dispensation be granted to Councillor J.G. Watson, as laid out in the report. On taking a vote the proposal was agreed by four votes for to two against.

RESOLVED that

- (i) a dispensation be granted to Councillor J.G. Watson, who had submitted an application, to allow him to participate fully at meetings of the Pension Fund Panel, Council, and Tyne and Wear Pension Fund's Pensions Committee in relation to matters concerning BCPP Ltd, save for any discussions or decisions on the remuneration of BCPP Ltd's directors.

- (ii) the dispensation be granted for a maximum of four years.

A member commented that they were unhappy with the way this matter had been dealt with and, although they reluctantly accepted that the application could return for consideration, when a member had indicated that they needed to leave the meeting the vote had been quickly pushed through. The Monitoring Officer confirmed that he had advised that Councillor Homer would be unable to vote unless the vote was taken at that point but the Chair had felt that it was appropriate to move forward. No view to the contrary was heard from the members. The report was very full and clearly set out the reasons for the requested dispensation and a Barrister had confirmed that it was appropriate for the Standards Committee to consider the matter again. This was provided for by Government legislation. He did not feel that the vote had been rushed or was unfair.

13. URGENT BUSINESS

Draft Model Code of Conduct

The Monitoring Officer reported that a consultation period on the draft model code of conduct was underway and would run until Monday, 17 August 2020. A report would be submitted to the next meeting of the Standards Committee in order that a response could be compiled.

A link to the document would be sent out to members of the Standards Committee in advance.

14. DATE OF NEXT MEETING

It was noted that the next meeting would take place on Thursday, 16 July 2020 at 2.00 pm and would be held remotely.

CHAIR.....

DATE.....