



Report for: Annual Council

Date of Meeting: 26 May 2022

Subject: Dispensations for Councillors

Responsible Officer: Hugh Peart, Director of Legal and Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary and Recommendations

This report seeks approval to dispensations for Councillors in order to allow them to contribute as fully as possible at meetings and for them to withhold their private address upon request.

Recommendations:

That, under Section 33 of the Localism Act 2011, all Councillors be granted a dispensation for the following categories of business allowing them to participate in consideration of these matters at meetings of the Council until the next local elections in May 2026:

1. General Dispensations to allow a Councillor to stay, speak and vote in relation to:
 - a) Setting of Council Housing rent levels and approving the Housing Revenue Account where the Councillor (or spouse/partner) holds a tenancy or lease with the Council;
 - b) Overarching budget reports where the Councillor (or spouse/partner) receives housing benefit;
 - c) Agreeing allowances, travelling expenses, payments or indemnities for Councillors;
 - d) Setting the Council Tax or a Precept;
 - e) Overarching budget reports where the Councillor (or spouse/partner) receives adult social care support.
2. General Dispensation for a Member to stay, speak but **not** to vote:

In relation to decisions on Council Tax Support where a Councillor (or spouse/partner) is in receipt of Council Tax Benefit.
3. General Dispensation for a Councillor not to have their private address published on the Council's website where they so request of the Monitoring Officer.

Section 2 – Report

The law and the Code of Conduct for Councillors requires them to register certain interests. If those interests are engaged, a Councillor may have to leave the meeting and not take part in the discussion or vote. In order to provide Councillors with clarity about when, notwithstanding those interests, they may be able to remain, the above dispensations are recommended to put the matter beyond doubt.

Additionally it is recommended that Councillors, upon request of the Monitoring Officer, be granted a dispensation to withhold their private address from the Council's website.

Setting Council Tax

Section 106 Local Government Finance Act 1992 provides that any Councillor who has undischarged arrears of at least two months in respect of their Council Tax cannot vote when Council sets Harrow's Council Tax.

Advice

Councillors should seek advice from the Council's Monitoring Officer if they are in any doubt as to whether an interest should be declared to ensure that the Members' Code of Conduct is followed, and the law adhered to.

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed by the Chief Financial Officer

Date: 19 May 2022

Statutory Officer: Hugh Peart

Signed by the Monitoring Officer

Date: 19 May 2022

Section 4 - Contact Details and Background Papers

Contact: Alison Atherton, Senior Professional Democratic Services

Background Papers: Council Constitution