

Council

SUPPLEMENTAL SUMMONS

DATE: Thursday 14 November 2013

13. PUBLIC REGISTER OF DISPENSATIONS (Pages 1 - 6)

Recommendation I: Standards Committee
(11 September 2013)

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COUNCIL
14 NOVEMBER 2013

STANDARDS COMMITTEE
RECOMMENDATION
(11 SEPTEMBER 2013)

**RECOMMENDATION I: PUBLIC REGISTER OF
DISPENSATIONS**

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STANDARDS COMMITTEE

MINUTES

11 SEPTEMBER 2013

Chairman: * Councillor Simon Williams

Councillors: * Mano Dharmarajah * Phillip O'Dell
* Graham Henson * Paul Osborn

Independent Persons: * Mr J Coyle * Mr D Lawrence
* Dr J Kirkland

* Denotes Member present

RECOMMENDED ITEMS

109. Public Register of Dispensations

The Committee received a report on whether or not dispensations from the Interest provisions of the Council's Code of Conduct for Councillors should be published on the Council's website.

An officer introduced the report and made the following points:

- the issue had been raised at the previous meeting and discussions had taken place on whether dispensations which had been granted should be a matter of public record;
- some Councils did have a public register of dispensations. The only exemptions related to dispensations granted for sensitive interests i.e. where there was potential for the Councillor to become a victim of violence or intimidation.

During the discussion on this item Members of the Committee raised a number of queries which officers responded to as follows:

- any dispensation granted may be subject to disclosure under any Freedom of Information request on the basis that it was in the public interest;
- it was believed that statutory instruments intended for dispensations to be disclosed verbally at meetings, but the relevant provisions had been not clearly worded;
- any register of dispensations would have to specify what exactly the dispensation was granted for. If any dispensation or interest was declared verbally at a meeting, it was important to be as specific as possible;
- dispensations could be granted for a specified amount of time (of no more than 4 years) or up to the next Local Elections.

During the discussion on this item, Members of the Committee made a number of comments as follows:

- it was important that dispensations granted were disclosed publicly. Non disclosure was against the spirit of the Localism Act;
- if a dispensation was granted there was no constructive reason why it should not be published;
- even if a dispensation was declared publicly in a register, it was still important for Councillors to disclose it verbally at a relevant meeting to provide clarity to members of the public;
- despite any embarrassment Councillors may face in declaring dispensations, the importance of ensuring clarity for members of the public was more important;
- any register of dispensations should include dispensations which have already been granted and which were currently in existence. If any Member had an issue with this they could ask for the dispensation to be cancelled which would remove its entry from the register;
- Members should be made aware of any implications of any decision to implement a Register of Dispensations.

Resolved to RECOMMEND: (to Full Council)

That

- (1) if a dispensation is granted pursuant to S33 Localism Act 2011 then within 28 days details of the dispensation will be entered into a register of dispensations which will be maintained by the Monitoring Officer on behalf of the Standards Committee.

- (2) the Register will be published on the Council's website by 1 December 2013 unless the dispensation relates to a sensitive interest pursuant to S32 Localism Act 2011 in which case limited information only may be published.
- (3) the Councillors' Code of Conduct be amended to reflect a requirement that any dispensations be declared verbally at meetings and in the event of blanket dispensations, the Chair of the relevant meeting declares this at the outset;
- (4) where the dispensation applies to sensitive information the register will state that the member has received a dispensation in an interest, but the details of the interest to which the dispensation relates are being withheld pursuant to S32 Localism Act 2011.

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