

REPORT FOR: **STANDARDS COMMITTEE**

Date of Meeting: 18 January 2013

Subject: Dispensations

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

Exempt: No

Enclosures: None

Section 1 – Summary and Recommendations

This report sets out the process to be followed for granting individual dispensations.

Recommendation:

That the Committee consider any individual applications for dispensations and determine whether or not to grant the dispensations.

Section 2 – Report

1. Background

- 1.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests and new rules on dispensations as part of the new conduct arrangements.
- 1.2 It is a criminal offence for Members to fail to register a Disclosable Pecuniary Interest or to speak and/or vote where they have a Disclosable Pecuniary Interest unless they have obtained a dispensation.
- 1.3 The Council has delegated power to the Standards Committee to grant dispensations.

2. Dispensation to speak and vote on specified matters

- 2.1 Section 31(4) of the Localism Act provides that a member who has a disclosable pecuniary interest in any matter to be considered at a meeting may not participate in any discussion, or vote on the matter. However, by virtue of section 33, an authority may, on a written request by a member, grant a dispensation relieving the member from either or both of the restrictions in Section 31(4). There is currently no case law to flesh out the act or regulations.
- 2.2 Section 33(2) provides that a relevant authority may grant a dispensation only if after having regard to all relevant circumstances the authority :
 - (a) considers that 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) considers that 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) considers that granting the dispensation is in the interests of persons living in the authority's areas,
 - (d) considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.
- 2.3 Council has delegated to the Standards Committee powers to grant dispensations to Councillors or co-opted members in accordance with section 33 of the Localism Act 2011 allowing Councillors or co-opted members to take part in debate and vote on any item in which they have a Disclosable Pecuniary Interest.

- 2.4 At the last Standards Committee meeting on 4 December 2012, Members considered a report which proposed granting Members general blanket dispensations to ensure that the business of Member Level meetings within the Council was not impeded.
- 2.5 The General Dispensations agreed by the Standards Committee were separated into the two categories as listed below:
1. General Dispensations to allow Members to stay, speak and vote
 - a) Setting of Council Housing rent levels and approving the Housing Revenue Account (HRA): where the Councillor (or spouse or partner) holds a tenancy or lease with the Council
 - b) Housing Benefit in relation to overarching budget reports: where the Councillor (or spouse or partner) receives housing benefit;
 - c) An allowance, travelling expense, payment or indemnity for Councillors;
 - d) Setting the Council Tax or a Precept;
 - e) Adult Social Care in relation to overarching budget reports: where the Councillor (or spouse or partner) receives adult social care support.
 2. General Dispensation to stay, speak but not to vote
 - a) For a Member in receipt of Council Tax Benefit to remain and speak but not vote on decisions in relation to Local Council Tax Support.
- 2.6 At its last meeting, Members of the Standards Committee also indicated that if a Member was in receipt of Council Tax Benefit, they could consider applying for a dispensation to stay speak and vote.
- 2.7 Members have indicated that they wish the Standards Committee to consider individual dispensations, until the next election, to stay, speak and vote on decisions in relation to Local Council Tax Support . The basis for the requests is that 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 or that it is otherwise appropriate to grant a dispensation.
- 2.8 The Committee are requested to consider the requests and make a determination on whether or not to grant the dispensation.

Legal implications

- 3.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests and new rules relating to dispensations.
- 3.2 The Council has delegated power to the Standards Committee to grant dispensations.

Financial Implications

- 4.1 There are no financial implications.

Risk Management Implications

4.2 There are no risk management implications.

Equalities implications

Was an Equality Impact Assessment carried out? /No (delete as appropriate)

This is not relevant to this report.

Corporate Priorities

United and involved communities: A Council that listens and leads.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 16 January 2013		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 16 January 2013		

Section 4 - Contact Details and Background Papers

Contact: Vishal Seegoolam, Senior Democratic Services Officer, Tel no: 020 8424 1883

Background Papers:

Openness and Transparency on Personal Interests: A guide for Councillors

<http://www.communities.gov.uk/documents/localgovernment/pdf/2193362.pdf>

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	YES