

REPORT FOR: **Standards Committee**

Date of Meeting: 11th September 2013

Subject: Public Register of Dispensations

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

Exempt: No

Enclosures: None

Section 1 – Summary and Recommendations

Summary

This report relates to whether or not dispensations from the Interest provisions of Harrow's Code of Conduct for Councillors should be published on the Council's website. For example, if it is decided that a member may attend a meeting, speak about a matter or vote on a matter notwithstanding that they have an interest in that matter, should that dispensation be made public?

Recommendations

The Standards Committee is asked to resolve as follows:

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 unless the dispensation relates to a sensitive interest pursuant to S32 Localism Act 2011 in which case limited information only may be published.
3. 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.

Section 2 – Report

Background.

1. The Localism Act and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced new rules on disclosure of interests by members.
2. The requirements in relation to interests are set out in part 2 of Harrow's Code of Conduct for Councillors.
3. It is a Criminal Offence for a member to fail to register a Disclosable Pecuniary Interest or to speak and / or vote where they have a Disclosable Interest unless they have obtained a dispensation.
4. This Committee is authorised to grant dispensations from the Interests provisions of the Code of Conduct for Councillors in accordance with the provisions of S33 Localism Act 2011. If a dispensation is granted a member may be permitted to attend a meeting, speak on a matter or vote on it, depending on the terms of the dispensation, notwithstanding that he or she has an Interest in the matter.
5. S33 Localism Act 2011 sets out the circumstances in which dispensations may be granted. Those circumstances were set out in a report to this Committee for the meeting on 4th December 2012. They are also set out in paragraph 17 on page 6 of Appendix 1.
6. This Committee is authorised to grant dispensations to Councillors, co-opted member and 'church' and parent governor representatives from requirements relating to Interests set out in the members code of conduct. This is stated at Article 9 of the Constitution.
7. At the meeting on 4th December 2012 this Committee resolved that the Monitoring Officer should have delegated authority to grant dispensations in specified circumstances.
8. It is permissible (although not compulsory) to have a public register of dispensations, except in relation to sensitive interests.
9. Sensitive interests are defined at S32 of the Localism Act and relate to where a member is at risk of violence or intimidation. Where the member concerned and the Monitoring Officer consider that the interest is a sensitive one then the Council may not publish details of the interest, but has discretion whether or not to publish the fact that an interest has been disclosed without publishing the details of it.

Current Situation.

10. At present the Members' Interests are published on the Council's website. However, dispensations are not presently publicised and no decision has yet been taken on whether or not to do so.

Why a Change is Needed.

11. There is public interest in transparency in relation to decision making at the Council. If members are to be allowed to attend meetings, speak and vote on matters in which they have an interest then it is important that the Council is

as transparent as possible about that to ensure that members are accountable to the public.

12. Presently Member Interests are made public (except for sensitive interests) but not dispensations relating to Interests. Unlike interests themselves, there is no legal requirement for the dispensations to be made public. However it seems illogical to put interests disclosed into the public domain without putting dispensations into the public domain also.
13. A web search shows that other authorities have put information about dispensations on their public register including Surrey County Council, Thurrock District Council, Colchester District Council, and Wiltshire County Council.

Financial Implications

14. There are no financial implications from this proposal.

Risk Management Implications

15. There are no significant risks associated with a decision to publicise dispensations. There is a minor risk relating to Data Protection Act 1998 complaint from member whose personal information is disclosed. However information about interests is already in the public domain (as the Council is legally required to publish the interests) and so it unlikely that there will be a breach of the Data Protection Act. Further, in the event that the Council received a request pursuant to Freedom of Information Act 2000 for information about dispensations it is likely that the Council would be legally obliged to provide information, taking account of the need to balance the conflict between privacy and transparency. The information would enter the public domain at that point in any event.

Equalities implications

16. There are no particular equalities issues with this proposal. All members will be affected regardless of any protected characteristic they may hold (gender, race, disability etc).

Corporate Priorities

17. 'United and Involved Communities: a Council that Listens and Leads'. The proposal will increase transparency of Harrow Council and make Members more accountable to the public. The proposal is consistent with the wish of the public for increased transparency in the public sector.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 4 September 2013		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 9 September 2013		

Section 4 - Contact Details and Background Papers

Contact: Jessica Farmer, Head of Legal Services. Extension 2889.

Background Papers: None.

If appropriate, does the report include the following considerations?

1.	Consultation	No.
2.	Corporate Priorities	Yes.