

26 November 2019

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Guidance for Members on Dispensations		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The Council provides guidance on its process for councillors regarding the granting of dispensations for councillors who, due to having a Disclosable Pecuniary Interest, are precluded from participating on agenda items.

2. Recommended Decision

- 2.1 To approve the attached Guidance for Members and Co-opted Members on Dispensations and that it be included in the Constitution.

3. Background

- 3.1 The Localism Act provides that a dispensation may be granted in relation to a Member or a Co-opted Member with a Disclosable Pecuniary Interest only if after having had regard to all relevant circumstances, the Authority considers: –
- (a) that so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would “impede the transaction of the business” ;
 - (b) that without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - (c) that the dispensation is in the interests of persons living in the Authority’s area;
 - (d) that without a dispensation, no member of the Cabinet would be able to participate on the matter; or
 - (e) that it is otherwise appropriate to grant a dispensation.
- 3.2 Any grant of a dispensation must specify how long it lasts for, up to maximum of four years.
- 3.3 The Localism Act gives discretion for the power to grant dispensations to be delegated by the Authority to a Committee or a Sub-Committee, or to the Monitoring Officer.
- 3.4 Full Council has delegated:
- (a) the power to grant dispensations on the grounds set out in paragraphs 3.1 (a) and (d) to the Monitoring Officer, with an appeal to the Governance and Audit Committee; and

- (b) the power to grant dispensations on the grounds set out in paragraphs 3.1 (b), (c) and (e) to the Governance and Audit Committee, after consultation with the Independent Person.

3.5 Guidance for Members and Co-opted Members outlining the process for granting dispensation was produced and was last reviewed in 2014. No requests for dispensations have been made since the introduction of the process. Attached to this report is an updated version of the Guidance which includes only minor amendments. It is suggested that the levels of delegations remain appropriate and that the Committee is requested to review the updated Guidance and to agree that it be included in the Constitution.

4. Strategic Plan References

4.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

5. Publicity Considerations

5.1 The Constitution is published on the Council's website

6. Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety and Risk Management Implications

5.1 None.