

**22 November 2022**

<b>Report of</b>	<b>Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b>
<b>Title</b>	<b>Guidance for Members on Dispensations</b>		<b>☎ 282213</b>
<b>Wards affected</b>	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 an interest under the Members Code of Conduct, 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 Following the adoption of the Local Government Association’s Model Code of Conduct from 1 December 2022, the Guidance requires updating to include reference to Other Registerable Interests and Non-registerable Interests.
- 3.3 Any grant of a dispensation must specify how long it lasts for, up to maximum of four years.
- 3.4 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.

3.5 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 an Independent Person.

3.6 The Guidance for Members and Co-opted Members outlining the process for granting dispensations was last reviewed by the Committee on 26 November 2019. 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 amendments consequential with the adoption of the Local Government Association's Model Code of Conduct from 1 December 2022. 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, Risk Management and Environmental and Sustainability Implications**

6.1 None.