

<b>NAME OF COMMITTEE</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>17 March 2015</b>
<b>REPORT TITLE</b>	<b>Request to grant General Dispensations</b>
<b>Report of</b>	<b>Monitoring Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

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**Summary of report:**

To reconsider granting General Dispensations to all Members for the next Council term.

**Financial implications:**

There are no financial implications to this report.

**RECOMMENDATION:**

1. That a dispensations is granted to all dual-hatted Members of West Devon Borough Council to speak and vote on matters where they are members of another local authority and in receipt of a Members' Allowance, from the Annual Meeting in May 2015 until the Annual Meeting in May 2019, and
2. A General Dispensation is granted as set out in paragraph 1.5 of this report from the Annual Meeting in May 2015 until the Annual Meeting in May 2019.

**Officer contact:**

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**1. GENERAL DISPENSATIONS**

- 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 standards 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 powers to the Standards Committee to grant dispensations for a specified period of up to a maximum of four years, on the following grounds:
- (i) That so many members of the Council have disclosable pecuniary interests in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate).
  - (ii) That without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter.
  - (iii) That the Council considers that the dispensation is in the interests of persons living in the Council's area.
  - (iv) That the Council considers that it is otherwise appropriate to grant a dispensation.
- 1.4 In considering whether or not to grant a dispensation, Members will have regard to the following criteria:
- (i) Whether the nature of the Member's interest is such that to allow him/her/them to participate would not damage public confidence in the conduct of the Council's business.
  - (ii) Whether the interest is common to the Member and a significant proportion of the general public;
  - (iii) Is the participation of the Member in the business that the interest relates to justified by a member's particular role or expertise?
  - (iv) Whether the interest is trivial or remote.
- 1.5 In September 2012 this Committee granted a general dispensation to all members of West Devon Borough Council (until May 2015) to speak and vote where they would otherwise have a Disclosable Pecuniary Interest in the following matters:
- (i) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the Councillor's particular tenancy or lease
  - (ii) Statutory sick pay: if a Councillor receives this or is entitled to receive it
  - (iii) An Allowance, travelling expense, payment or indemnity for Councillors
  - (iv) Any ceremonial honour given to Members
  - (v) Setting the Council Tax or a Precept
- 1.3 In December 2014 this Committee granted a general dispensation to all dual-hatted Members of West Devon Borough Council until May 2015, to speak and vote on matters where they are a member of another local authority and in receipt of a Members' Allowance.
- 1.4 General Dispensations may be granted for a maximum of four years and the dispensations granted in October 2012 and December 2014 expire in May 2015 i.e. the end of the current Council term. The Standards Committee needs to reconsider the General Dispensations listed in paragraphs 1.5 and 1.6 with a view

to granting new Dispensations in the same terms, for the four year term of the next Council i.e. from the Annual Meeting in May 2015 until the Annual Meeting in May 2019.

## **2. LEGAL IMPLICATIONS**

2.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests, the requirement for a local Code, Registers of interests and new rules on dispensations.

2.3 The Standards Committee is responsible for considering Dispensations.

## **3. FINANCIAL IMPLICATIONS**

3.1 There are no financial implications to this report.

## **4. RISK MANAGEMENT**

4.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

## **5. OTHER CONSIDERATIONS**

<b>Corporate priorities engaged:</b>	Community Life
<b>Statutory powers:</b>	The Localism Act 2011 Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
<b>Considerations of equality and human rights:</b>	Not applicable
<b>Biodiversity considerations:</b>	Not applicable
<b>Sustainability considerations:</b>	Not applicable
<b>Crime and disorder implications:</b>	Not applicable
<b>Background papers:</b>	Standards Committee 4 September 2012 and 2 December 2014

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Failure to grant a general dispensation	Members would need to declare Disclosable Pecuniary Interests and not partake in business of the Council	4	2	8	↔	Recommendations for General Dispensations have been made for adoption by the Council	Monitoring Officer

Direction of travel symbols ↓ ↑ ↔