

Report to: **Overview & Scrutiny Panel**

Date: **27 February 2020**

Title: **General Dispensations to Members**

Portfolio Area: **Cllr Hopwood (Council)**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: 27 February 2020

Author: **Catherine Bowen** Role: **Monitoring Officer**

Contact: **[Catherine.Bowen@swdevon.gov.uk](mailto:Catherine.Bowen@swdevon.gov.uk)**

---

**Recommendations:**

**That the Overview & Scrutiny Panel grants the General Dispensations as set out in Paragraphs 2.4 and 2.5 below, from the Annual Meeting in 2020 to the Annual Meeting in 2023 so that:**

- a. A General Dispensation is granted to all multi or dual-hatted Members of South Hams District Council to speak and vote on matters where they are members of another local authority and in receipt of a Members' Allowance, and**
- b. A General Dispensation is granted to all Members as set out in paragraphs 2.4.1 to 2.4.5 of this report.**

**1. Executive summary**

- 1.1 Members considered a report on 28 March 2019 regarding the granting of General Dispensations which would enable Members to participate in matters in which they may otherwise be prevented from speaking and voting because of a Disclosable Pecuniary Interest.
- 1.2 At that meeting some Members expressed concerns over the potential for conflicts of interest to arise for those Members who were both Devon County and South Hams District Councillors. In particular, some members felt that it was inappropriate for dual-hatted Members to be appointed to serve on the Executive. Members therefore decided that General Dispensations should only be granted until the Annual Meeting in May 2020, and further reviewed before May 2020 (Minute reference O&S.94/18).
- 1.3 This report therefore requests that Members reconsider this issue.

## **2. Background**

- 2.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests and rules on dispensations as part of the standards arrangements. 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.
- 2.2 The Overview & Scrutiny Panel is responsible for granting dispensations under the Council's Dispensation Policy. The Dispensation Policy is attached at Appendix 1 and shows the criteria for determining dispensations together with the current dispensations that are in place. These are General Dispensations relating to South Hams District Council Members as detailed below.
- 2.3 As Members will note in Appendix 1, General Dispensations have been previously granted for the four-year term of the Council. However, due to Member concerns in March 2019, the General Dispensations were granted for one year only from the Annual Meeting 2019 to the Annual Meeting in 2020.
- 2.4 There is a General Dispensation to all members of South Hams District Council (until the Annual Meeting in May 2020) to speak and vote where they would otherwise have a Disclosable Pecuniary Interest in the following matters:
  - 2.4.1. Housing: where a Member (or spouse/partner) holds a tenancy or lease with the Council as long as the matter does not relate to the Member's particular tenancy or lease
  - 2.4.2. Statutory sick pay: if a Member receives this or is entitled to receive it
  - 2.4.3. An Allowance, travelling expense, payment or indemnity for Members
  - 2.4.4. Any ceremonial honour given to Members
  - 2.4.5. Setting the Council Tax or a Precept
- 2.5 Multi or dual-hatted South Hams District Council Members also have a General Dispensation (up to May 2020) to speak and vote on matters where they are a member of another local authority and in receipt of a members' allowance from that other local authority.
- 2.6 Members are requested to consider granting the Dispensations set out in paragraphs 2.4 and 2.5 above for the period from the Annual Meeting in 2020 until the Annual meeting in May 2023 in accordance with the criteria in Appendix 1. General Dispensations may be granted for a maximum of four years.

## **3. Outcomes/outputs**

- 3.1 Members are asked to consider the General Dispensation in relation to general matters affecting all councillors (as set out in Paragraph 2.4 above) and also the General Dispensation in relation to multi/dual-hatted Members who receive an allowance from another local authority.

#### 4. Options available and consideration of risk

- 4.1 Members can grant either or both (paragraphs 2.4 and 2.5) General Dispensations for 3 years (from the Annual Meeting 2020 to 2023)
- 4.2 Members can grant either or both (paragraphs 2.4 and 2.5) General Dispensations for 1 further year (from the Annual Meeting 2020 to 2021)
- 4.3 Members can choose to grant no General Dispensations.
- 4.4 If no Dispensations were granted under the General Dispensation under 2.4 (i.e. in relation to participation in matters potentially affecting all Members such as deciding Members' Allowances) then any Members that participated in the debate and/or voted would be at risk of being prosecuted for a criminal offence (see paragraph 2.1 above) unless those affected had previously obtained a specific dispensation from the O&S Panel.
- 4.5 If a General Dispensation is not granted under paragraph 2.5 then any multi/dual-hatted Members in receipt of an allowance from another local authority would not be able to participate or vote on matters unless they had specifically obtained a dispensation in advance from the O&S Panel.

#### 5. Proposed Way Forward

- 5.1 To grant the General Dispensations set out in the Recommendation.

#### 6. Implications

| Implications   | Relevant to proposals Y/N | Details and proposed measures to address  |
|--|---------------------------|---|
| Legal/Governance   | Y                         | The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests and rules on dispensations as part of the standards arrangements. The Overview & Scrutiny Panel is responsible for promoting and maintaining high standards of conduct by Members and part of its remit is to grant dispensations where it is deemed appropriate in order that the business of the Council can be properly transacted. |
| Financial implications to include reference to value for money | N                         | There are no direct financial implications to this report.  |
| Risk   | Y                         | These are set out in Paragraph 4 above  |
| Supporting Corporate Strategy                                  | Y                         | Council Efficiency  |
| Climate Change - Carbon / Biodiversity Impact                  | N                         |   |
| Comprehensive Impact Assessment Implications                   |                           |   |
| Equality and Diversity   |                           | N/a   |

|   |  |     |
|---|--|-----|
|   |  |     |
| Safeguarding                            |  | N/a |
| Community Safety,<br>Crime and Disorder |  | N/a |
| Health, Safety and<br>Wellbeing         |  | N/a |
| Other implications                      |  | N/a |

**Supporting Information**

**Appendix 1: General Dispensations**

**Background Papers:**

**Overview & Scrutiny Panel report dated 28 March 2019**