

Title: Dispensation for Councillor Davison
 Lead Officer: Graham Leach, Democratic Services Manager & Deputy
 Monitoring Officer, Telephone 01926 456141 or email
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 Portfolio Holder: Councillor Day
 Wards of the District directly affected: None

Approvals required	Date	Name
Portfolio Holder		N/A
Finance		
Legal Services		
Chief Executive	17/6/2024	Chris Elliott
Director of Climate Change		
Head of Service(s)	17/6/2024	Graham Leach
Section 151 Officer		
Monitoring Officer	17/6/2024	Graham Leach
Leadership Co-ordination Group		N/A
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Summary

The proposals set out in this report will protect Councillor from inadvertent breaches of the requirements related to a "Pecuniary Other Interest" ensuring that the Council can conduct its business.

Recommendation

The Council Committee grants dispensations until the elections for the Council in May 2027, that where Councillor Davison has Disclosable Pecuniary Interest or other interest in a matter relating to West Midlands Combined Authority or Investment Zone by virtue of the fact that either he is a Member of that other authority and/or in receipt of an allowance from that other authority, but only in the circumstances set out in (a) and (b) below:

- (a) Where the issue is a matter of dispute between the District Council and the other authority and the matter would affect the financial position of that other authority, the Councillor may speak on the matter provided they then immediately withdraw from the meeting room, unless it relates to the future structure of local government; and
- (b) In relation to other matters (including the future structure of local government) affecting that other authority, the District Councillor may speak and vote.

1 Reasons for the Recommendation

- 1.1 Within the Constitution, the Audit & Standards Committee is responsible for considering and determining requests for dispensation from requirements of the adopted Members' Code of Conduct. This request only becomes appropriate if Council appoints Councillor Davison as the Council's representative to the West Midlands Combined Authority and West Midlands Investment Board. Therefore, Councillor Hales was agreeable, in this specific situation, for Council to consider this request, as parent body to the Audit & Standards Committee.
- 1.2 Dispensations for Members to participate can be granted (in certain circumstances) for up to four years allowing a member to speak and or vote where they have a Disclosable Pecuniary Interest.
- 1.3 Dispensation has been granted for the 2023-2027 Council, as per the above recommendation, to all Councillors who would have an interest by virtue of them being in receipt of an allowance from another local authority or being a member of another authority. Therefore, it is considered reasonable that as Councillor Davison will be in a similar position be granted the same dispensation to enable them to effectively represent the community they represent.

2 Alternative Options

- 2.1 The Council could consider decline the request however officers believe that the recommended dispensation enables the Council to function more effectively and does not compromise the Council's transparency.

3 Legal Implications

- 3.1 The Council is reminded that any decision must only have regard to relevant factors and must be reasonable. In respect of reasonableness, this should be considered in line with the English Court case from 1948, which established

“The Wednesbury Principle”. This is that no decision should be so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.

4 Financial Implications

- 4.1 The report does not directly impact on the budgetary framework or budget of the Council.

5 Corporate Strategy

- 5.1 Warwick District Council has adopted a Corporate Strategy the report does not directly impact on these.

6 Environmental/Climate Change Implications

- 6.1 The report does not have environmental implications in relation to the Council’s policies and Climate Emergency Action Plan.

7 Analysis of the effects on Equality

- 7.1 The report does not meet the requirements for undertaking an equality impact assessment.

8 Data Protection

- 8.1 The report does not have any Data Protection considerations as the information is in the public domain.

9 Health and Wellbeing

- 9.1 The report does not have health and wellbeing implications.

10 Risk Assessment

- 10.1 The primary risks associated with this report about balancing the impact of not enabling Councillor Davison to participate in debates and their resultant loss of voice against the conflict of interest and views they may have as a result being a Member of another Council.