

 <b>Standards Committee</b> <b>2<sup>nd</sup> June 2015</b>		<b>Agenda Item No. 7</b>
<b>Title</b>	<b>Dispensations for Councillors</b>	
<b>For further information about this report please contact</b>	Graham Leach Democratic services Manager & Deputy Monitoring Officer <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	Localism Act 2011 and Warwick District Code of Conduct for members	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>	<b>Date</b>	<b>Name</b>
Deputy Chief Executive & Monitoring Officer	27 <sup>th</sup> May 2015	
CMT		
Section 151 Officer		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		
N/A		

## 1. SUMMARY

- 1.1 The proposals set out in this report will protect members from inadvertent breaches of the requirements related to Disclosable Pecuniary Interests ensuring that the council can conduct its business.

## 2. RECOMMENDATIONS

- 2.1 The Committee agrees the remit and procedure for considering dispensations as set out at Appendix 1 to the report.
- 2.2 That the Committee grants dispensations to all councillors until elections for the Council in May 2019, allowing them to both speak and vote in relation to the following functions of the District Council:
  - (i) housing; where you are a tenant of Warwick District Council, provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) the payment of a councillor allowance, one-off payment or indemnity.
- 2.3 That the Committee grants dispensations as at (a) and (b) below to District Councillors until elections for the Council in May 2019 who are elected members or co-opted members of another public authority and who have a disclosable pecuniary interest in a matter **only by virtue of the fact** that they are in receipt of an allowance or expenses from that other authority:
  - (a) Where the matter would affect the financial position of that other authority the councillor may speak on the matter provided they immediately withdraw from the meeting room.
  - (b) In relation to other matters affecting that other authority the district councillor may speak and vote.
- 2.4 That the committee grants the following dispensations as at (a) and (b) below to Councillors until elections for the Council in May 2019 in respect of circumstances where they have a disclosable pecuniary interest in a matter relating to another authority **only by virtue of the fact** that their spouse is an elected member of that other authority and in receipt of an allowance from that other authority:
  - (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.
  - (b) In relation to other matters affecting that other authority the District Councillor may speak and vote.

### 3. **REASONS FOR THE RECOMMENDATIONS**

- 3.1 Within the Constitution, the Standards Committee is responsible for considering and determining requests for dispensation from requirements of the adopted Members' Code of Conduct.
- 3.2 Dispensations 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. The application must be made in writing to the proper officer (Chief Executive). At present no written applications have been made to the Chief Executive, but officers have taken what is seen as a proactive approach in presenting this report to ensure the Council can conduct its business effectively.
- 3.3 Officers have written to all Councillors asking for confirmation as to whether the partner or spouse (as recognised under the Localism Act) is a Councillor on an authority other than Warwick District Council. This list will be presented to Committee.

### 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – The report proposes no changes to the Council's Policy Framework.
- 4.2 **Fit for the Future** – The report enables the Council to work effectively and enhances the Council value of honesty and openness.

### 5. **BUDGETARY FRAMEWORK**

- 5.1 There is no direct impact on either the Budgetary Framework or Budget of the Council arising from this report.

### 6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 The Standards Committee could consider each application for dispensation on its individual merits. However, officers believe that the recommended general dispensations enable the Council to function more effectively and do not compromise the council's transparency.
- 6.2 The Standards Committee could establish a Sub-Committee to consider future applications of this nature if it so wished. This approach appears to officers to be overly bureaucratic.

## **Dispensation**

You may make an application for a dispensation allowing you to speak and/or vote in relation to a matter in which you have a disclosable pecuniary interest by writing to the Chief Executive. You should set out your disclosable pecuniary interest and the reasons why you believe you should be allowed to speak and /or vote in relation to the matter. The Chief Executive will refer your application to the Standards Committee for consideration.

## **Terms of Reference**

To grant dispensations from either or both of the restrictions in section 31(4) Localism Act 2011 i.e. restrictions on participation and voting in relation to matters in which a member has a disclosable pecuniary interest, if in all the circumstances it considers:

- (a) that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) that granting the dispensation is in the interests of persons living in the authority's area;
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive; or
- (e) that it is otherwise appropriate to grant a dispensation.