

Ethics Committee Agenda



To: Councillor Clive Fraser (Chair)
Councillor Pat Clouder (Vice-Chair)
Councillors Jerry Fitzpatrick, Joy Prince, Mario Creatura and Simon Hoar

Independent Members: Ashok Kumar and Anne Smith

Reserve Members: Councillors Jeet Bains, Jan Buttinger, Patricia Hay-Justice, Karen Jewitt, Pat Ryan and Louisa Woodley

A meeting of the **Ethics Committee** which you are hereby summoned to attend, will be held on **Wednesday, 18 November 2020** at **6.00 pm**. This meeting will be held remotely. Members of the Committee will be sent a link to remotely attend the meeting in due course.

PLEASE NOTE: Members of the public are welcome to remotely attend this meeting via the following web link: <https://webcasting.croydon.gov.uk/meetings/11135>

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Annette Wiles 020 8726 6000 x64877
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www.croydon.gov.uk/meetings
Tuesday, 10 November 2020

The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact the person detailed above, on the right-hand side.

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any Members of the Committee.

2. Minutes of the Previous Meeting (Pages 5 - 8)

To approve the minutes of the meeting held on 12 February 2020 as an accurate record.

3. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Independent Member succession planning (Pages 9 - 14)

For Members to consider succession planning for and recruitment and appointment of further independent persons.

6. Work Programme (Pages 15 - 18)

To consider the Committee work programme for the remainder of the Municipal Year.

7. Dispensation Applications for Members (Pages 19 - 24)

To receive the report of the Executive Director of Resources &

Monitoring Officer on Members' dispensations for consideration, if any are received.

8. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

9. Dispensation Applications for Members

To receive the report of the Executive Director of Resources & Monitoring Officer on Members' dispensations for consideration, if any are received.

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Ethics Committee

Meeting of held on Wednesday, 12 February 2020 at 6.30 pm in F10, Town Hall,
Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Clive Fraser (Chair);
Councillor Pat Clouder (Vice-Chair);
Councillors Simon Brew, Patricia Hay-Justice, Joy Prince and Helen Redfern
Independent Member Anne Smith

Also Present: Jacqueline Harris Baker (Executive Director of Resources and Monitoring
Officer), Sandra Herbert (Head of Litigation & Corporate Law) and Howard
Passman

Apologies: Independent Member Ashok Kumar

PART A

11/20 Minutes of the Previous Meeting

The minutes of the meeting held on 7 January 2020 were agreed as an accurate record.

12/20 Disclosure of Interests

There were no disclosures of interests.

13/20 Urgent Business (if any)

There were no items of urgent business.

14/20 Annual update on the use of RIPA

The item was introduced by the Information and Governance Co-ordinator. It was highlighted that since the publication of the report, the National Anti-Fraud Network, the Council's 'Single Point of Contact' for the processing of communication requests, had successfully passed its inspection by the Home Office.

15/20 Annual update on Member learning and development

The item was introduced by the Senior Democratic & Governance Officer – Council & Regulatory who highlighted the following key points:

- i. Members had been surveyed on their training needs for the first time during the 2019-20 municipal year;
- ii. A new survey of Member training needs was due to be launched following the meeting. This would include questions on the timing of training reflecting that it had been difficult to schedule training during the current municipal year, particularly as a result of the General Election;
- iii. The Panel had discussed the low take up of training opportunities and aimed to address this during the next municipal year; and
- iv. There were a number of sessions planned which would need to be scheduled and there would also be training arising from the Governance Review to be accommodated.

In response to Member questions, it was established that only a third of the available training budget of £21K for Member training had been spent during the 2019/20 municipal year. Members noted their disappointment and considered what more could be done to encourage Councillors to review their needs and attend the necessary training. It was agreed that the Committee would recommend that the Member Learning and Development Panel should explore the availability of a competency framework for Councillors against which needs could be assessed. It was thought that something suitable might be provided by the *Local Government Association*.

It was noted that apart from Members of the Licensing and Planning Committees who were statutorily required to be trained before sitting, there was no ability to require Councillors to attend training. It was stressed that getting better take-up of training needed to be addressed by the Groups with the Committee calling for all Members to respond positively to the opportunities provided.

A Committee Member described how he was keen to attend training on local authority digital transformation but had been unsuccessful as courses failed to run due to lack of interest. In response, it was suggested that the Council could call on its in-house expertise to deliver training where this could not be fulfilled externally. A dialogue on this through the Member Learning and Development Panel was encouraged.

Finally, the Committee called on all Members to complete the training survey that was to be circulated.

RESOLVED: The Committee AGREED to note the report and made the following recommendations:

- i. The Member Learning and Development Panel should investigate the availability of a competency framework for Councillors against which training needs could be assessed;
- ii. All Members should respond positively to the training opportunities available; and
- i. All Members should complete the training survey that was to be circulated.

16/20 Annual Whistleblowing Report

The item was introduced by Executive Director for Resources and Monitoring Officer. It was described how the whistleblowing policy had been reviewed and refreshed by the Committee. This was signposted for staff on the Council's Intranet along with details of how to contact *Protect*, the frontline organisation with responsibility for providing independent advice to those who wished to raise a concern.

It was reported that only one disclosure had been made during the 2019 calendar year. This was typical with the number of disclosures usually low. The disclosure had been formally investigated under the policy. The resulting recommendations had been taken-up and the disclosure dealt with to the satisfaction of the Council and the individual. It was described how the disclosure concerned a potential conflict between personal and professional duties with the recommendation made that the conflict be declared. It transpired that the employee involved had resigned. It was clarified that this was not the employee who had made the disclosure.

The Members of the Committee noted that the Council had a whistleblowing policy in place that was being used effectively.

RESOLVED: The Committee AGREED to note the report.

17/20 Annual update on Member complaints

The item was introduced by Executive Director for Resources and Monitoring Officer. It was reported that eight complaints about Members had been received during 2019. Of these, the Monitoring Officer requested further information on four with six being judged to have sufficient information. Of these, three related to complaints arising out of the Planning Committee, one related to Full Council and two dealt with Member conduct outside of Council meetings. All had been judged against the Assessment Criteria with none progressing further.

RESOLVED: The Committee AGREED to note the report.

18/20 Dispensation Applications for Members

There were no applications received for Member dispensations and therefore this item was not required.

19/20 Work Programme

The Chair noted that there was one further Ethics Committee meeting scheduled for the municipal year. This would take place in April 2020 and would take an item on the appointment of additional Independent Persons. This was for the Committee to receive the recommendations of the Selection Panel that the Committee had resolved be established at its meeting in

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January 2020. The Executive Director for Resources and Monitoring Officer noted that the advert placed seeking Independent Persons had already received two responses.

RESOLVED: The Committee AGREED to note the report.

20/20 Exclusion of the Press and Public

This item was not required.

21/20 Dispensation Applications for Members

There were no applications received for Member dispensations and therefore this item was not required.

The meeting ended at 6.46 pm

Signed:

Date:

Croydon Council

For General Release

REPORT TO:	ETHICS COMMITTEE 18 November 2020
SUBJECT:	UPDATE: SUCCESSION PLANNING FOR AND RECRUITMENT AND APPOINTMENT OF FURTHER INDEPENDENT PERSONS
LEAD OFFICER:	JACQUELINE HARRIS-BAKER MONITORING OFFICER AND EXECUTIVE DIRECTOR FOR RESOURCES
CABINET MEMBER:	
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
<p>The proposal will ensure good governance within the Council and by councillors and supports all strategic priorities. Good governance underpins the Council's Corporate Plan.</p> <p>Corporate Plan for Croydon 2018-2022</p>	
FINANCIAL IMPACT	
<p>The financial implications arising from the recommendations will be contained within existing budgets.</p>	

1. RECOMMENDATIONS

Committee is recommended to:

- 1.1 Appoint two named Members to sit on the Selection Panel alongside the Chair and to appoint a named Independent Member to advise the Committee alongside the Monitoring Officer.

2. EXECUTIVE SUMMARY

- 2.1 The report provides an update regarding the succession planning proposed in relation to ensuring that the Council has sufficient Independent Persons to continue to perform its statutory functions under the Localism Act 2011 and under Part 4J of the Council's Constitution (Staff Employment Procedure Rules) as detailed below.

- 2.2 Committee previously agreed (minute reference 4/20) to delegate authority to the Monitoring Officer to commence a recruitment process for purposes of increasing the number of Independent Persons appointed to a pool of Independent Members. The Committee also agreed to set up a Selection Panel, comprising the Chair and two further Members (such Panel to be advised by the Monitoring Officer and one of the existing Independent Persons) for the purposes of selection and recommendation back to Ethics Committee of up to three further Independent Persons in addition to the current Independent Persons.
- 2.3 The purpose of this report is to seek appointment of the two Members to sit alongside the Chair on the Panel and to appoint the Independent Person who will advise the Panel alongside the Monitoring Officer.

3. DETAIL

- 3.1 Section 28 of the Localism Act 2011 (“the Act”) imposes a duty upon the Council to ‘promote and maintain high standards of conduct by Members and Co-opted Members of the Council’. The Council is required to adopt a Code dealing with the conduct that is expected of Members and Co-opted Members of the Council when they are acting in that capacity. In addition, under Section 28(6) and (7) of the Act , the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the authority , or of a Committee or Sub-Committee of the authority, has failed to comply with the Council’s Code of Conduct can be investigated and decisions made on such allegations.
- 3.2 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member or co-opted Member against whom an allegation has been made.
- 3.2 The Council has delegated to the Ethics Committee the function of investigating and determining any allegations of a breach of the Code of Conduct. The Committee comprises five elected Members of the Council and the Independent Persons who are non-voting advisory members of the Committee.
- 3.3 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”) make specific provision for the involvement of Independent Persons in relation to Disciplinary Action taken against Head of Paid Service, Section 151 Officer or Monitoring Officer. Part 4J of the Constitution which incorporates the requirements of the Regulations provides that consideration of disciplinary action which could result in dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer will be the responsibility of the Appointments Committee. The Appointments Committee shall, for this purpose, include at least one Member of the Cabinet and at least two Independent Persons when consideration is being given to dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer. Any such Appointments Committee shall consider the matter in accordance with the processes and procedures approved by Ethics Committee for this purpose and make a report and recommendations to full Council for consideration and final determination. Any such report shall

specifically include the Independent Persons' views on the recommendations and appropriate action.

3.5 The Council's Independent Persons therefore fulfil a statutory role both in relation to Member conduct issues and also disciplinary decisions involving the Council's statutory officers.

3.6 Members of the Committee will recall the recommendations contained in the Committee on Standard in Public Life (CSPL) report which was considered at its meetings on March and May 2019. Attached is the link to the full report of the CSPL which was considered by the Committee.

<https://www.gov.uk/government/collections/local-government-ethical-standards>

In particular with regard to Independent Persons the CSPL felt that the role of the Independent Person should be strengthened. They considered that security of tenure was important to protect Independent Persons from being removed from their role for unpopular advice or recommendations. Equally, however, they considered that restricted tenure can ensure that the Independent Person's judgment and independence is not compromised by a long period of involvement in a single authority although no evidence was provided in the report to support this view.

3.8 There is currently no requirement for a set term of office for the Independent Person role in law.

Recommendation 8 of the CSPL report provides that:

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

In order to become a legal requirement this recommendation would require a change in the law. However, Members discussed, at their previous meetings, how long they considered an Independent Person should remain in post to ensure their independence and it was agreed that the matter should return to the Committee for consideration in January 2020.

3.9 In January 2020 and as a result of this further consideration the Committee agreed to delegate authority to the Monitoring Officer to commence a recruitment process for purposes of increasing the number of Independent Persons appointed to a pool of up to five Independent Members, including current Independent Persons. The Committee also agreed to set up a Selection Panel, comprising the Chair and two further Members (to be advised by the Monitoring Officer and one of the existing Independent Persons) for the purposes of selection and recommendation back to Ethics Committee of up to three further Independent Persons for appointment to that pool.

3.10 The role was duly advertised and applications received in response prior to Covid. With the onset of the pandemic the setting up and convening of the Selection Panel was delayed. In addition, in the intervening period there has been a change to membership of the Committee.

3.11 In order to undertake the selection of appropriate candidates for recommendation to Full Council it is necessary to convene the Selection Panel for this purpose as previously approved by Committee. To this end, Committee

is asked to appoint two Members, in addition to the Chair, to sit on the Selection Panel and to appoint the Independent Person who will, alongside the Monitoring Officer, advise the Selection Panel.

3.12 It is anticipated that the shortlisting of applicants will take place during week commencing 23 November 2020 with interviews happening during week commencing 7 December 2020.

3.13 The Selection panel shall report their findings back to this Committee for onward recommendation to Full Council with a view to appointing up to three additional Independent Persons.

4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this proposal. However, the Committee have considered the findings of the CSPL report and adheres to the previous decisions and recommendations from the Committee.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 No allowance is payable for the role of Independent Person. There are no employee costs arising from these appointments, and recruitment costs are minimal and can be funded from operational budgets.

Approved by: Matthew Davis, Deputy 151 Officer

5. OTHER OPTIONS CONSIDERED

No other options have been considered at this stage

6. LEGAL CONSIDERATIONS

6.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that the role of Independent Persons is a statutory requirement through the Localism Act 2011. The law provides that a person may not be an Independent Person if he or she is a Member, a Co-opted Member or an officer of the Council or a relative or close friend thereof. It also provides that a person may not be appointed if they were a Member or Co-opted Member during the past five years.

6.2 All other legal requirements are as set out within the body of this report.

Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer.

7. HUMAN RESOURCES IMPACT

The Independent person is not a direct employee of the council, however the role they fulfil is crucial to the effective governance and procedural oversight as it applies to statutory officers.

Approved by: Sue Moorman, Director of Human Resources

8. EQUALITIES IMPACT

- 8.1 The Equality Act 2011 (section 149) places a public sector equality duty (section 146) on the Council. The duty requires the Council to have due regard to *the need to advance equality of opportunity* between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 Having “due regard” to the need to advance equality of opportunity involves having due regard, in particular, to the need to *encourage persons* who share a relevant protected characteristic *to participate in public life* or in any other activity in which participation by such persons is disproportionately low.
- 8.3 Co-option is a way of ensuring that under represented voices are represented on Council committees.
- 8.4 The law requires that the vacancy for an independent Person is advertised in such a manner as the Council consider is likely to bring it to the attention of the public. Subject to the statutory restrictions around applicant’s demonstrating ‘independence’ the vacancy would be available to all.

Approved by: Yvonne Okiyo, Equalities Manager

9. ENVIRONMENTAL IMPACT

There are not considered to be any environmental impacts of the proposal.

10. CRIME AND DISORDER REDUCTION IMPACT

The proposal supports the requirement to maintain good governance within the Council.

CONTACT OFFICER: Jacqueline Harris-Baker Interim Executive Director of Resources and Monitoring Officer.

APPENDICES TO THIS REPORT

None

BACKGROUND DOCUMENTS: *None*

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Croydon Council

REPORT TO:	ETHICS COMMITTEE 18 NOVEMBER 2020
SUBJECT:	ETHICS COMMITTEE: WORK PROGRAMME
LEAD OFFICER:	JACQUELINE HARRIS BAKER, EXECUTIVE DIRECTOR OF RESOURCES & MONITORING OFFICER
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
Organisational design: consideration of the business processes, systems, budgeting, workforce, capacities and capabilities that will reflect the requirements of the operating model.	
FINANCIAL IMPACT	
The implementation of the recommendations contained in this report shall be contained within existing budgets.	

<p>1. RECOMMENDATIONS</p> <p>1.1. For the Members of the Ethics Committee to consider and comment on the following Work Programme.</p>

2. EXECUTIVE SUMMARY

2.1. The table sets out the Ethics Committee Work Programme for 2020/21. This Work Programme will be considered at every meeting of the Committee to enable it to respond to issues of concern and incorporate any additional items.

3. DETAIL

Meeting date	Standing item(s)	Other item(s)
18 November 2020	Members' dispensations Work programme	Succession planning for and recruitment and appointment of further independent persons
10 February 2021	Members' dispensations Work programme	Annual Whistleblowing Report Annual update on member complaints

		Annual update on members' learning and development Annual update on use of RIPA Feedback from the LGA on the new model code of conduct.
5 May 2021	Members' dispensations Work programme	

4. **CONSULTATION**

4.1. The Work Programme is subject to consultation with the Members of the Ethics Committee.

5. **FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

5.1. The implementation of the recommendations contained in this report shall be contained within existing budgets.

6. **THE EFFECT OF THE DECISION**

6.1. The decisions made about its Work Programme will determine the agenda for Ethics Committee meeting.

7. **RISKS**

7.1. There are no direct risks arising from the content of this report.

8. **OPTIONS**

8.1. This Work Programme will be considered at every meeting of the Committee to enable it to respond to issues of concern and incorporate any additional items.

9. **FUTURE SAVINGS/EFFICIENCIES**

9.1. There are no direct future savings/efficiencies arising from the content of this report.

10. **LEGAL CONSIDERATIONS**

10.1. There are no direct legal consequences arising from the contents of this report.

11. **HUMAN RESOURCES IMPACT**

11.1. There are no direct Human Resources consequences arising from the contents of this report.

12. EQUALITIES IMPACT

12.1. There are no direct equalities impact consequences arising from the contents of this report.

13. ENVIRONMENTAL IMPACT

13.1. There are no direct environmental impact consequences arising from the contents of this report.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. There are no direct crime and disorder reduction impact consequences arising from the contents of this report.

CONTACT OFFICER: Annette Wiles
Senior Democratic Services Officer,
Council & Regulatory
(ext: 64877)

APPENDICES TO THIS REPORT: None

BACKGROUND DOCUMENTS: None

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Agenda Item 7

REPORT TO:	ETHICS COMMITTEE 18 November 2020
SUBJECT:	DISPENSATIONS APPLICATIONS FOR MEMBERS
LEAD OFFICER:	JACQUELINE HARRIS BAKER, EXECUTIVE DIRECTOR OF RESOURCES & MONITORING OFFICER
CABINET MEMBER:	COUNCILLOR SIMON HALL
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: The Council has determined that the Ethics Committee shall consider dispensations for Members under the new ethics regime.	
FINANCIAL IMPACT Implementation of the recommendations contained in this report shall be contained within existing budgets	

1. RECOMMENDATION

The Committee is asked to:

- 1.1 In the event of applications for dispensations received, consider the application from the Members and determine whether to grant the dispensation, and if so, the length of time for which such dispensation is to be granted.

2. EXECUTIVE SUMMARY

- 2.1 Following statutory amendments to the ethics regime, full Council adopted a new Code of Conduct and delegated to the Monitoring Officer and the Ethics Committee the power to consider dispensations under the new ethics regime.

3. DETAIL

- 3.1 Under Section 31 of the Localism Act 2011 ("the Act"), a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered or being considered at a meeting of the authority at which that Member or co-opted Member is present and the DPI is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council's dispensation procedure.
- 3.2 The Council has adopted dispensation criteria which are attached for Members' ease of reference at Appendix 1. There are 5 circumstances in respect of which a dispensation may be granted, namely:

- i) That so many members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would “impede the transaction of the business”;
- ii) 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;
- iii) That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- iv) That, without a dispensation, no member of the Cabinet would be able to participate on this matter; or
- v) That the authority considers that it is otherwise appropriate to grant a dispensation.

3.3 The Council has determined that in respect of grounds (i) and (iv) above, which involve an objective assessment of whether the requirements are met, it is appropriate to delegate dispensations on these grounds to the Monitoring Officer for determination. The Monitoring Officer is permitted, but not required, to consult with the Ethics Committee prior to determining an application for dispensation on grounds (i) or (iv).

3.4 In respect of grounds (ii), (iii) and (v) above, assessment of these grounds involve a value judgement and are less objective and Council has therefore considered it appropriate that the discretion to grant dispensations on these grounds is delegated to the Ethics Committee, after consultation with the Independent Person.

3.5 The Council currently does not have any outstanding applications for dispensations, however should any be received following the dispatch of the agenda they will be circulated on the evening for consideration.

3.6 In considering the matter, the Ethics Committee is required to assess whether, in light of the contents of the application, the public interest in excluding a Member from participating where a Disclosable Pecuniary Interest exists is outweighed by the considerations set out in the application which support the public interest in the Member being able to participate.

3.7 The Committee is also asked to set out the time period in respect of which it is appropriate to grant the dispensation. In this regard, Members should be mindful of the fact that any dispensation may not be granted for a period exceeding four calendar years, nor is it recommended that a dispensation be granted for a period longer than the remaining term of office of the relevant Member.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

4.1 There are no direct financial implications arising from this report.

5. LEGAL CONSIDERATIONS

5.1 There are no direct legal consequences arising from the contents of this report beyond those set out in the body of the report.

CONTACT OFFICERS: Jacqueline Harris Baker,
Executive Director of Resources & Monitoring
Officer
(ext 64985)

BACKGROUND DOCUMENTS: None

Appendices: Appendix 1 – Dispensation Criteria

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Determination of Dispensation Applications:

Under Section 31 of the Localism Act 2011 (“the Act”), a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered or being considered at a meeting of the authority at which that Member or co-opted Member is present and the DPI is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council’s dispensation procedure.

The provisions on dispensations are significantly changed by the Localism Act 2011. There are 5 circumstances in respect of which a dispensation may be granted, namely:

- 1.1 That so many members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would “impede the transaction of the business”
- 1.2 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. ;
- 1.3 That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- 1.4 That, without a dispensation, no member of the Cabinet would be able to participate on this matter or
- 1.5 That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

The Localism Act gives discretion for the power to grant dispensations to be delegated to a Committee or a Sub-Committee, or to the Monitoring Officer.

This Council has determined that in respect of grounds 1.1 and 1.4 above, which involve an objective assessment of whether the requirements are met, it is appropriate to delegate dispensations on these grounds to the Monitoring Officer for determination. The Monitoring Officer is permitted, but not required, to consult with the Ethics Committee prior to determining an application for dispensation on grounds 1.1 or 1.4.

In respect of grounds 1.2, 1.3 and 1.5 above, assessment of these grounds involve a value judgement and are less objective and Council has therefore considered it appropriate that the discretion to grant dispensations on these grounds is delegated to the Ethics Committee, after consultation with the Independent Person.

Members wishing to apply for a dispensation are advised to complete the dispensation application form, Appendix 1 hereto.

Adopted: July 2012

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