

REPORT TO:	ETHICS COMMITTEE 2018
SUBJECT:	DISPENSATIONS FOR MEMBERS
LEAD OFFICER:	DIRECTOR OF LAW & MONITORING OFFICER
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	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

1. RECOMMENDATIONS

The Committee is asked to:

- 1.1 Consider and agree a proposed general dispensation to be given to all Members of the Council in relation to an allowance, payment or indemnity given to members for their current term of office; and
- 1.2 Consider and agree on a proposed general dispensation to be given to all Members of the Council in relation to setting council tax or a precept under the Local Government Finance Act 1992 for their current term of office.

2. EXECUTIVE SUMMARY

- 2.1 Following statutory amendments to the ethics regime in 2011, 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.
- 2.2 Following the local elections held in May 2018, this report asks Members of the Ethics Committee if it wishes to grant any general dispensations to Members for the new Council term.

3. BACKGROUND

- 3.1 As Members of the Committee will be aware, all Councillors are required to declare disclosable pecuniary interests (DPI) when considering any matter at a Council or Committee meeting. Under those circumstances, any Councillor with a DPI is required to cease their participation in the consideration of any matter that DPI relates to.

- 3.2 Provision exists to allow individual Members to seek a dispensation in certain circumstances to allow their continued participation in matters where they have a DPI. This is covered in more detail later in the agenda under individual applications for dispensations for Members.
- 3.3 At its meeting on 11 June 2014, the Ethics Committee resolved to grant dispensations to all Members in relation to:
- i) an allowance, payment or indemnity given to members for their current term of office; and
 - ii) setting council tax or a precept under the Local Government Finance Act 1992.
- 3.4 Those dispensations expired with Members' terms of office following the local elections on 3rd May 2018.
- 3.5 The Committee is asked to consider granting those dispensations again for all Members until the expiry of their current term of office.
- 3.6 There are five grounds under which the Committee is permitted to grant dispensations, namely:

Ground One: 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";

Ground Two: 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;

Ground Three: That the authority considers that the dispensation is in the interests of persons living in the authority's area;

Ground Four: That, without a dispensation, no member of the Cabinet would be able to participate on this matter; or

Ground Five: That the authority considers that it is otherwise appropriate to grant a dispensation.

- 3.7 The reason a blanket dispensation is being proposed for those two categories is that the decisions relate to Member's office as a Councillor and impact on all Members and if Members were prevented from participating in decisions on these items due to DPI's the transaction of the business of the Council would be impeded.
- 3.8 Dispensations may not be granted for periods in excess of four years and it is not recommended that a dispensation be granted for a period which exceeds beyond a Members' term of office. Accordingly, it is proposed to grant the general dispensation referred to above for a period up to the end of the current Members' term of office in 2022.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

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

5. LEGAL IMPLICATIONS

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, Director of Law and Monitoring Officer (ext 62328)

BACKGROUND DOCUMENTS: None