

REPORT TO:	ETHICS COMMITTEE 9 December 2021
SUBJECT:	Dispensation Application for Members
LEAD OFFICER:	John Jones, Monitoring Officer
WARDS:	All
PUBLIC/EXEMPT:	Public

SUMMARY OF REPORT:

Following statutory amendments to the ethics regime, full Council adopted a new Code of Conduct in 2011 and delegated to the Monitoring Officer and the Ethics Committee the power to consider dispensations under the new ethics regime.

The Council has further agreed to adopt a new Code of Conduct at its meeting on Monday 11 October 2021. That Code is based on the new national Model Member Code of Conduct produced by the Local Government Association.

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.

COUNCIL PRIORITIES 2020-2024

The Committee is empowered to consider any applications for a grant of dispensation in the circumstances set out in paragraph 2.2 (8) of Part 3 of the Constitution.

[Council's priorities](#)

FINANCIAL IMPACT:

There are no additional costs arising from the recommendations in this report.

RECOMMENDATIONS:

In the event that any new applications for dispensations are received, the Committee is asked to:

- 1.1. Consider any new applications from Members and determine whether to grant the dispensation, and if so, the grounds upon which to grant the dispensation and the length of time for which such dispensation is to be granted.

1. DETAIL

- 1.1. 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.
- 1.2. Under the Council’s new Code of Conduct adopted on 11th October 2021, when a matter arises at a meeting that directly relates to the financial interest or wellbeing of the Member or co-opted Member’s Other Registrable Interests (as set out in Table 2 of Appendix B to the Code), the Member or co-opted Member must disclose the interest and not vote on the matter unless they have first obtained a dispensation in accordance with the Council’s dispensation procedure.
- 1.3. Where a matter arises at a meeting which directly relates to the Member or co-opted Member’s financial interest (and is not a DPI) or a financial interest or wellbeing of a relative or close associate, the Member or co-opted Member must disclose the interest. They may only speak on the matter if members of the public are also allowed to speak at the meeting; otherwise they may not participate or vote on the matter unless they have first obtained a dispensation in accordance with the Council’s dispensation procedure.
- 1.4. 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.

- 1.5. 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).
- 1.6. 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.
- 1.7. 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.
- 1.8. 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.
- 1.9. 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.

2. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

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

3. LEGAL CONSIDERATIONS

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

4. HUMAN RESOURCES IMPACT

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

5. EQUALITIES IMPACT

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

CONTACT OFFICER:

John Jones
Interim Monitoring Officer

APPENDICES TO THIS REPORT:

Appendix 1 – Dispensation Criteria

BACKGROUND DOCUMENTS:

There are no unpublished documents upon which this report has been based