

**Report of the Monitoring Officer**

**Dispensations**

**1. Summary**

- 1.1 This report seeks Members' approval to a change in the City Council's arrangements for granting dispensations.

**2. Background**

- 2.1 The Localism Act 2011 allows for dispensations to be granted where a Member has a disclosable pecuniary interest which might otherwise prevent him or her participating in an item of business. The grounds upon which a dispensations may be granted are set out in the Act as follows:
- a) 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) 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) granting the dispensation is in the interests of persons living in the authority's area,
  - (d) without the dispensation each member of the authority's executive would be prohibited by section 31(4) 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.

- 2.2 The Joint Standards Committee considered this issue in November 2012 and delegated responsibility for granting dispensations on grounds (a), (b) and (d) to the Monitoring Officer. This was on the basis that it is largely a matter of fact as to whether these circumstances exist whereas grounds (c) and (e) require value judgments.
- 2.3 To date and aside from the Council tax dispensation, with which Members are familiar, all dispensations have been granted on ground (b).
- 2.4 The change in the make up of the Council now makes it more likely that dispensations will need to be considered. It also brings into focus the position of the independent members. As, by definition, they do not belong to a political group they cannot avail themselves of ground (b). Arguably ground (a) could cover the position although it is not so much transacting business which would be impeded but the likely outcome of the business. Ground (e) though clearly provides the power to grant such dispensations where appropriate.
- 2.5 An Independent Member in this position could apply to the Joint Standards Committee for a dispensation. Identifying the likelihood of the issue arising in sufficient time to arrange a meeting may though be problematic. The Monitoring Officer's delegated powers could be extended to clearly cover this issue. That may be appropriate if Members consider that the position of an independent Member with a DPI equates to that of a member of a political group. The third option would be to delegate the power to grant dispensation under ground (e) but in consultation with the Chair of the Committee.
- 2.6 On balance the third option is considered the most appropriate. As well as dealing with the scenario identified in the report this proposed delegation provides a route for granting dispensations in other situations where a meeting of the Committee cannot readily be arranged.

## **Recommendations**

3. Members are recommended to:
- 1) Grant delegated powers to the Monitoring Officer in consultation with the Chair of the Committee to grant

dispensations on the grounds that: "*that it is otherwise appropriate to grant a dispensation*"

Reason: To ensure that high standards are maintained while allowing effective decision making

### Contact Details

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**Report  
Approved**

**Date**

*04/11/14*

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

None