

Allerdale Borough Council
Standards Committee – 11 March 2013

Dispensations Update

The Reason for the Decision	To update members on dispensations granted by the Monitoring Officer.
Summary of options considered	N/A
Recommendations	That the update be noted.
Financial / Resource Implications	None
Legal / Governance Implications	These are set out in the main body of the report, namely the Localism Act 2011, the Member Code of Conduct and the Council's policy and procedure.
Community Safety Implications	None
Health and Safety and Risk Management Implications	None
Equality Duty considered / Impact Assessment completed	The Equality Duty has been considered.
Wards Affected	All
The contribution this decision would make to the Council's priorities	High standards of conduct underpin the Council's priorities.
Is this a Key Decision	N/A
Portfolio Holder	N/A
Lead Officer	Alison Dennett, Monitoring Officer, 01900 702703, Alison.Dennett@allerdale.gov.uk

Report Implications (Please delete where applicable).

Community Safety	N	Employment (external to the Council)	N
Financial	N	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	N

Background papers :...Localism Act 2011, Member Code of Conduct.....

1.0 Introduction

- 1.1 Under the previous Member Code of Conduct there was an automatic exemption for members from declaring interests and speaking on matters in respect of setting Council Tax. The new Code does not reproduce this exemption.
- 1.2 Therefore in order for those members who have a disclosable pecuniary interest (DPI) in these circumstances to be able to participate including speaking and voting on these matters they need to apply to the Monitoring Officer for a dispensation under the Localism Act 2011, since it is likely that Council will be inquorate otherwise.

2.0 Content (to include alternative options considered)

- 2.1 The Proposals for Council Tax Technical Reforms and the Calculation of Council Tax Base for 2013-14 were considered at the Council meeting on 16 January 2013. The Council Tax Resolution will be debated and considered at the next full council meeting on 6 March 2013.
- 2.2 Under the Member Code of Conduct disclosable pecuniary interests (DPI) relate mainly to a Councillor's (or their spouse/partners') employment, property interests and shareholdings. As a property interest will give rise to a Council Tax liability it does appear that when the Council Tax is being set the majority of members will have a DPI.
- 2.3 Section 33 of the Localism Act 2011 sets out the circumstances in which dispensations be granted. The Council's 'Arrangements for dealing with standards allegations under the Localism Act 2011', agreed at Council on 18 July 2012, reflect this. (attached at Appendix 1)
- 2.4 The relevant ground in this situation was that without the dispensation the number of persons prohibited from participating in the business concerning the setting of Council Tax would be so great a proportion of the full Council to impede the debate and decision
- 2.5 Members were therefore advised to complete a dispensation request in order to be able to discuss items relating to Council Tax.
- 2.6 As Council Tax is discussed every year, members were given the option to request that their dispensation be approved for a 4 year period, rather than have to re-apply every year.
- 2.7 All members present at the full council meeting on 16 January completed and submitted a dispensation proforma in advance of the meeting and the Monitoring Officer granted the dispensations in accordance with the Council's guidance.

3.0 Recommendation

That the update be noted.

Alison Dennett
Monitoring Officer