

# MIDDLESBROUGH COUNCIL

AGENDA ITEM NO.14

## COMMITTEE REPORT

COUNCIL

6 DECEMBER 2017

### LOCALISM ACT 2011 – GENERAL DISPENSATIONS

SYLVIA REYNOLDS

DEPUTY MONITORING OFFICER

#### PURPOSE OF REPORT

1. This report recommends that a general dispensation be granted to those members who have applied for a dispensation in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.

#### BACKGROUND

2. As part of the standards arrangements, the Localism Act 2011 and Regulations made thereunder, introduced the concept of disclosable pecuniary interests and also new rules in respect of dispensations.
3. It is a criminal offence for a member to fail to register a disclosable pecuniary interest or to speak and/or vote where they have disclosable pecuniary interest unless they have obtained a dispensation. Under the old standards regime, the Code of Conduct specifically stated that members would not have a prejudicial interest in circumstances that potentially affected the majority of Councillors, such as Council Tax setting and members' allowances. There are no similar provisions under the new rules and members are therefore at risk of committing a criminal offence if they participate in matters in which they have a disclosable pecuniary interest and no dispensation has been granted. If the majority of members had an interest in these matters then it would impede the business of the Council.
4. In order to protect members, the new regime does include provision for the granting of dispensations. However, the legislation specifically states that before a dispensation can be granted, a member must apply in writing to the Monitoring Officer seeking a dispensation. It is therefore recommended that a general dispensation is granted to all of those members who have applied in writing for a dispensation to allow them to speak and vote where they would otherwise have had a disclosable pecuniary interest. This would be on the grounds that it is in the public interest and appropriate to grant a dispensation to those members to participate fully in the following matters:-

- a) Housing; where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the member's particular tenancy or lease;
- b) Housing Benefit; where the member (or spouse or partner) receives Housing Benefit;
- c) Statutory sick pay; if a Councillor receives this or is entitled to receive it;
- d) An allowance, travelling expense, payment or indemnity for Councillors;
- e) Any ceremonial honour given to members; or
- f) Setting the Council Tax or precept.

5. Dispensations can be granted in the following circumstances:-

- a) Where so many members of the decision making body have a disclosable pecuniary interest that the political balance would be affected;
- b) It is in the interests of the inhabitants that a dispensation be granted, or;
- c) It is appropriate to grant a dispensation.

6. It is also recommended that the general dispensation applies for the maximum permitted period of 4 years from the date of this decision.

## **RECOMMENDATIONS**

- a) That, in accordance with the provisions of this report, a general dispensation be granted to those members who have applied for a dispensation in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate
- b) That the general dispensation apply until the next all out local elections.

## **BACKGROUND PAPERS**

None.

## **AUTHOR**

Sylvia Reynolds  
Deputy Monitoring Officer  
Telephone: 01642 729697

# **APPENDIX**

<b>COUNCILLORS</b>
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Councillor David Branson
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Councillor Jan Mohan
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Councillor Matthew Storey
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Councillor Vic Walkington
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Councillor Jacob Young
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