

Report of:	The Monitoring Officer
Submitted to:	Council
Date:	18 September 2023
Title:	Localism Act 2011 – General Dispensation
Report for:	Decision
Status:	Public
Strategic priority:	All
Key decision:	Not applicable
Why:	Not applicable
Urgent:	Not applicable
Why:	

Executive summary

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.

Purpose

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.
2. Any requests for dispensations may only be granted by the Standards Committee or full Council.

Background and relevant information

3. 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.

4. 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 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.
5. 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
6. 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.
7. It is also recommended that the general dispensation applies for the maximum permitted period of 4 years from the date of this decision.

What decision(s) are being recommended?

8. That the Council:

Grant a general dispensation to all councillors in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.

Rationale for the recommended decision(s)

9. If the majority of members of the decision making body have a disclosable pecuniary interest that the political balance would be affected, it could impact on the outcome of a decision.

Other potential decision(s) and why these have not been recommended

10. No other decisions have been recommended.

Impact(s) of the recommended decision(s)

Legal

11. 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.

Strategic priorities and risks

12. If the majority of members had an interest in certain matters such as those outlined at paragraph 5, then it would impede the business of the Council if they were not allowed to take part in the decision-making process.

Human Rights, Equality and Data Protection

13. No protected groups are affected by the decision.

Financial

14. There are no financial implications because of this decision.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Grant the Dispositions	Charlotte Benjamin – Monitoring Officer	On approval

Appendices

List of Members that have applied for Dispensation.

Background papers

Body	Report title	Date
None		

Contact: Charlotte Benjamin – Monitoring Officer
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REQUESTS FOR DISPENSATION

NAME	NAME
THE MAYOR – C COOKE	COUNCILLOR MCCABE
COUNCILLOR BANKS	COUNCILLOR MCCLINTOCK
COUNCILLOR BLADES	COUNCILLOR MCCONNELL
COUNCILLOR BRANSON	COUNCILLOR McTIGUE
COUNCILLOR CLYNCH	COUNCILLOR MORRISH
COUNCILLOR J COOKE	COUNCILLOR NICHOLSON
COUNCILLOR COOPER	COUNCILLOR NUGENT
COUNCILLOR COUPE	COUNCILLOR J PLATT
COUNCILLOR DAVISON	COUNCILLOR S PLATT
COUNCILLOR DEAN	COUNCILLOR ROMAINE
COUNCILLOR EWAN	COUNCILLOR ROSTRON
COUNCILLOR FURNESS	COUNCILLOR RYLES
COUNCILLOR GAVIGAN	COUNCILLOR SAUNDERS
COUNCILLOR GRAINGE	COUNCILLOR SMILES
COUNCILLOR HILL	COUNCILLOR M STOREY
COUNCILLOR HURST	COUNCILLOR P STOREY
COUNCILLOR HUBBARD	COUNCILLOR J THOMPSON
COUNCILLOR HUSSAIN	COUNCILLOR TRANTER
COUNCILLOR JACKSON	COUNCILLOR UDDIN
COUNCILLOR JONES	COUNCILLOR J A WALKER
COUNCILLOR KABUYE	COUNCILLOR N WALKER
COUNCILLOR LEWIS	COUNCILLOR WILSON
COUNCILLOR LIVINGSTONE	COUNCILLOR YOUNG
COUNCILLOR MASON	