

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance and Monitoring Officer
<b>Submitted to:</b>	Standards Committee
<b>Date:</b>	14 October 2024
<b>Title:</b>	Localism Act 2011 – General Dispensation
<b>Report for:</b>	Decision
<b>Status:</b>	Public
<b>Council Plan priority:</b>	Delivering Best Value
<b>Key decision:</b>	Not applicable
<b>Why:</b>	Not applicable
<b>Subject to call in?:</b>	No
<b>Why:</b>	Not applicable

<b>Proposed decision(s)</b>
That the Council: Grant a general dispensation to Councillor L Henman and Councillor L Young in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.

<b>Executive summary</b>
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.

## **1. Purpose**

- 1.1 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.
- 1.2 Any requests for dispensations may only be granted by the Standards Committee or full Council.

## **2. Recommendations**

- 2.1 That the Council

Grant a general dispensation to Councillor L Henman and Councillor L Young in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.

## **3. Rationale for the recommended decision(s)**

- 3.1 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.

## **4. Background and relevant information**

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.

- 4.1 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.
- 4.2 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.

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 period 4 years from the date of this decision.

## **7. Other potential alternative(s) and why these have not been recommended**

7.1 No other decisions have been recommended.

## **8. Impact(s) of the recommended decision(s)**

### **8.1 *Financial (including procurement and Social Value)***

There are no financial implications because of this decision.

### **8.2 *Legal***

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.

### **8.3 *Risk***

If the majority of members had an interest in certain matters such as those outlined at paragraph 4.2, then it would impede the business of the Council if they were not allowed to take part in the decision-making process.

### **8.4 *Human Rights, Public Sector Equality Duty and Community Cohesion***

No protected groups are affected by the decision.

**8.5 Climate Change / Environmental**

Not applicable.

**8.6 Children and Young People Cared for by the Authority and Care Leavers**

Not applicable.

**8.7 Data Protection**

Not applicable.

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

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

**Appendices**

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**Background papers**

Body	Report title	Date
Councillor L Henman	Application for a Dispensation	18 September 2024
Councillor L Young	Application for a Dispensation	13 September 2024

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