

AGENDA ITEM 13

Report of:	The Monitoring Officer – Samantha Dorchell
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Submitted to:	Council – 24 July 2019
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Subject:	Localism Act 2011 – General Dispensations
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Summary

Proposed decision(s)
<ol style="list-style-type: none"> 1. 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. That the general dispensation applies for the maximum permitted period of 4 years from the date of this decision.

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2018-22 Strategic Plan		
Business Imperatives	Physical Regeneration	Social Regeneration
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.	Not applicable	Not applicable

Ward(s) affected
Not applicable

What is the purpose of this report?

1. The purpose of the report is to enable a general dispensation to 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.

Why does this report require a Member decision?

2. The previous request for general dispensations report was agreed by full Council on 15 July 2015 and any subsequent requests for dispensations should be confirmed by full Council.

Report Background

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 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.
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 Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the Councillor's particular tenancy or lease;
 - b) Housing Benefit; where the Councillor (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 a Councillor; or
 - f) Setting the Council Tax or precept.
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 asked for?

8. a) That a general dispensation be granted to all 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. This includes all Members of the Council.

b) That the general dispensation applies to all current Members of the Council (see Appendix A) for the maximum permitted period of 4 years from the date of this decision.

Why is this being recommended?

9. This is being recommended to enable a general dispensation to 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.

Other potential decisions and why these have not been recommended

10. No other options have been considered.

Impact(s) of recommended decision(s)

Legal

11. No impact.

Financial

12. No impact.

Policy Framework

13. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

14. Not applicable.

Risk

15. If the dispensations are not agreed, Committees may become inquorate and decisions may not be able to be made

Actions to be taken to implement the decision(s)

16. If agreed, the Council will note that all of the Members of the Council have been granted a dispensation.

Background papers

No background papers were used in the preparation of this report.

APPENDIX A

Name	Ward
Councillor R Arundale (MICA)	KADER
Councillor A Bell (MICA)	HEMLINGTON
Councillor D J Branson (Lab)	COULBY NEWHAM
Councillor C Cooke (Lab)	NEWPORT
Councillor B Cooper (MICA) (Executive Member for Children's Services)	NEWPORT
Councillor D P Coupe (Con)	STANTON AND THORNTON
Councillor D Davison (MIG) (Exec Mem for Adult Social Care & Public Health)	MARTON EAST
Councillor S Dean (Lab)	ACKLAM
Councillor C Dodds (MICA)	TRIMDON
Councillor T Furness (Lab)	PARK
Councillor L Garvey (Ind)	BERWICK HILLS AND PALLISTER
Councillor J Goodchild (Lab)	LADGATE
Councillor A Hellaoui (Lab)	NEWPORT
Councillor T Higgins (Lab)	LONGLANDS AND BEECHWOOD
Councillor A High (Ind) (Deputy Mayor and Thematic Lead for Drugs)	AYRESOME
Councillor S Hill (Ind)	PARK END AND BECKFIELD
Councillor C Hobson (MICA) (Exec Member for Finance and Governance)	MARTON WEST
Councillor J Hobson (MICA)	MARTON WEST
Councillor B A Hubbard (MICA)	PARK END AND BECKFIELD
Councillor N Hussain (Lab)	LINTHORPE
Councillor D Jones (MICA)	BERWICK HILLS AND PALLISTER
Councillor L Lewis (Lab)	CENTRAL
Councillor T Mawston (MIG)	MARTON EAST
Councillor D McCabe (MICA) (Executive Member for Environment)	TRIMDON
Councillor C McIntyre (MICA)	PARK
Councillor J McTigue (MICA)	LONGLANDS AND BEECHWOOD
Councillor M Nugent (Lab)	LONGLANDS AND BEECHWOOD
Councillor J Platt (MICA)	KADER
Councillor E Polano (MICA)	ACKLAM
Mayor A Preston (Ind) (Elected Mayor)	
Councillor G Purvis (Lab)	BRAMBLES AND THORNTREE

Name

Councillor J Rathmell (MICA)
Councillor D Rooney (Lab)
Councillor J Rostron (Lab)
Councillor R M Sands (MICA)
Councillor M Saunders (MICA)
Councillor M L Smiles (Con)
(Exec Member for Culture and Communities)
Councillor D Smith (Ind)
Councillor M Storey (Lab)
Councillor P Storey (Lab)
Councillor J Thompson (Lab)
Councillor Z Uddin (Lab)
Councillor J A Walker (Lab)
Councillor S Walker (Lab)
Councillor A Waters (Ind)
(Executive Member for Regeneration)
Councillor G Wilson (MICA)
Councillor C Wright (Lab)

Ward

NUNTHORPE
AYRESOME
PARK
BERWICK HILLS AND PALLISTER
PARK END AND BECKFIELD
NUNTHORPE

COULBY NEWHAM
CENTRAL
LINTHORPE
BRAMBLES AND THORNTREE
CENTRAL
HEMLINGTON
COULBY NEWHAM
NORTH ORMESBY

BRAMBLES AND THORNTREE
LADGATE