

<b>SUBJECT:</b>	<b>DISPENSATIONS FOR MEMBERS HOLDING LICENCES TO OCCUPY LAND WITHIN THE CITY</b>
<b>REPORT BY:</b>	<b>DIRECTOR OF RESOURCES</b>
<b>LEAD OFFICER:</b>	<b>CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)</b>

**1. Purpose of Report**

1.1 To propose the granting of dispensations for members in accordance with the Ethics and Engagement Committee’s terms of reference.

**2. Background**

2.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 made significant changes to the interests which members were required to register and declare in relation to Council business.

2.2 As part of the Member Code of Conduct adopted by the Council, the Ethics and Engagement Committee assumed the powers to grant dispensations to members for the following reasons:

- (1) that so many members of the decision making body have Disclosable Pecuniary Interests in a matter that it would “impede the transaction of the business”. In practice this means that the decision making body would be inquorate as a result.
- (2) That without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
- (3) That the authority considers that the dispensation is in the interests of persons living in the authority’s area
- (4) That, without a dispensation, no member of the Executive would be able to participate on the matter, or
- (5) That the authority considers that it is otherwise appropriate to grant a dispensation.

**3. Proposed Dispensation**

3.1 In addition to personal and pecuniary interests, all members are required to

declare any disclosable pecuniary interests within meetings and take no part in either the discussion or determination of the relevant business.

- 3.2 The Council's budget-setting process involves the consideration of the Council's budget as a whole by members. As the Medium Term Financial Strategy includes reference to the Council's fees and charges for its services, all members holding a licence for a Council allotment or garage would be unable to take part in any discussion or decision.
- 3.3 In view of the critical nature of the budget-setting process to the business of the Council and the comparatively minor nature of the individual licences within this broader context, it is proposed that dispensations be granted to members who have disclosable pecuniary interests relating to licences, solely in relation to taking part in the discussion and determination of the Council's Medium Term Financial Strategy as a whole.
- 3.4 For the avoidance of doubt, it is not proposed that this dispensation should extend to any other decisions, including any budget-related decisions taken outside the context of a broader determination of the Council's Medium Term Financial Strategy. However, it would include any consideration of the overall Medium Term Financial Strategy as part of the consultation process prior to consideration by Council.
- 3.5 It is recommended that the dispensation should be granted in accordance with the fifth option for granting a dispensation, specifically that it is appropriate to grant a dispensation for the reasons established in paragraph 3.3.

#### **4. Finance Implications**

- 4.1 There are no direct financial implications arising from this report.

#### **5. Legal Implications**

- 5.1 As established within the report, any dispensations must be granted in accordance with the provision of the Council's Member Code of Conduct, and the relevant primary and secondary legislation.

#### **6. Recommendations**

- 6.1 It is recommended that the Ethics and Engagement Committee agree a dispensation for a period of four years from the date of the decision for all members who meet the following criteria:
  - a) the member has a disclosable pecuniary interest for any licence held (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer; **and**
  - b) the nature of the business specifically relates to the consideration of the Council's Medium Term Financial Strategy as a whole.