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WEST DEVON STANDARDS COMMITTEE - TUESDAY, 17TH MARCH, 2015

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 4)

2. **Reports**

Reports to Standards:

a) Item 5 - Request to grant a General Dispensation (Pages 5 - 8)

3. **Minutes** (Pages 9 - 10)

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PART ONE - OPEN COMMITTEE

1. **Apologies for Absence**

2. **Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting.

3. **Items Requiring Urgent Attention**

To consider items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

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4. **Confirmation of Minutes**

Meeting held on 2nd December 2014 (previously circulated)

5. **Request to grant a General Dispensation**

Report of the Monitoring Officer

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PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any)

If any, the Committee is recommended to pass the following resolution:-

“**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting on the grounds that exempt information may be disclosed as defined in Part I of Schedule 12(A) to the Act”.

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STRATEGIC RISK ASSESSMENT

Reports to Members

Members will be aware of the requirement to take account of strategic risk in decision making. This note is designed to support Members consider strategic risks as part of the assessment of reports from officers.

There are an increasing number of issues that we have a statutory requirement to take into account which affect all aspects of the Council's policies and service delivery (e.g. Human Rights Act). There are also discretionary issues we choose to highlight in our reports (e.g. Financial Implications, and Impact on Council Priorities and Targets). Common Law duty requires Local Authorities to take into account all things they need to take into account! The Courts hearing Judicial Review applications make this their starting point in deciding whether any decision is reasonable.

Officers have a responsibility to assess the implications of recommendations to Members. Members should ensure that before making a decision they have undertaken a similar consideration relating to the risks associated with the report.

Examples of risk to be considered:-

Statutory Requirement :

- Equalities and Discrimination, particularly Race Equality. (Consider the impact on each of the following equality areas: Race, Religion and Belief, Gender, Sexual Orientation, Disability, Age)
- Human Rights
- Crime and Disorder
- Health and Safety
- Employment Legislation
- Data Protection
- Freedom of Information
- Corporate activity with an impact on Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest, and biodiversity

Corporate Requirement :

- Impact on Council's Reputation
- Impact on Priorities, Cross-Cutting themes, Targets and / or Commitments
- Impact on Standing Orders / Financial Regulations
- Impact on Council's Assets
- Financial Risks
- Compliance with National Policies and Guidance
- Impact on Sustainability

Members' attention is drawn to the Risk Assessment section within each report. Members are encouraged to consider whether the report has satisfactorily identified all likely negative impacts and mitigating action that will be taken. Members also need to consider the opportunities presented by actions, noting that any change entails an element of risk. The challenge is to effectively manage that risk.

RISK SCORING MATRIX

Impact/Severity		Target impact	Stakeholder impact	Finance impact
1	Insignificant	Low impact on outcome & target achievement & service delivery	Low stakeholder concern	Low financial risk
2	Minor	Minor impact on outcome & target achievement & service delivery	Minor stakeholder concern	Minor financial risk
3	Moderate	Moderate outcome & target achievement & service delivery	Moderate stakeholder concern	Moderate financial risk
4	Serious	High impact on outcome & target achievement & service delivery	High stakeholder concern	High financial risk
5	Very serious	Very high impact on outcome & target achievement & service delivery	Very high stakeholder concern	Very high financial risk
Likelihood/Probability		Risk	Opportunity	
1	Very low	Negligible chance of occurrence; has not occurred	Possible opportunity yet to be investigated with low likelihood of success	
2	Low	Low chance of occurrence; has occurred infrequently but within internal control	Opportunity being investigated with low likelihood of success	
3	Medium	Equal chance of occurrence or non occurrence; could occur more than once and be difficult to control due to external influences	Opportunity may be achievable with careful management	
4	High	More likely to occur than not occur; has occurred more than once and difficult to control due to external influences	Good opportunity which may be realised	
5	Very high	Very high chance of occurrence but not a certainty; has occurred recently	Clear reliable opportunity with reasonable certainty of achievement	

Risk score = Impact/Severity x Likelihood/Probability

Likelihood	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
	0	1	2	3	4	5
Impact						

NAME OF COMMITTEE	Standards Committee
DATE	17 March 2015
REPORT TITLE	Request to grant General Dispensations
Report of	Monitoring Officer
WARDS AFFECTED	All

Summary of report:

To reconsider granting General Dispensations to all Members for the next Council term.

Financial implications:

There are no financial implications to this report.

RECOMMENDATION:

1. That a dispensations is granted to all dual-hatted Members of West Devon Borough Council to speak and vote on matters where they are members of another local authority and in receipt of a Members' Allowance, from the Annual Meeting in May 2015 until the Annual Meeting in May 2019, and
2. A General Dispensation is granted as set out in paragraph 1.5 of this report from the Annual Meeting in May 2015 until the Annual Meeting in May 2019.

Officer contact:

Catherine Bowen: Community of Practice Lead Specialist (Legal) and Monitoring Officer) Email: Catherine.Bowen@swdevon.gov.uk

1. GENERAL DISPENSATIONS

- 1.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests and new rules on dispensations as part of the new standards arrangements.
- 1.2 It is a criminal offence for Members to fail to register a Disclosable Pecuniary Interest or to speak and/or vote where they have a Disclosable Pecuniary Interest unless they have obtained a dispensation.

- 1.3 The Council has delegated powers to the Standards Committee to grant dispensations for a specified period of up to a maximum of four years, on the following grounds:
- (i) That so many members of the Council have disclosable pecuniary interests in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate).
 - (ii) That without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter.
 - (iii) That the Council considers that the dispensation is in the interests of persons living in the Council's area.
 - (iv) That the Council considers that it is otherwise appropriate to grant a dispensation.
- 1.4 In considering whether or not to grant a dispensation, Members will have regard to the following criteria:
- (i) Whether the nature of the Member's interest is such that to allow him/her/them to participate would not damage public confidence in the conduct of the Council's business.
 - (ii) Whether the interest is common to the Member and a significant proportion of the general public;
 - (iii) Is the participation of the Member in the business that the interest relates to justified by a member's particular role or expertise?
 - (iv) Whether the interest is trivial or remote.
- 1.5 In September 2012 this Committee granted a general dispensation to all members of West Devon Borough Council (until May 2015) to speak and vote where they would otherwise have a Disclosable Pecuniary Interest in the following matters:
- (i) 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
 - (ii) Statutory sick pay: if a Councillor receives this or is entitled to receive it
 - (iii) An Allowance, travelling expense, payment or indemnity for Councillors
 - (iv) Any ceremonial honour given to Members
 - (v) Setting the Council Tax or a Precept
- 1.3 In December 2014 this Committee granted a general dispensation to all dual-hatted Members of West Devon Borough Council until May 2015, to speak and vote on matters where they are a member of another local authority and in receipt of a Members' Allowance.
- 1.4 General Dispensations may be granted for a maximum of four years and the dispensations granted in October 2012 and December 2014 expire in May 2015 i.e. the end of the current Council term. The Standards Committee needs to reconsider the General Dispensations listed in paragraphs 1.5 and 1.6 with a view

to granting new Dispensations in the same terms, for the four year term of the next Council i.e. from the Annual Meeting in May 2015 until the Annual Meeting in May 2019.

2. LEGAL IMPLICATIONS

2.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests, the requirement for a local Code, Registers of interests and new rules on dispensations.

2.3 The Standards Committee is responsible for considering Dispensations.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications to this report.

4. RISK MANAGEMENT

4.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

5. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life
Statutory powers:	The Localism Act 2011 Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Considerations of equality and human rights:	Not applicable
Biodiversity considerations:	Not applicable
Sustainability considerations:	Not applicable
Crime and disorder implications:	Not applicable
Background papers:	Standards Committee 4 September 2012 and 2 December 2014

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Failure to grant a general dispensation	Members would need to declare Disclosable Pecuniary Interests and not partake in business of the Council	4	2	8	↔	Recommendations for General Dispensations have been made for adoption by the Council	Monitoring Officer

Direction of travel symbols ↓ ↑ ↔

Agenda Item 3

At a Meeting of the **STANDARDS COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **17th** day of **MARCH 2015** at **10.00 am**.

Present:
Cllr A F Leech – Chairman
Cllr J Sheldon – Vice-Chairman
Cllr S C Bailey Cllr R E Baldwin
Cllr M V L Ewings Cllr J R McInnes
Cllr C R Musgrave

Principal Solicitor & Deputy Monitoring Officer
Committee & Ombudsman Link Officer

SC 5 APOLOGY FOR ABSENCE

An apology for absence was received from Cllr J Moody.

***SC6 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 2nd December 2014, were confirmed and signed by the Chairman as a correct record.

***SC 7 REQUEST TO GRANT GENERAL DISPENSATIONS**

The Monitoring Officer presented a report (page 5 to the Agenda) requesting the Committee to grant a General Dispensation to all Members of the Council for the next Council term.

In September 2012, this Committee granted a general dispensation to all Members of the Borough Council to speak and to vote on matters where they would otherwise have a Disclosable Pecuniary Interest. This general dispensation would expire in May 2015. Further, in December 2014, this Committee also granted a general dispensation to all dual-hatted Members of the Borough Council until May 2015, to speak and to vote on matters where they were a member of another local authority and in receipt of a Members' Allowance.

General Dispensations could be granted for up to 4 years and those granted by this Committee referenced above would expire May 2015 i.e. the end of the current Council term.

It was **RESOLVED** that:

- (i) a Dispensation be granted to all dual-hatted Members of West Devon Borough Council to speak and to vote on matters where they are members of another local authority and in receipt of a Members' Allowance, from the Annual Meeting in May 2015 until the Annual Meeting in May 2019; and,
- (ii) a General Dispensation be granted as set out below to all Members of the Borough Council from the Annual Meeting in May 2015 to the Annual Meeting in May 2019:
 - (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 Councillors particular tenancy or lease;

- (b) Statutory sick pay – if a Councillor receives this or is entitled to receive it;
- (c) An Allowance, travelling expense, payment or indemnity for Councillors;
- (d) Any ceremonial honour given to Members; and,
- (e) Setting the Council Tax or a precept.

(The Meeting terminated at 10.25 am.)