

AGENDA
ITEM

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SOUTH HAMS DISTRICT COUNCIL

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NAME OF COMMITTEE	Corporate Performance & Resources Scrutiny Panel
DATE	19 February 2015
REPORT TITLE	Request to grant General Dispersations
Report of	Monitoring Officer
WARDS AFFECTED	All

Summary of report:

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

Financial implications:

There are no financial implications to this report.

RECOMMENDATION:

That General Dispersations are granted to all dual-hatted Members of South Hams District Council to speak and vote on matters set out in paragraphs 1.4 and 1.5 of this report from the Annual Meeting in May 2015 until the Annual Meeting in May 2019

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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 CP&R Scrutiny Panel and (in specified circumstances) to the Monitoring Officer to grant dispensations for a specified period of up to a maximum of four years, on the following grounds:

- 1.3.1 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).
- 1.3.2 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.
- 1.3.3 That the Council considers that the dispensation is in the interests of persons living in the Council's area.
- 1.3.4 That without a dispensation no member of the Executive would be able to participate on the matter
- 1.3.5 That the Council considers that it is otherwise appropriate to grant a dispensation.

1.4 In October 2012 this Committee granted a general dispensation to all members until May 2015 to speak and vote where they would otherwise have a Disclosable Pecuniary Interest in the following matters:

- 1.4.1 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
- 1.4.2 Statutory sick pay: if a Councillor receives this or is entitled to receive it
- 1.4.3 An Allowance, travelling expense, payment or indemnity for Councillors
- 1.4.4 Any ceremonial honour given to Members
- 1.4.5 Setting the Council Tax or a Precept

1.5 In November 2014 this Committee granted a general dispensation to all dual-hatted Members of South Hams District 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.

1.6 General Dispensations may be granted for a maximum of four years and the dispensations granted in October 2012 and November 2014 expire in May 2015. Members need to reconsider the General Dispensations listed in paragraphs 1.4 and 1.5 with a view to granting new Dispensations in the same terms for the four year term of the next Council i.e. from May 2015 to 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.

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:	CP&R Scrutiny Committee 4 October 2012 and 20 November 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 ↓ ↑ ↔