

<b>NAME OF COMMITTEE</b>	<b>Corporate Performance &amp; Resources Scrutiny Panel</b>
<b>DATE</b>	<b>19 February 2015</b>
<b>REPORT TITLE</b>	<b>Request to grant Dispensation for Cllr Carson</b>
<b>Report of</b>	<b>Monitoring Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

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**Summary of report:**

To reconsider granting a Dispensation to Cllr Carson in respect of his request attached at Appendix A.

**Financial implications:**

There are no direct financial implications to this report.

**RECOMMENDATION:**

**To consider the request for a dispensation attached at Appendix A and**

**Officer contact:**

Catherine Bowen (Community of Practice Lead Specialist (Legal) and Monitoring Officer)

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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 The Council has delegated powers to the CP&R Scrutiny Panel and (in specified circumstances) to the Monitoring Officer to grant dispensations to enable a member to participate in a matter where s/he would otherwise have a disclosable pecuniary interest (DPI). Dispensations may be granted on the following grounds:

- 1.2.1 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).
- 1.2.2 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.
- 1.2.3 That the Council considers that the dispensation is in the interests of persons living in the Council's area.
- 1.2.4 That without a dispensation no member of the Executive would be able to participate on the matter
- 1.2.5 That the Council considers that it is otherwise appropriate to grant a dispensation.

1.3 Dispensations may be granted for a maximum of four years and may be granted to enable the Councillor to speak only, or to speak and vote.

1.4 In considering whether or not to grant a dispensation, members will have regard to the following criteria:

- 1.4.1 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.
- 1.4.2 Whether the interest is common to the Member and a significant proportion of the general public;
- 1.4.3 Is the participation of the Member in the business that the interest relates to justified by a member's particular role or expertise?
- 1.4.4 Whether the interest is trivial or remote.

## **2. APPLICATION BY CLLR B CARSON**

2.1 An application for a dispensation has been received by Cllr Carson and is attached at Appendix A.

2.2 The Councillor is a representative on Devon & Cornwall Housing (DCH) for which he receives a payment which means that he has a DPI in matters relating to DCH. The Councillor therefore must declare a DPI in such matters and leave the meeting room for that item.

2.3 Cllr Carson has asked for a dispensation in order to enable him to participate in issues relating to DCH from today until May 2015 and he has requested to speak only and not vote. The Councillor's reasons are set out on the attached application form at Appendix A.

## **3. LEGAL IMPLICATIONS**

3.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests, and new rules on dispensations.

3.2 The Council's adopted procedures require requests for dispensations (other than under ground 1) to be considered and determined by the Corporate Performance & Resources Scrutiny Panel, having regard to the particular circumstances of each case and in accordance with the criteria.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications to this report.

#### 5. RISK MANAGEMENT

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

#### 6. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	Community Life
<b>Statutory powers:</b>	The Localism Act 2011 Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
<b>Considerations of equality and human rights:</b>	Not applicable
<b>Biodiversity considerations:</b>	Not applicable
<b>Sustainability considerations:</b>	Not applicable
<b>Crime and disorder implications:</b>	Not applicable
<b>Background papers:</b>	None
<b>Attachments</b>	Appendix A: Request for dispensation by Cllr Carson

### 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	Request to grant a dispensation to allow participation in matter when otherwise the councillor would have a DPI	To consider whether to grant a dispensation in the terms requested to enable the Councillor to participate in the matter in which he has a DPI.	4	2	8	↔	Complying with the application process for a dispensation and the Panel to consider the application.	Monitoring Officer

Direction of travel symbols ↓ ↑ ↔