

PLYMOUTH CITY COUNCIL

Subject:	Dispensation for Members and Co-opted members of Plymouth City Council
Committee:	Full Council
Date:	28 January 2012
Cabinet Member:	
CMT Member:	Tim Howes (Monitoring Officer)
Author:	Judith Shore, Democratic Services Manager
Contact details	Tel: 01752 304494 email: judith.shore@plymouth.gov.uk
Key Decision:	No
Part:	I

Purpose of the report:

The Localism Act 2011 has amended the law relating to the granting of dispensations to Members and co-opted members where they have disclosable pecuniary interests, thereby allowing them to take part in meetings. The recommendations in this report will allow all Members and co-opted members to be granted dispensations under certain circumstances.

Corporate Plan 2012-2015:

Being an efficient council and operating in an open and transparent manner.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

None

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

None

Equality and Diversity

No impact

Recommendations and Reasons for recommended action:

1. That the authority to grant existing dispensations to all Members and co-opted members is delegated to the council's Monitoring Officer.

Reason: in order to retain the current provision for dispensations granted to all Members and co-opted members.

2. (a) that the Monitoring Officer may, but is not required to, consult with the Standards Advisory Group prior to determining an application for dispensation on grounds 4a), 4b) and 4d);
- (b) that the Monitoring Officer would consult Members of the Standards Advisory Group before making a decision on ground 4c) or 4e) as these grounds may involve a value judgement.

Reasons:

To allow the council to consider and grant, where appropriate, dispensations requested by an individual Member or co-opted member

And in respect of 4c) and 4e), as these grounds may involve a value judgement, the Monitoring Officer would consult members of the Standards Advisory Group before making a decision.

3. It is recommended that the code of conduct is amended accordingly.

Reason: to ensure the code of conduct reflects the above decisions.

Alternative options considered and rejected:

No other option as the council must comply with the legislation

Published work / information:

Localism Act 2011: <http://www.legislation.gov.uk/ukpga/2011/20/contents>

Background papers:

None

Sign off:

Fin	AB 22051 2 57	Leg	LTI 6551	Mon Off	TH 00 74	HR		Assets		IT		Strat Proc	
Originating SMT Member: Tim Howes, Monitoring Officer													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

1 Current provision

On 25 June 2012, full council agreed that, from 1 July 2012, all councillors will comply with the requirements of the Localism Act 2011 and any regulations made under it in respect of disclosable pecuniary interests and will leave any meeting for any item of business in which they have a pecuniary interest.

The code of conduct states that Members do not have a prejudicial interest (and can, therefore, take part and vote) in any business of the authority where it relates to functions in respect of:

- school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education or are a parent governor of a school, unless it relates particularly to the school which the child attends
- statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of, such pay
- an allowance, payment or indemnity given to Members;
- any ceremonial honour given to Members
- setting Council Tax or a precept under the Local Government Finance Act 1992

2 What is a disclosable pecuniary interest?

DPIs are Members' and co-opted members' business interests (for example, their employment, trade or profession, contracts or any company with which they are associated) and wider financial interests (for example, trust funds, investments and assets including land and property). Members must also register DPIs in respect of their spouse or civil partner.

Members have disclosed their DPIs and the information can be found on the council's website. [plymouth city council councillors](#)

3 New requirements

Under Section 31 of the Localism Act 2011 ("the Act"), a Member or co-opted member who has:

- a) a disclosable pecuniary interest (DPI) in a matter to be considered, or being considered, at a meeting of the council at which that Member or co-opted Member is present and
- b) the disclosable pecuniary interest is one which the Member or co-opted Member is aware of

may not participate or participate further in any discussion or vote on the matter at the meeting unless s/he has first obtained a dispensation in accordance with the council's dispensation procedure.

4 Granting of dispensations

The provisions on dispensations are significantly changed by the Localism Act 2011. There are 5 circumstances where a dispensation may be granted:

- a) 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"
- b) 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
- c) that the council considers that the dispensation is in the interests of persons living in the council's area
- d) that, without a dispensation, no member of the Cabinet would be able to participate on this matter; or
- e) that the council considers that it is otherwise appropriate to grant a dispensation

Any grant of a dispensation must specify the duration, up to a maximum of 4 years.

The Localism Act gives discretion for the power to grant dispensations to be delegated to a committee or a sub-committee, or to the Monitoring Officer.

- 5 In order to retain the current provision for dispensations granted to all Members and co-opted members, outlined in section 1 above, it is suggested that the authority to grant such dispensations is delegated to the council's Monitoring Officer.

A copy of the proposed dispensation is attached as an Appendix.

- 6 In order to allow the council to consider and grant, where appropriate, dispensations requested by an individual Member or co-opted member, it is recommended that the authority to grant dispensations in 4a), 4b) and 4d) is delegated to the council's Monitoring Officer. It is also recommended that the Monitoring Officer may, but is not required to, consult with the Standards Advisory Group prior to determining an application for dispensation on grounds 4a), 4b) or 4d).

In respect of 4c) and 4e) above, it may be considered that these grounds involve a value judgement and it is recommended that the authority to grant dispensations on these grounds is delegated to the Monitoring Officer, after consulting with members of the Standards Advisory Group.

- 7 It is recommended that the council's constitution is amended accordingly.

DISPENSATION FOR MEMBERS AND CO-OPTED MEMBERS OF PLYMOUTH CITY COUNCIL

I declare that for the period to 1 May 2014 or the date of local elections whichever is later, all Members and co-opted members of Plymouth City Council shall not be regarded as having a disclosable pecuniary interest as defined in the Council's Code of Conduct and have been granted a dispensation to permit them to speak and vote at meetings of the city council, its Cabinet or any committee, sub committee, joint committee or working party thereof if the matter relates to any of the following functions of the council, namely:

- school meals or school transport and travelling expenses if the Member or co-opted member is a parent or guardian of a child in full time education or a parent governor of a school, unless it relates particularly to the school which the child attends
- statutory sick pay where the Member or co-opted member is in receipt of, or entitled to the receipt of, such pay
- Members or co-opted members' allowances, travelling expenses, payment or indemnity
- any ceremonial honour given to Members
- Council Tax or precept setting

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(Signature)
(Monitoring Officer of Plymouth City Council)

Date: