

Gloucester City Council

Meeting:	Audit and Governance Committee	Date:	20th June 2016
Subject:	Applications for Dispensation		
Report Of:	Monitoring Officer		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	None		

FOR GENERAL RELEASE.

1.0 Purpose of Report

- 1.1 This report seeks to delegate authority to the Monitoring Officer to determine applications for dispensation which are made by Members of the City Council in order to participate in the business to be conducted at the meeting of the Council on 30 June 2016.

2.0 Recommendations

- 2.1 Audit and Governance Committee is asked to **RESOLVE** that authority be delegated to the Monitoring Officer, in consultation with the Chairman and Vice-Chairman of this Committee, to determine applications for dispensation which are made by Members of the City Council in order to participate in the business to be conducted at the meeting of the Council on 30 June 2016.

3.0 Background and Key Issues

- 3.1 The arrangements which were adopted by the Council on 19th July 2012 to comply with the provisions of the Localism act 2011 include arrangements for decisions to be made on applications by Members of the Council for dispensation to participate in items of business in which they consider that they have either a disposable pecuniary or an 'other interest'.
- 3.2 Responsibility for the determination of applications for dispensation has been delegated to the Monitoring Officer where the application is made on grounds (a) and (b) set out in paragraph 3.7 below and any application on the basis of grounds (c) & (d) are within the remit of this Committee.
- 3.3 On 30th June 2016, the City Council will consider the Inspector's Interim Report on the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. The Monitoring

Officer will provide advice to all Members of the Council to enable them to consider whether they have any interests which may, in accordance with the City Council's Code of Members' Conduct, preclude their participation at the Council meeting.

- 3.4 The Code sets out **Disclosable Pecuniary Interests** in Part 2 Clause 9.04 and the Schedule to the Code of Conduct. These are interests of the Member themselves or of their spouse, partner, civil partner (or person living with the Member as any of those) and the interest arises from Employment, Office, Trade, Vocation, Sponsorship, Contracts, Land, Licences, Corporate Tenancies and Securities as defined.
- 3.5 If the Member has a Disclosable Pecuniary Interest in a matter, the Member must leave the meeting and may not participate in the discussion or vote on the matter unless a Dispensation has been granted.
- 3.6 **Other Interests** are defined in Part 2 clause 9.05 – 9.08 of the Code of Conduct as follows:-
- 9.05 If you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest” or “personal interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
 - 9.06 You have a “non-disclosable pecuniary interest” or “personal interest” in an item of business of your authority where:-
 - 9.07 A decision in relation to that business might reasonably be regarded as affecting the well being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - 9.08 It relates to or is likely to affect any of the interests listed in the Table in the Schedule to this Code, but in respect of a member of your family (other than your spouse, civil partner or person with whom you are living as spouse or civil partner) or a person with whom you have a close association and that interest is not a Disclosable Pecuniary Interest.

Applications for Dispensation

- 3.7 In accordance with the Code of Conduct, Members are entitled to seek dispensation to participate in a decision on a matter in which they have either a disclosable pecuniary or “other” interest. The grounds upon which dispensations may be granted are as follows:-
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

(b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

(c) granting the dispensation is in the interests of persons living in the authority's Area;

(d) it is otherwise appropriate to grant a dispensation.

- 3.8 Applications for dispensation under (a) and (b) are delegated to the Monitoring Officer but dispensations under (c) and (d) are within the remit of this Committee.

Determination of Applications for Dispensation

- 3.9 In view of the proximity of the Council meeting on 30th June it is recommended that authority be delegated to the Monitoring Officer, in consultation with the Chairman and Vice- Chairman of this Committee, to determine applications for dispensation in all circumstances listed in paragraph 3.7 above as it will not be possible to convene another meeting of this Committee prior to the Council meeting.
- 3.10 When granting any dispensation, the period for which a dispensation has effect must be specified, and the period specified may not exceed four years.

4.0 Asset Based Community Development (ABCD) Considerations

- 4.1. None

5.0 Alternative Options Considered

- 5.1 Not applicable.

6.0 Reasons for Recommendations

- 6.1 To ensure that all Members have an opportunity to participate in the business of council on 30th June if appropriate.

7.0 Future Work and Conclusions

- 7.1 None

8.0 Financial Implications

- 8.1 None.

(Financial Services have been consulted in the preparation this report.)

9.0 Legal Implications

- 9.1 As set out in the report.

(One Legal have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

10.1 None

11.0 People Impact Assessment (PIA):

11.1 Not applicable

12.0 Other Corporate Implications

Community Safety

12.1 Not applicable

Sustainability

12.2 Not applicable

Staffing & Trade Union

12.3 Not applicable

Background Documents: None.