

HIGH PEAK BOROUGH COUNCIL

Report to Standards Committee

5 July 2023

TITLE:	Code of Conduct - Dispensations
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown – Council Leader
CONTACT OFFICER:	Linden Vernon – head of Democratic Services
WARDS INVOLVED:	Non-Specific

1. Reason for the Report

- 1.1 To consider the grant of dispensations to councillors in the circumstances described within the report for a four year period.

2. Recommendation

- 2.1 That general dispensations be granted to all councillors, under Section 33 (2) of the Localism Act 2011, in respect of the circumstances outlined in paragraphs 6.4, 6.7 and 6.8 of the report, for a period of four years.

3. Executive Summary

- 3.1 Section 33 of the Localism Act made provision for the circumstances where dispensations may be granted. The power to grant dispensations has been delegated by Council to the Standards Committee, in consultation with the Independent Person.
- 3.2 Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to certain functions of the authority.
- 3.3 The arrangements introduced by the Localism Act 2011 did not reproduce these exemptions and as a result councillors could effectively breach the Code of Conduct should they take part in a meeting where any of these matters were being discussed and they have a disclosable pecuniary interest in the matter. The Council's Standards Committee has therefore previously granted dispensations as detailed in paragraphs 6.4 and 6.7 of this report. It is also

proposed that dispensations are approved with regards to Council Tax premiums and councillors attending meetings remotely where a formal decision is not required to be made. It is recommended that these dispensations be granted for four years.

4. **How this report links to Corporate Priorities**

4.1 Not applicable.

5. **Alternative Options**

5.1 That the Committee grants the dispensations as detailed in section 6 of the report. (recommended).

5.2 That the Committee does not grant the dispensations as detailed in section 6 of the report (not recommended).

Mark Trillo

Executive Director (Governance and Commissioning) and Monitoring Officer

Web Links and Background Papers

Localism Act 2011

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6. **Detail**

6.1 The provisions on dispensations from councillors taking part in or voting on matters are contained within the Localism Act 2011.

6.2 The grounds for the grant of a dispensation under Section 33 (2) of the Act are as follows:

- (a) Without the dispensation the number of members that would be prohibited from participating/voting would be so great that it would impede any particular transaction of business.
- (b) Without the dispensation the strengths of political groups on the body would be so upset as to alter the likely outcome of any vote on the matter.
- (c) The grant of the dispensation would be in the interests of the inhabitants of the authority's area.
- (d) Without the dispensation, every member of the Executive would have a Disclosable Pecuniary Interest prohibiting them from participating/voting.

- (e) It is otherwise appropriate to grant the dispensation
- 6.3 Any grant of dispensation must specify how long it lasts for, up to a maximum of four years.
- 6.4 Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to functions of the authority in respect of:
- 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 as amended from time to time or any superseding legislation.
 - Housing, where the councillor is a tenant of the authority or occupies a property of the authority provided that those functions do not relate particularly to the councillor's tenancy, occupancy or lease.
- 6.5 The revised arrangements on interests introduced by the Localism Act 2011 did not reproduce these exemptions and as a result councillors could effectively breach the Code of Conduct should they take part in a meeting where any of these matters are being discussed and they have a disclosable pecuniary interest in the matter.
- 6.6 Where these circumstances arise it is prudent for a general dispensation be granted to apply to all councillors. The Council's Standards Committee has therefore previously granted dispensations as detailed in paragraph 6.4 of this report.
- 6.7 General dispensations were also granted on these terms for the following decisions which are also made by the Council as a result of changes in relevant legislation:
- Setting the local council tax support scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.
 - Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.
- 6.8 In addition it is proposed that the following dispensations are also approved with regards to Council Tax decisions and councillors attending meetings remotely:
- Any decision relating to the setting of Council Tax Premiums.

- A dispensation from S.85 of the Local Government Act 1972 in order to allow councillors to attend meetings remotely in cases where a formal decision is not required to be made.

6.9 It is recommended that the dispensations as given in paragraphs 6.4, and 6.7 and 6.8 of this report should therefore be granted for a four year period from the date that it is given.

6.10 The restrictions on councillors taking part in decisions where they are in arrears in Council Tax (Local Government Finance Act 1992, s106) cannot be dispensed with under the framework and remain in force.