

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Civic Affairs Committee

24 September 2012

AUTHOR/S: Monitoring Officer / Legal and Democratic Services Manager

GENERAL DISPENSATION

Purpose

1. To ask the Civic Affairs Committee to grant a “general dispensation” to all councillors under s33 of the Localism Act 2011 in relation to specific decisions.

Recommendations

2. That the Committee resolves:
 - (a) to make a recommendation to Full Council that a decision to apply for and grant a general dispensation is ratified by Full Council as technically the Localism Act 2011 requires each member to make an individual application in writing for a dispensation and this resolution should satisfy these requirements.
 - (b) to grant dispensations to all members of South Cambridgeshire District Council from the requirements of Section 31(4) of the Localism Act 2011 on the basis that without the dispensation the number of person prohibited by section 31(4) 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, such dispensation to take effect from 24th August 2012 for a period of four years. The dispensation to apply to the following decisions:
 - (i) Housing, where the Member is a tenant of the authority; provided that those functions do not relate particularly to that Member’s tenancy or lease
 - (ii) Any allowance, payment , pension or indemnity given to Members
 - (iii) Setting Council Tax or a precept under the Local Government Finance Act 1992

Reasons for Recommendations

3. To enable all members to continue to participate in matters where they had previously been given a general dispensation under the old Code of Conduct.

Background

4. The former Code of Conduct prescribed specified circumstances when a Member could exclude themselves from having to declare a prejudicial interest and leave the room when business arose in connection with that interest. For instance, one of these matters related to housing, where the Member was a tenant of the Authority provided the functions under discussion did not relate to the Member’s tenancy or lease.

5. As there are no similar exclusions in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, the Committee may consider it appropriate to grant a general dispensation to all Members of the Council in specified circumstances.
6. Under Chapter 7, Section 33(2) of the Localism Act, a relevant authority may “grant a dispensation..... if, after having had regard to all relevant circumstances, the authority –
 - (a) considers that 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) considers that 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) considers that granting dispensation is in the interests of persons living in the Authority’s area;
 - (d) if it is an Authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each Member of the authority’s executive would be prohibited from participating in any particular business to be transacted by the authority’s executive, or;
 - (e) considers that it is otherwise appropriate to grant a dispensation.
7. A dispensation under this Section must specify the period for which it has effect, and the period specified may not exceed four years.

Background Papers: the following background papers were used in the preparation of this report:

Localism Act 2011

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