

Ethics Committee Agenda



To: Councillor Clive Fraser (Chair)
Councillor Pat Clouder (Vice-Chair)
Councillors Mario Creatura, Patricia Hay-Justice, Joy Prince, Helen Redfern,
Anne Smith and Ashok Kumar

Reserve Members: Karen Jewitt, Felicity Flynn, Maddie Henson,
Callton Young, Jeet Bains and Gareth Streeter

A meeting of the **Ethics Committee** which you are hereby summoned to attend, will be held on **Monday, 4 June 2018 at 6.30 pm in F5 - Town Hall**

JACQUELINE HARRIS-BAKER
Director of Law and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Stephen Rowan
020 8726 6000 x62529
stephen.rowan@croydon.gov.uk
www.croydon.gov.uk/meetings
Thursday, 24 May 2018

Members of the public are welcome to attend this meeting.
If you require any assistance, please contact the person detailed above, on the righthand side.

N.B This meeting will be paperless. The agenda can be accessed online at www.croydon.gov.uk/meetings

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any members of the Committee.

2. Minutes of the Previous Meetings (Pages 5 - 12)

To approve the minutes of the meetings held on 28 February 2018 and 23 May 2018 as accurate records.

3. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Dispensations for Members (Pages 13 - 16)

To consider and comment on the proposed general dispensations that are proposed to be given to all Members of the Council pursuant to the Council's dispensation procedure.

6. Ethics Committee Work Plan (Pages 17 - 18)

To consider the draft work plan for the Committee for the 2018/19 Municipal Year.

7. Members' Learning and Development Plan 2018/19 (Pages 19 - 28)
To note the Members' Learning and Development Plan 2018/19.

8. Dispensation Applications for Members (Pages 29 - 34)
To receive the report of the Director of Law on Members' dispensations for consideration, if any are received.

9. Exclusion of the Press and Public
The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

10. Dispensation Applications for Members
To receive the report of the Director of Law on Members' dispensations for consideration, if any are received.

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Ethics Committee

Meeting of held on Wednesday, 28 February 2018 at 6.30 pm in F10, Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Oliver Lewis (Chair);
Councillor Joy Prince (Vice-Chair);
Councillors Pat Clouder, Maggie Mansell and Donald Speakman
Ashok Kumar (Independent Co-opted Member)

Apologies: Councillor Mario Creatura and Wayne Trakas-Lawlor.
Anne Smith (Independent Co-opted Member)

PART A

1/18 **Minutes of the Previous Meeting**

The minutes of the meeting held on 6 September 2017 were agreed as an accurate record.

2/18 **Disclosure of Interests**

There were none.

3/18 **Urgent Business (if any)**

There were no items of urgent business.

4/18 **Corporate RIPA (Regulation of Investigatory Powers Act 2000) Policy Revisions**

The Committee considered a report that detailed the findings and recommendations made by the Office of the Surveillance Commissioner's inspection of the Council's use of covert surveillance under the Regulation of Investigatory Powers Act (RIPA) 2000 and revisions made to corporate policy and procedures arising from those findings.

In considering the report, the Committee noted that ad hoc guidance on the surveillance of social media had previously been issued and that following the inspection, this was now formalised within the revised corporate policy.

Members also noted that the policy document had been praised by the Inspector and thanked the Council's Information Management Co-Ordinator, Howard Passman, for his achievements in this area.

RESOLVED:

That the revisions to the corporate policy and procedures managing the use of covert surveillance authorised under the Regulation of Investigatory Powers Act 2000 by the Council arising from the Office of Surveillance Commissioner's recommendations following a Council inspection in 2017 be noted.

5/18 **Use of the Powers Available Under the Regulation of Investigatory Powers Act 2000 Year Ending 31 December 2017**

The Committee considered a report that detailed the use of the Regulation of Investigatory Powers Act (RIPA) 2000 by the Council over the past calendar year.

Members were informed by the Information Management Co-ordinator that the use of these powers had been in decline over recent years and that the level of use in the previous calendar year was in keeping with the declining trend.

The Committee also noted that multiple applications for use of RIPA powers would often be required for a single investigation due to the complex and sophisticated nature of the issues being investigated.

RESOLVED:

That the use of the Regulation of Investigatory Powers Act 2000 by the Council over the past calendar year be noted.

6/18 **Recent Development on the Regulation of Councillor Conduct**

The Committee considered a report that:

- i) provided details of a recent consultation by the Department for Communities and Local Government (DCLG) regarding disqualification criteria for Councillors and Mayors;
- ii) sought views on a current consultation by the Committee on Standards in Public Life (CSPL) as part of their review of Local Government Ethical Standards; and
- iii) detailed the outcome of a recent case in relation to the regulation of Councillor conduct.

At the outset of the item, Members welcomed the new Head of Corporate Law and Litigation, Sandra Herbert, to her first meeting of the Committee.

In considering the details of the DCLG consultation, the Committee noted that the outcomes of the consultation were yet to be made public. Members were also informed that, as the proposed changes to disqualification criteria would require a change in the Law, it was not anticipated that the changes would take effect in the immediate future.

In considering the current CSPL consultation, the Chair informed Members that he would consult with Members of both political groups represented on the Council before the Authority's response was submitted.

RESOLVED:

1. That the recent consultation by the Department for Communities and Local Government regarding the disqualification criteria for Councillors and Mayors be noted.
2. That the Monitoring Officer, in consultation with the Chair of the Ethics Committee, be delegated authority to respond on behalf of the Ethics Committee to the Committee on Standards in Public Life consultation as part of its review of local government ethical standards; and
3. That the outcome of a recent case in relation to the regulation of Councillor conduct be noted.

7/18

Annual Update on Ethics Complaints Received Year Ending 31 December 2017

The Committee considered a report that updated Members on complaints and investigations undertaken by the Monitoring Officer over the past year.

In considering the detail of the report, Members noted that just under half of all complaints received by the Monitoring Officer had related to a single planning application and that no complaints received during the course of the year had met the assessment criteria agreed by the Committee to be referred for investigation.

The Monitoring Officer informed Members that all complainants were asked to specify which area of the code they had felt had been breached and what evidence they could provide to substantiate their complaint.

In discussion of the report, Members noted the themes of complaints that had been received and the strong focus of complaints relating to planning, none of which had met the assessment criteria to be referred to investigation. Members also noted that in over half of the complaints where additional information had been sought from the complainant, no further information had been received.

Members of the Committee reflected that while it remained paramount that residents had an avenue to raise issues of probity and ethics, there were both direct and opportunity costs to residents when complaints were made without valid grounds.

RESOLVED:

That the annual update on ethics complaints received in the year ending 31 December 2017 be noted.

8/18 **Annual Whistleblowing Report for Year Ending 31 December 2017**

The Committee considered a report that detailed use of the Council's whistleblowing procedure during the past calendar year.

In considering the report, some Members of the Committee questioned whether staff reporting issues under the whistleblowing procedure could be given guarantees of future employment. The Monitoring Officer informed those Members that such staff were already granted statutory protection under existing legislation.

RESOLVED:

That the annual whistleblowing report for the year ending 31 December 2017 be noted.

9/18 **Member Learning and Development 2017-18**

The Committee received a report that detailed Member learning and development activity during the 2017/18 municipal year.

In considering the report, Members also noted that an induction programme for all councillors elected at the May 2018 local election was in development and that both political groups represented on the Council would be consulted on the development of that programme.

RESOLVED:

That the Member learning and development 2017/18 update be noted.

10/18 **Dispensation Applications for Members**

The Committee received the report of the Director of Law and noted that one application had been received from a Member of the Council.

RESOLVED:

That the report be noted.

11/18 **Exclusion of the Press and Public**

The following motion was moved by Councillor Mansell and seconded by Councillor Clouder to exclude the press and public:

"That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended."

The motion was put and it was agreed by the Committee to exclude the press and public for the remainder of the meeting.

12/18 **Dispensation Applications for Members**

The Committee considered an application for a dispensation in respect of a disclosable pecuniary interest from Councillor Simon Hall in relation to any decisions involving Barnardo's.

In considering the grounds on which dispensations could be made, Members agreed that it was otherwise appropriate to grant this dispensation and

RESOLVED:

That Councillor Simon Hall be granted a dispensation in respect of a disclosable pecuniary interest in relation to any decisions involving Barnardo's for the remainder of his current term of office.

The meeting ended at 7.28 pm

Signed:

Date:

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Ethics Committee

Meeting of held on Wednesday, 23 May 2018 at 7.35pm in Council Chamber - Town Hall

MINUTES

Present: Councillors Pat Clouder, Clive Fraser, Mario Creatura, Patricia Hay-Justice, Joy Prince and Helen Redfern

PART A

13/17 **Appointment of Chair and Vice-Chair**

Following nominations, the Committee:

RESOLVED:

- (i) That Councillor Fraser be elected Chair of the Committee for the 2018/19 Municipal Year; and
- (ii) That Councillor Clouder be appointed Vice-Chair for the 2018/19 Municipal Year.

The meeting ended at 7.36 pm

Signed:

Date:

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Ethics Committee Draft Work Programme 2018/19

Meeting Date	Regular Items	Other Items
5 September 2018	Members' Dispensations	Code of Conduct and Complaints Process Case Law Update
14 November 2018	Members' Dispensations	Report on Review of Council's Whistleblowing Policy
27 February 2019	Members' Dispensations	Annual Whistleblowing Report Annual Update on Member Complaints Annual Update on Members' Learning & Development Annual Update on use of RIPA
1 May 2019	Members' Dispensations	

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REPORT TO:	ETHICS COMMITTEE 4 JUNE 2018
SUBJECT:	MEMBERS' LEARNING AND DEVELOPMENT PLAN
LEAD OFFICER:	JACQUELINE HARRIS-BAKER, DIRECTOR OF LAW AND MONITORING OFFICER
CABINET MEMBER:	COUNCILLOR SIMON HALL
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
The Council provides learning and development opportunities to support all Members in their roles.	
FINANCIAL IMPACT: There are no new financial implications arising from the contents of this report.	

1.	RECOMMENDATIONS
1.1	The Committee is asked to note the Members' Learning and Development Plan and make any comments that it considers appropriate.

2. EXECUTIVE SUMMARY

- 2.1 This report provides the Ethics Committee with details of the Members' Learning and Development Plan that has been put in place following the 2018 elections.

3. BACKGROUND

- 3.1 At its meeting on 28 February 2018, the Ethics Committee considered a report that detailed Member Learning and Development activity during the 2017/18 Municipal Year. In consideration of that report, the Committee also discussed potential learning and development activity for the 2018/19 Municipal Year, with particular regard to the changes to Council membership that were to take place at the local elections in May 2018.

4. LEARNING AND DEVELOPMENT PROGRAMME

- 4.1 Prior to the local elections, consultation took place with both political groups represented on the Council on the development of a full learning programme for both new and returning councillors.
- 4.2 That programme has covered a range of aspects including:
- personal practical induction sessions for Members;
 - mandatory learning events;

- targeted learning events; and
 - group learning events open to all Members.
- 4.3 A copy of the initial programme is attached to this report at Appendix 1. This programme will be further developed by the Members' Learning and Development Panel over the course of the year.
- 4.4 The programme has also been supplemented by a Members' digital handbook that provides guidance to Members on a range of topics. These include:
- Members' ICT
 - Code of Conduct
 - Ward Budgets
 - The Constitution and Decision Making Process
 - Confidentiality and Information Protection (including GDPR)
- 4.5 The Members' Digital Handbook is available to all Members through the secure paperless meetings application and will be updated throughout the year to reflect Members' changing needs.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 There are no new financial burdens arising from the contents of this report. Provision for the cost of Member Learning and Development has been included within the 2018/19 Democratic Services budget.

CONTACT OFFICER: Stephen Rowan, Head of Democratic Services and Scrutiny.
Democratic.Services@Croydon.gov.uk.

APPENDICES TO THIS REPORT:

Appendix 1 – Initial Member Learning and Development Programme 2018/19

BACKGROUND DOCUMENTS: None.

Members' Development Sessions

Please note that full information regarding each event will be circulated before the scheduled date. Please can you register your interest in any of these sessions by emailing democratic.services@croydon.gov.uk

<p>Licensing Training</p> <p><i>Licensing Committee Members (mandatory)</i></p> <p>Mandatory training for the Members of the Licensing Committee and Licensing Sub-Committee.</p> <p>Introduction to licensing and gambling issues and this law on which these decisions are based. Also includes information about street trading licensing under London Local Authorities Act 1990.</p> <p>Michael Goddard - Licensing Manager Jessica Stockton - Corporate Lawyer</p>	30 May	6:30pm	Town Hall, Council Chamber
<p>Planning Training</p> <p><i>Planning Committee Members</i></p> <p>The session will cover –</p> <ul style="list-style-type: none"> • Local Plan • Housing need • Affordable housing • Character of an area • Design • Parking • Infrastructure • SPD2 and evolution • Bias and pre-determination <p>Heather Cheesbrough - Director of Planning and Strategic Transport Sean Murphy - Head of Commercial and Property Law and Deputy Monitoring Officer</p>	31 May	6:30pm	Town Hall, Council Chamber

<p>Pensions Committee Training</p> <p><i>Pensions Committee Members</i></p> <p>The first item of the Pensions Committee will be a short training session open to all Committee members and Reserve members. This will be the first of a series of training sessions for Committee Members with further events to be organised in the coming months.</p> <p>Lisa Taylor – Director of Finance</p>	5 June	10:00am	Town Hall, Council Chamber
<p>Planning Training</p> <p><i>Planning Committee Members (mandatory)</i></p> <p>The session will cover –</p> <ul style="list-style-type: none"> • Delegated vs committee • What does consultation mean? • What are material considerations and what are not? • Balancing of issues • How a decision is made • Types of application • Use classes • Bias and pre-determination <p>Heather Cheesbrough - Director of Planning and Strategic Transport Sean Murphy - Head of Commercial and Property Law and Deputy Monitoring Officer</p>	5 June	6:30pm	Town Hall, Council Chamber
<p>Licensing Training</p> <p><i>Licensing Committee Members</i></p> <p>Challenging aspects of Licensing Sub-Committee hearings. Essential for Sub-Committee Members.</p> <p>Gary Grant – Counsel, FTB (Francis Taylor Building)</p>	12 June	10:30am	Town Hall, Council Chamber

<p>Planning Referrals</p> <p><i>All Councillors</i></p> <p>The session will cover –</p> <ul style="list-style-type: none"> • Details of planning application notification/consultation arrangements, including the various situations where planning applications need to be considered and determined by Planning Committee/Planning Sub Committee. • Outlining Member referral arrangements – as outlined by Part 4K of the Council's Constitution. • Outlining Planning Committee/Planning Sub Committee procedures and speaker protocols. <p>Pete Smith - Head of Development Management</p>	18 June	6:30pm	Town Hall, Council Chamber
<p>Emergency Planning</p> <p><i>All Councillors</i></p> <p>Come and learn about how the Council and its partners respond to major emergencies in the borough and the role you play in these situations. The Resilience Team will also be covering the procedures that are in place for Operation London Bridge – the formalities associated with the death of the Sovereign.</p> <p>Kelly Jack - Resilience Manager</p>	20 June	6:30pm	Town Hall, Council Chamber
<p>Ward Budgets</p> <p><i>All Councillors</i></p> <p>The training will cover the processes for sorting out any ward budget allocations. This includes ensuring we are awarding monies to suitable organisations, that we have an audit trail and that we can see and celebrate the benefits of the awards of money. New Councillors will also sign their ward budgets terms & conditions acceptance form.</p> <p>Julian Ellerby - Director of Strategy and Partnerships</p>	17 July	6:30pm	Town Hall, Council Chamber

<p>General Purposes & Audit Committee</p> <p><i>General Purposes & Audit Committee Members</i></p> <p>The session will explain the vital role that GPAC plays in the Governance of the Council and will discuss the scope of the committee's remit, including:</p> <ul style="list-style-type: none"> • Internal and external audit processes • Anti-fraud and corruption arrangements • Risk management • Internal control and corporate governance/assurance framework • Financial reporting and annual statement of accounts • Any matter not reserved to the Council or delegated to another Committee and related to a non-executive function. <p>Simon Maddocks - Director of Governance</p>	18 July	5:00pm	Town Hall, Room F9
<p>Information Management</p> <p><i>All Councillors</i></p> <p>This session will cover –</p> <ul style="list-style-type: none"> • An overview of information management issues and considerations for the members • The General Data Protection Regulation changes. <p>Jonathan Craven - Information Manager Howard Passman - Data Protection GDPR Project Manager</p>	24 July	6:30pm	Town Hall, Council Chamber
<p>Equalities</p> <p><i>All Councillors</i></p> <p>Session will cover basic equality and diversity training which will include the below</p> <ul style="list-style-type: none"> • Equality legislation • Croydon's Equality Policy • Some facts and figures about Croydon's demographics • Achievements and Challenges • Their role <p>Yvonne Okiyo - Strategy Manager (Resources)</p>	6 Sept	6:30pm	Town Hall, Council Chamber

<p>Local Government Finance</p> <p><i>All Councillors</i></p> <p>The session will cover –</p> <ul style="list-style-type: none"> • Training will provide Councillors with an introduction to Local government finance, including local government financing, budget setting, financial monitoring and an insight in to financial accounts. • Will explain the differences between revenue and capital budgets. • The responsibilities of the S151 officer. <p>Lisa Taylor - Director of Finance Investment and Risk</p>	10 Sept	6:30pm	Town Hall, Council Chamber
<p>Health & Safety</p> <p><i>All Councillors</i></p> <p>To ensure elected members are aware of their responsibilities as individuals and the offences set out in sections 36 and 37 of the Health and Safety at Work Act 1974. It is imperative that elected members consider the health and safety consequences of decisions they make on policy and delivery of public services. In addition it will cover personal safety, for example when holding surgeries.</p> <p>Elizabeth Johnston - Health and Safety Compliance Manager</p>	20 Sept	6:30pm	Town Hall, Council Chamber

<p>Health & Wellbeing</p> <p><i>All Councillors</i></p> <p>The aims of the session would be</p> <ul style="list-style-type: none"> • To provide an opportunity to understand ways in which all elected members can contribute to improving the health and wellbeing of local residents • To explore determinants of health and wellbeing and the factors that can lead to health inequalities as well as the policies looking to address health inequity • To look at the definition of prevention, why should we invest in prevention? • To explore health and wellbeing, locally and nationally, and the role of council services in prevention • Look at the role of elected members in championing health <p>Rachel Flowers - Director of Public Health</p>	26 Sept	6:30pm	Town Hall, Council Chamber
<p>Anti-Fraud</p> <p><i>All Councillors</i></p> <p>This training is an opportunity to learn more about the work of the councils anti-fraud team and some of the challenges facing local authorities and public sector partners in the fight against fraud and corruption. We will look the work of the Croydon council investigators and at all areas of fraud risk and illustrate these with case studies from investigations undertaken by the team.</p> <p>David Hogan - Head of Anti-Fraud</p>	23 Oct	6:30pm	Town Hall, Council Chamber

REPORT TO:	ETHICS COMMITTEE 4 June 2018
SUBJECT:	DISPENSATIONS APPLICATIONS FOR MEMBERS
LEAD OFFICER:	JACQUELINE HARRIS-BAKER, DIRECTOR OF LAW AND MONITORING OFFICER
CABINET MEMBER:	COUNCILLOR SIMON HALL
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: The Council has determined that the Ethics Committee shall consider dispensations for Members under the new ethics regime.	
FINANCIAL IMPACT Implementation of the recommendations contained in this report shall be contained within existing budgets	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

1.	RECOMMENDATION
	The Committee is asked to:
1.1	In the event of applications for dispensations received, consider the application from the Members and determine whether to grant the dispensation, and if so, the length of time for which such dispensation is to be granted.

2. EXECUTIVE SUMMARY

- 2.1 Following statutory amendments to the ethics regime, full Council adopted a new Code of Conduct and delegated to the Monitoring Officer and the Ethics Committee the power to consider dispensations under the new ethics regime.

3. DETAIL

- 3.1 Under Section 31 of the Localism Act 2011 (“the Act”), a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered or being considered at a meeting of the authority at which that Member or co-opted Member is present and the DPI is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council’s dispensation procedure.

- 3.2 The Council has adopted dispensation criteria which are attached for Members' ease of reference at Appendix 1. There are 5 circumstances in respect of which a dispensation may be granted, namely:
- i) That so many members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would "impede the transaction of the business";
 - ii) 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;
 - iii) That the authority considers that the dispensation is in the interests of persons living in the authority's area;
 - iv) That, without a dispensation, no member of the Cabinet would be able to participate on this matter; or
 - v) That the authority considers that it is otherwise appropriate to grant a dispensation.
- 3.3 The Council has determined that in respect of grounds (i) and (iv) above, which involve an objective assessment of whether the requirements are met, it is appropriate to delegate dispensations on these grounds to the Monitoring Officer for determination. The Monitoring Officer is permitted, but not required, to consult with the Ethics Committee prior to determining an application for dispensation on grounds (i) or (iv).
- 3.4 In respect of grounds (ii), (iii) and (v) above, assessment of these grounds involve a value judgement and are less objective and Council has therefore considered it appropriate that the discretion to grant dispensations on these grounds is delegated to the Ethics Committee, after consultation with the Independent Person.
- 3.5 The Council currently does not have any outstanding applications for dispensations, however should any be received following the dispatch of the agenda they will be circulated on the evening for consideration.
- 3.6 In considering the matter, the Ethics Committee is required to assess whether, in light of the contents of the application, the public interest in excluding a Member from participating where a Disclosable Pecuniary Interest exists is outweighed by the considerations set out in the application which support the public interest in the Member being able to participate.
- 3.7 The Committee is also asked to set out the time period in respect of which it is appropriate to grant the dispensation. In this regard, Members should be mindful of the fact that any dispensation may not be granted for a period exceeding four calendar years, nor is it recommended that a dispensation be granted for a period longer than the remaining term of office of the relevant Member.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

4.1 There are no direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal consequences arising from the contents of this report beyond those set out in the body of the report.

CONTACT OFFICERS: Jacqueline Harris-Baker,
Director of Law and Monitoring Officer
(ext 64985)

BACKGROUND DOCUMENTS: None

Appendices: Appendix 1 – Dispensation Criteria

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Determination of Dispensation Applications:

Under Section 31 of the Localism Act 2011 (“the Act”), a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered or being considered at a meeting of the authority at which that Member or co-opted Member is present and the DPI is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council’s dispensation procedure.

The provisions on dispensations are significantly changed by the Localism Act 2011. There are 5 circumstances in respect of which a dispensation may be granted, namely:

- 1.1 That so many members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would “impede the transaction of the business”
- 1.2 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. ;
- 1.3 That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- 1.4 That, without a dispensation, no member of the Cabinet would be able to participate on this matter or
- 1.5 That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify how long it lasts for, 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.

This Council has determined that in respect of grounds 1.1 and 1.4 above, which involve an objective assessment of whether the requirements are met, it is appropriate to delegate dispensations on these grounds to the Monitoring Officer for determination. The Monitoring Officer is permitted, but not required, to consult with the Ethics Committee prior to determining an application for dispensation on grounds 1.1 or 1.4.

In respect of grounds 1.2, 1.3 and 1.5 above, assessment of these grounds involve a value judgement and are less objective and Council has therefore considered it appropriate that the discretion to grant dispensations on these grounds is delegated to the Ethics Committee, after consultation with the Independent Person.

Members wishing to apply for a dispensation are advised to complete the dispensation application form, Appendix 1 hereto.

Adopted: July 2012

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