

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Standards Committee
<b>Date of Meeting:</b>	26 July 2019
<b>Subject:</b>	Applications for Dispensation
<b>Report of:</b>	Monitoring Officer
<b>Number of Appendices:</b>	One

## **Executive Summary:**

This report sets out the basis for the determination by the Standards Committee of applications for dispensation made by Members of the Borough Council in order to participate in the item of business on the Pre-Submission version of the Tewkesbury Borough Plan 2011-2031 to be considered at the meeting of the Council on 30 July 2019.

## **Recommendation:**

**The Committee is asked to determine any applications for dispensation which have been made by Members of the Borough Council to enable them to participate in the matter of the Pre-submission version of the Tewkesbury Borough Plan 2011-2031 which will be considered at the meeting of the Council on 30 July 2019**

## **1.0 INTRODUCTION/BACKGROUND**

- 1.1** The arrangements which were adopted by the Council on 25 June 2012 to comply with the provisions of the Localism Act 2011 included 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 disclosable pecuniary or an "other" interest.
- 1.2** 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 2.1 below and any application on the basis of grounds (c) & (d) are within the remit of the Standards Committee.
- 1.3** On 30 July 2019, Tewkesbury Borough Council will consider and approve the Pre-submission version of the Tewkesbury Borough Plan 2011-2013. The Monitoring Officer has provided advice to all Members of the Council to enable them to consider whether they have any interests which may, in accordance with the Tewkesbury Borough Council Code of Members' Conduct, preclude their participation at the Council meeting. The Code provides as follows:-
- 1.4 Disclosable Pecuniary Interests**
- Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at a meeting:-

- (1) **Do** ensure, that if your interest is not entered in the Authority's Register, you disclose the interest to the meeting (unless the Authority's Monitoring Officer considers that it is a sensitive interest in which case you do not need to disclose the nature of the interest); and that you notify the Monitoring Officer of the interest within 28 days in accordance with paragraph 8(3) of this Code.
- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted).

## 1.5 **Other Interests**

Where a matter, in which

either you have an interest as specified in Appendix B (other interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent that it would affect the majority of other council taxpayers, ratepayers or inhabitants of the ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** ensure that you disclose the interest to the meeting.
- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
  - (a) it affects your financial position, or the financial position of an interest specified in Appendix B (other interests) or the member of your family or person with whom you have a close association described above or who has a contractual relationship as described above
  - or
  - (b) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described above and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out above (Other Interests) do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

- ## 1.6
- It is for any individual Member to consider whether or not they have an interest in any matter being considered at a Council meeting and whether that interest precludes their participation in that matter.

## **2.0 SEEKING DISPENSATION**

- 2.1** 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 (Part A) or “other” (Part B) 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.
- 2.2** Applications for dispensation must be made in writing and copies of any applications which are received will be provided to the Committee.

## **3.0 APPLICATIONS FOR DISPENSATION**

- 3.1** The agenda and report for the Council meeting on 30 July 2019, will be published on 22 July. The Monitoring Officer has therefore given a deadline of 25 July for Members to make applications for dispensations. This deadline is intended to provide Councillors with an opportunity to read the papers in order to determine whether they have an interest in this matter. Two applications for dispensation have already been received. These are attached at Appendix 1 of this report. On the basis of the two applications already received, the responsibility for determination will fall to the Standards Committee in accordance with paragraphs (c) and (d) set out at 2.1 above.
- 3.2** The specified deadline for making applications has not yet passed and therefore any further applications for dispensation be received before commencement of the Committee meeting, they will be circulated at the meeting.

## **4.0 DETERMINATION OF APPLICATIONS FOR DISPENSATION**

- 4.1** As can be seen from paragraph 2.1 above, the Committee has a wide discretion to grant dispensations falling within its remit provided that all of the circumstances are taken into account.
- 4.2** When granting any dispensation, the period for which a dispensation has effect must be specified, and the period specified may not exceed four years.

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**Background Papers:** None.

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**Appendices:** Appendix 1 – Dispensation Applications