South Bucks District Council
**Audit Committee
18 January 2018**

SUBJECT:	Review of Guidance on Dispensations
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Joanna Swift
REPORT AUTHOR	Joanna Swift
WARD/S AFFECTED	None

1. Purpose of Report

This report considers whether the current procedures for granting dispensations to members remains fit for purpose.

> **RECOMMENDATION**
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> **The Committee is invited to note the information in this report and consider whether any changes should be made to the Council's current guidance.**

2. Reasons for Recommendations

It is good practise for the Council to review its adopted policies and procedure on a regular basis to ensure they remain relevant and effective.

3. Content of Report

3.1 Under section 33 of the Localism Act a dispensation may be granted to enable a member who has a disclosable pecuniary Interest (DPI) or a prejudicial interest in an item of Council business to participate in the following circumstances:-

- That so many members have a DPI that it would impede the transaction of business i.e. the meeting would be inquorate
- That without a dispensation the political balance of the meeting would be so upset as to alter the outcome
- That the Council considers a dispensation is in the interests of the persons living in the District
- That without a dispensation no member of the Cabinet would be able to participate on the matter
- That the Council considers that it is otherwise appropriate to grant a dispensation

3.2 As dispensations are usually needed quite speedily and between Committee/meeting cycles, the Council agreed in July 2012 to delegate authority to grant dispensations to the monitoring officer in consultation with the Chairman or Vice-Chairman (if appointed) of this Committee in consultation with the Independent Person. Criteria for the granting of dispensations, together with guidance for members and an application form were agreed by the Standards Committee in September 2012 and last reviewed in March 2016. These documents are appended to this report and are available on the intranet.

3.3   Members applied for dispensations en bloc in respect of the Council Tax setting in February 2016 and a special proforma was used for this purpose. The dispensation covers tax setting from 2016 to 2019. Because the exemption contained in the previous statutory Code of Conduct for members when setting Council Tax was not replicated in the DPI Regulations there is a risk that members liable to pay SBDC Council Tax could have a DPI. The number of members with a DPI means the Council meeting would be inquorate. Whilst the legal position is open to interpretation other authorities in the County and elsewhere have arranged for dispensations to be granted to their members. As failure to disclose a DPI is a criminal offence the monitoring officer has advised that members liable to pay South Bucks DC Council Tax should apply for a dispensation.

3.4   The procedure appears to work effectively in relation to the Council Tax setting dispensations. As there have been no changes to the relevant legislation since the documentation was last reviewed the monitoring officer considers it remains fit for purpose. However, as matter of good practise both the procedure and associated documentation should continue to be subject to annual review.

4. Consultation

Not applicable at this stage

5. Options

The Committee has the option of proposing changes to the guidance and this would be the subject of wider consultation with members before formal consideration by Full Council.

6. Corporate Implications

Financial - None
Legal – As set out in the report
Risks issues – None
Equalities - None

7. Links to Council Policy Objectives

Whilst there is no direct link to the Council's main objectives the adoption and regular review of guidance on dispensations supports arrangements to ensure good governance of the Council.

8.   Next Steps

Consultation would be undertaken with the wider Council membership on any proposed changes.

Background Papers:	None except those referred to in the report