

DISPENSATIONS

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Wards affected: All

PROPOSED DECISION

To delegate authority to the Monitoring Officer under Section 33 of the Localism Act 2011, to grant dispensations until 2 May 2019 where a Member makes application for a dispensation claiming that the following circumstances apply:

- (i) so many Members have Disclosable Pecuniary Interests (DPIs) that it would impede the transaction of the business; or
- (ii) without the dispensation, every member of Cabinet would have a Disclosable Pecuniary Interest prohibition from participating.

Reason for Decision

To give consideration to whether further delegation should be put in place to streamline the consideration of applications for dispensations in the circumstances outlined in the report.

Corporate Implications

1. Under Section 33 of the Localism Act 2011, dispensations may be granted by the Council, the Standards Committee, or by the Monitoring Officer.

Executive Summary

2. There may be some circumstances in which it would be convenient to have more rapid processes in place to deal with applications for dispensations as they arise. This report discusses those circumstances and suggests delegated arrangements to deal with them.

Sustainable Community Strategy/Council Priorities - Implications

3. Reducing the need to convene ad hoc Standards Committee meetings and/or to cancel other meetings which would be iniquorate would support the Council's "Pounds" key corporate priority in the Corporate Plan, in delivering value for money. The Corporate Plan is due for review and will inevitably continue to include a focus on value for money.

Background and Issues

4. Members will recall that in June 2015, a decision was made to grant delegated power to the Monitoring Officer to grant dispensations in relation to decisions on setting the Council Tax. Members are being reminded of the advisability of making an application for a dispensation for this purpose, and applications will be dealt with accordingly.
5. Meantime, recent Member training has highlighted that it may be convenient to consider the delegation of power to the Monitoring Officer to consider, and if appropriate grant, at short notice, dispensation applications in other circumstances.

6. The current legal grounds for granting dispensations are that:
 - (i) without the dispensation, so many members have DPIs that it would impede the transaction of the business (i.e. the meeting would be inquorate as a result); or
 - (ii) 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; or
 - (iii) without the dispensation, every member of Cabinet would have a DPI prohibition from participating; or
 - (iv) the grant of the dispensation would be in the interests of the inhabitants of the authority's area; or
 - (v) it is otherwise appropriate to grant the dispensation.
7. Standards Committee has power to grant a dispensation in any of these circumstances. However, in relation to grounds (i) and (iii), it is particularly likely that if and when these situations arise, they will require speedy consideration and decision. For example, it may not become apparent until very shortly before the commencement of the meeting that circumstances exist such that without dispensations, a committee or Cabinet would be inquorate, so members need to seek a dispensation. It would therefore be convenient to have an arrangement whereby the Monitoring Officer could consider these at short notice without the need to convene an urgent Standards Committee to consider them.
8. The other grounds are more subjective, as well as probably likely to be rarer, and are considered to be more appropriate to leave for the Standards Committee to determine where necessary, rather than being delegated.
9. Although in exercising the delegated power granted to the Monitoring Officer on Council Tax matters, the Monitoring Officer has to consult with an Independent Person before making a decision, in the current circumstances, a decision might be required so quickly that it might not be feasible to consult at such short notice. Therefore, although in practice reasonable efforts would be made to consult, it is not suggested that this delegation should be subject to this as a formal requirement. Consultation with an Independent Person is not a legal requirement.
10. It should be noted that as with any power which is delegated to an officer of the Council, the Monitoring Officer always retains the discretion to decline to exercise the delegated power, and to remit the matter back to Standards Committee to decide upon.

Options

11. It is not obligatory to grant dispensations, nor to delegate power to do so. Therefore, Standards Committee need not agree to the recommended decision. However, providing delegated power in the circumstances set out would allow decisions to be made more quickly if such circumstances arise and require speedy handling, and would remove the need to convene special Standards Committee meetings and/or to cancel or remove items from scheduled meetings which might otherwise be rendered inquorate.

Next Steps

12. The Monitoring Officer may grant dispensations in appropriate circumstances.

Background Papers

The Localism Act 2011 and associated Government guidance.