

DISPENSATIONS IN RELATION TO MEMBERS' ALLOWANCES

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Wards affected: All

PROPOSED DECISION OR RECOMMENDATION TO COUNCIL

To delegate authority to the Monitoring Officer under Section 33 of the Localism Act 2011, to grant dispensations until 2 May 2019 to Members in relation to decisions concerning Members' Allowances.

Reason for Decision

As set out in the Executive Summary.

Corporate Implications

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

Executive Summary

2. The current law does not provide automatic dispensations to members when considering Members' Allowances. Members' Allowances are non-DPIs, not DPIs. However, owing to the strengthening of the Members' Code of Conduct for WDC, without a dispensation in future Members would be unable to consider Members' Allowances. This report therefore puts measures in place to address this.

Sustainable Community Strategy/Council Priorities - Implications

3. To ensure the Council can determine matters relating to Members' allowances.

Background and Issues

4. The Standards Committee has considered dispensations in other circumstances on two recent occasions. On 13 October 2015 Standards Committee granted delegated authority to the Monitoring Officer to grant dispensations in future on occasions where circumstances arise that so many Members would have DPIs that it would impede the transaction of business or where without a dispensation every Member of Cabinet would have a DPI prohibition from participating. Earlier, in June 2015, delegated authority was granted to the Monitoring Officer to grant dispensations in relation to setting the Council Tax.
5. Full Council on 14 December 2015 considered revisions to the Code of Conduct including a strengthening and clarification to oblige members to refrain from taking part in meetings where they have non-DPIs as well as DPIs. It is therefore necessary to consider dispensations when members of the Council come to consider Members' Allowances, which are non- DPIs.
6. Prior to 2012, when the current Standards regime was introduced, the national Model Code of Conduct included a general dispensation when Members' Allowances were considered, allowing all members, who might otherwise have been considered to have what was then known as a personal and/or prejudicial interest, to participate and vote on their own allowances without offending against the standards regime. Essentially, this was because legislation provides that members ultimately decide upon their own allowances, and because no other person or body could make that decision instead, elected members had to be able to do so without penalty under the Code of Conduct then in force.
7. Since legislative changes around standards which came into force in 2012, the single Model Code has been superseded by several different versions of local code for member conduct, and, like others, the one selected by WDC does not include an automatic dispensation.
8. The review of the Code of Conduct in October recommended that Members should declare and leave a meeting if they have non-DPIs in a matter, as well as where they have a DPI. Members' Allowances are non-DPIs. Accordingly, dispensations will in future be required to allow members to deal with their allowances. This did not apply at the December 2015 Council meeting, because the Code changes had not at that time come into force.

Options

9. It is not obligatory to grant dispensations, nor to delegate power to do so. However, in order to allow members to consider and decide upon Members' Allowances, explicit dispensations are now necessary. Thus, in this case, there is no real option but to make arrangements for such dispensations to be put in place.

Next Steps

10. Dispensations will be considered and put in place next time Members' Allowances need to be considered.

Background Papers

The Localism Act 2011 and associated guidance.