

## **Executive Decisions Made by Officers**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 place new requirements on local authorities relating to executive decisions. That is decisions made by the Cabinet, individual Portfolio Holders, Sub Committee or Joint Committees. This also includes executive decisions made by officers under delegated authority.

### **Applications for Dispensation - Section 33 of the Localism Act 2011**

**1. Date the decision was made:** 9 February 2016

**2. Executive summary of the Decision:**

The reason for seeking dispensation is because the number of councillors who would otherwise be prohibited from participating in the setting of Council Tax would be so great a proportion of the Council as to impede the transaction of council business.

**3. Decision:**

To grant a dispensation to each of the councillors listed in the Appendix for the period until 1st May 2019 to enable them to speak and vote on the setting of the budget and Council Tax for Chiltern District.

**4. Reasons for the decision:**

Having regard to the criteria adopted by the Council for considering the grant of dispensation under section 33 of the Localism Act 2011 and the exemption in the previous code, I am satisfied that the grant of dispensations to the councillors listed in the Appendix is required to enable the Council to carry out its statutory duty to set Council Tax.

**5. Details of any alternative options considered and rejected by the officer when making the decision:**

Not seeking a dispensation to speak and vote on the setting of Council Tax under the Local Government Finance Act would prohibit Councillors from participating in the setting of Council Tax and impede the transaction of council business.

**6. (a) Details of any conflict of interests declared by any executive Member who was consulted regarding the decision:**

The above decision affected all 39 Councillors (1 vacancy) as it related to a decision to grant a dispensation to Councillors for the setting of Council Tax.

**(b) Note of dispensation:**

## DELEGATED ACTION SHEET

As Monitoring Officer for Chiltern District Council I propose to take the following action under delegated powers after consultation with the Chairman of the Audit and Standards Committee and the Council's Independent Person

Authority	Description of Matter
Standards Committee on 11/10/12 and Audit and Standards Committee on 25/01/16	<p><b><u>Applications for Dispensation - Section 33 of the Localism Act 2011</u></b></p> <p>I have received applications from 39 councillors listed in the attached Appendix who have a disclosable pecuniary interest (DPI) by virtue of their beneficial interest in property within Chiltern District and are seeking dispensation to speak and vote on the setting of Council Tax under the Local Government Finance Act. The dispensations are sought for the period until 1<sup>st</sup> May 2019.</p> <p>The reason for seeking dispensation is because the number of councillors who would otherwise be prohibited from participating in the setting of Council Tax would be so great a proportion of the Council as to impede the transaction of council business.</p> <p>The previous national model code of conduct contained a specific exemption which allowed councillors to speak and vote on the setting of Council Tax even if they had a prejudicial interest under the code. However, the DPI Regulations 2012 did not replicate this exemption and a dispensation is required by members who have a beneficial interest in property in the District. Of the 40 district councillors, 39 have a DPI and there is currently 1 vacancy. The quorum for a council meeting is 10.</p> <p>Having regard to the criteria adopted by the Council for considering the grant of dispensation under section 33 of the Act and the exemption in the previous code, I am satisfied that the grant of dispensations to the councillors listed in the Appendix is required to enable the Council to carry out its statutory duty to set Council Tax.</p> <p>I have consulted the Chairman of Audit and Standards Committee and the Independent Persons who agree to the grant of the dispensations requested. Therefore, I hereby exercise my delegated authority to grant a dispensation to each of the councillors listed in the Appendix for the period until 1<sup>st</sup> May 2019 to enable them to speak and vote on the setting of the budget and Council Tax for Chiltern District.</p>



Signed:

Date: 9<sup>th</sup> February 2016

## Appendix

### List of Councillors Requesting Dispensation for Council Tax Setting at Chiltern DC

1	Alan Keith Bacon
2	Seb Berry
3	Desmond Joseph Bray
4	Julia Alice Burton
5	Emily Anna Louise Culverhouse
6	Isobel Anne Darby
7	Christopher James Ford
8	Marko Flys
9	Andrew Garth
10	John Gladwin
11	Alan Stuart Hardie
12	Mimi Harker OBE
13	Graham Keith Harris
14	Murray John Russell Harrold
15	Peter James Hudson
16	Carl Peter Jackson
17	Caroline Marzilla Jones
18	Peter Maxwell Jones
19	Robert Jones
20	Derek Lacey
21	Jane Macbean
22	Peter Martin
23	Siddharth Patel
24	Donald William Phillips
25	Nicholas Rose
26	Caroline Jane Rouse
27	Jonathan Rush
28	Mark Wayne Shaw
29	Peter Nigel Shepherd
30	Linda Margaret Smith MBE
31	Michael Raymond Smith
32	Michael John Stannard
33	Mark Titterington
34	Diana Marie Gillette Varley
35	Nicholas Ian Varley
36	Heather Maree Wallace
37	Elizabeth Walsh
38	John Wertheim
39	Frederick Stanley Wilson