

AGENDA SUPPLEMENT (1)

Meeting: Standards Dispensation Sub-Committee

Place: The North Wiltshire Room - County Hall, Bythesea Road, Trowbridge,
BA14 8JN

Date: Wednesday 8 March 2023

Time: 3.30 pm

The Agenda for the above meeting was published on **28 February 2023**. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

3 **Consideration of Dispensation Requests** *(Pages 3 - 18)*

To consider dispensation requests as attached.

DATE OF PUBLICATION: 1 March 2023

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Wiltshire Council

Standards Dispensation Sub-Committee

8 March 2023

Consideration of Dispensation Requests

Purpose of Report

1. To ask the Dispensation Sub-Committee to determine requests by Councillors Phil Alford, Jack Oatley and Jon Hubbard for dispensations for any matter at Melksham Area Board directly relating to or affecting the finances or wellbeing of Melksham Town Council, whilst they continue to be Members of Wiltshire Council (“Members”).
2. To ask the Dispensation Sub-Committee to determine requests by Councillors Edward Kirk, Jo Trigg and David Vigar for dispensations for any matter at Trowbridge Area Board directly relating to or affecting the finances or wellbeing of Trowbridge Town Council, whilst they continue to be Members of Wiltshire Council (“Members”).
3. To ask the Dispensation Sub-Committee to determine requests received from any other elected Members prior to the meeting on 8 March 2023.

Background

4. Under section 33 of the Localism Act 2011 the council may grant a dispensation to allow a Member to participate in discussions and vote where that councillor has a disclosable pecuniary interest in the business concerned. It is a criminal offence if at any meeting of the Council a Member participates in any discussion or votes on a matter in which they have a disclosable pecuniary interest and have not been granted a dispensation.
5. Following adoption of a revised Code of Conduct on 18 October 2022, the Council's Code of Conduct sets out guidance relating to Disclosable Pecuniary Interests (DPI), Other Registerable Interests (ORI), and Non-Registerable Interests (NRI). This adopted elements of a model code published by the Local Government Association in 2020.
6. As a result, the process of dispensations for DPIs would also be applied to ORIs and NRIs. The Code also requires those with a DPI, ORI, or NRI, to leave the room for discussion or vote on a matter, other than when speaking as a member of the public or other capacity in the case of an ORI or NRI.
7. The Council has delegated the function of determining dispensation requests to the Dispensation Sub-Committee of the Standards Committee.

Main Considerations

8. A dispensation may be granted to a Member who has a DPI, ORI or NRI, where the council:
 - a) considers that 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) considers that 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) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - d) considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or,
 - e) considers that it is otherwise appropriate to grant a dispensation.
9. A dispensation may be granted for one or more meetings of the council, or for a period not exceeding four years. The dispensation must specify the period for which it has effect.
10. A dispensation request must be submitted in writing for attention of the Proper Officer. Requests for dispensation in relation to Melksham Area Board were received from Councillors Alford and Oatley on 27 February 2023, and from Councillor Hubbard on 1 March 2023.
11. Requests for dispensation in relation to Trowbridge Area Board were received from Councillors Kirk and Trigg on 1 March 2023, and from Councillor Hubbard on 28 February 2023.
12. As the nature of the requests and reasoning is broadly the same for each Member of the respective boards, this report considers all the requests together.
13. The requests relating to the Melksham Area Board Members are set out at Appendices A, B and C to this report. They relate to each Member having an Other Registerable Interest by virtue of being Members of Melksham Town Council, which would require them to leave the room for a vote which directly relates to the finances or wellbeing of that council.
14. The requests relating to the Trowbridge Area Board Members are set out at Appendices D, E and F to this report. They relate to each Member having an Other Registerable Interest by virtue of being Members of Trowbridge Town Council, which would require them to leave the room for a vote which directly relates to the finances or wellbeing of that council.
15. The requests from the Members are made variously under section a) and c) of Paragraph 6 above. That is, that 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, and it is in the interests of persons' living in the area.
16. However, the Sub-Committee may grant a dispensation under other sections if it considers it appropriate to do so.
17. Any of the Members may attend the meeting to assist the Sub-Committee on any points which require clarification.
18. A dispensation may be granted to allow a Member to remain in the room during discussion and voting on an item, or to permit them to participate in that discussion and vote.

Safeguarding Implications

19. There are no safeguarding implications.

Public Health Implications

20. There are no public health implications.

Procurement Implications

21. There are no procurement implications.

Equalities Impact of the Proposal

22. There are no equalities impacts arising directly from this report.

Environmental and Climate Change Considerations

23. There are no environmental or climate change considerations.

Workforce Implications

24. There are no workforce implications

Risk Assessment

25. Not determining this request could have adverse legal, financial and reputational implications for the council.

Financial Implications

26. There are no costs arising directly from this report. If a meeting is unable to transact business, it may impact on the finances of those dependent on a decision of that meeting or body.

Legal Implications

27. The Council is obliged to determine requests for dispensation in accordance with the Localism Act 2011. The Council has chosen to allow dispensations in relation to other categories of interest it has formally adopted. Failure to determine requests could have adverse implications of the council as stated in paragraph 25, and also for the Members concerned.

Options Considered

28. The Sub-Committee may decide to:

- a) Decline the dispensation requests for one or more of the Members;
- b) Grant the dispensation requests for one or more of the Members to allow them to remain in the room during a matter impacting their interest;
- c) Grant the dispensation for one or more of the Members to allow them to remain in the room and vote on a matter impacting their interest.

29. The Sub-Committee will specify the period for which any request is granted. This may not exceed a period of four years.

Proposal

30. The Sub-Committee is therefore asked to determine the requests.

Perry Holmes – Director, Legal and Governance (Monitoring Officer)

Report Author: Kieran Elliott, Democracy Manager (Democratic Services), 01225 718504, kieran.elliott@wiltshire.gov.uk

1 March 2023

Appendices

- Appendix A – Request from Councillor Phil Alford
- Appendix B – Request from Councillor Jack Oatley
- Appendix C – Request from Councillor Jon Hubbard
- Appendix D – Request from Councillor Edward Kirk
- Appendix E – Request from Councillor Jo Trigg
- Appendix F – Request from Councillor David Vigar

Background Papers

Code of Conduct

Request for a Dispensation

Please complete the following details and give as much information as possible.

1. Please summarise the matter to which your interest relates:

I am a member of the Melksham Town Council in addition to the Area Board. In the upcoming Area Board meeting there will be an item being discussed and voted on that involves Melksham Town Council.

2. What is the nature of your interest?

I am a member of the Town council.

3. For which meeting(s) or period are you seeking a dispensation?

I am looking for a dispensation for the Area Board meetings in which business takes place within Melksham Town. As there will be many future occasions when the town council is involved in grant applications, I request the dispensation be granted for the maximum period of 4 years

4. Please set out in detail the reason(s) why you consider you should be granted a dispensation.

If members are not allowed to vote, the meeting will be inquorate. It will also negatively impact residents and the item is urgent.

	Name	Date
	Philip Alford	27/02/23

When completed this form should be sent for attention of the Monitoring Officer at committee@wiltshire.gov.uk

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Request for a Dispensation

Please complete the following details and give as much information as possible.

1. Please summarise the matter to which your interest relates:

I am a member of the Melksham Town Council in addition to the Area Board. In the upcoming Area Board meeting there will be an item being discussed and voted on that involves Melksham Town Council.

2. What is the nature of your interest?

I am a member of the Town council.

3. For which meeting(s) or period are you seeking a dispensation?

I am looking for a dispensation for the Area Board meetings in which business takes place within Melksham Town. As there will be many future occasions when the town council is involved in grant applications, I request the dispensation be granted for the maximum period of 4 years'

4. Please set out in detail the reason(s) why you consider you should be granted a dispensation.

If members are not allowed to vote, the meeting will be inquorate. It will also negatively impact residents and the item is urgent.

	Name	Date
	Jack Oatley	27/02/23

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Request for a Dispensation

Please complete the following details and give as much information as possible.

1. Please summarise the matter to which your interest relates:

There is an item on the Melksham Board Agenda where the Town and Melksham Without Parish Council are seeking some funding from the Health and Wellbeing Board for a community support project.

2. What is the nature of your interest?

I am a member of Melksham Town Council and therefore have an Interest in this item.

3. For which meeting(s) or period are you seeking a dispensation?

As there will be may future occasions when the town council is involved in grant applications I request the dispensation be granted for the maximum period of 4 years

4. Please set out in detail the reason(s) why you consider you should be granted a dispensation.

There are six members of the Melksham Area Board and three of us are members of Melksham Town Council. Therefore, in the event that just one of three councillors is absent from the meeting, the Area Board will be inquorate for any item involving the Town or Parish Council – as will be the case on Wednesday 8th March.

	Name	Date
	Cllr Jon Hubbard	28 February 2023

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Request for a Dispensation

Please complete the following details and give as much information as possible.

1. Please summarise the matter to which your interest relates:

Grant applications made to the Area Board from Trowbridge Town Council

2. What is the nature of your interest?

I am a Trowbridge Town Councillor

3. For which meeting(s) or period are you seeking a dispensation?

For maximum of 4 years (pending re-election) beginning with Trowbridge Area Board on 16th March 2023

4. Please set out in detail the reason(s) why you consider you should be granted a dispensation.

Trowbridge Town Councillors currently number 7 of the 9 Area Board members. As and when/if the town council bring grant applications to the Area Board without dispensation we will not be able to participate as it will become inquorate.

I think this dispensation may be granted by the Dispensation Sub-Committee as falls withing the following.

- considers that 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;

	Name	Date
	JoTrigg	01.03.23

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Request for a Dispensation

Please complete the following details and give as much information as possible.

1. Please summarise the matter to which your interest relates:

There are several applications from or directly relating to Trowbridge Town Council.

2. What is the nature of your interest?

I am a member of Trowbridge Town Council

3. For which meeting(s) or period are you seeking a dispensation?

As one of only 5 parishes within the Trowbridge Area Board, there are likely to be many applications from Trowbridge Town Council, the recent changes to Area Board criteria whether designed too or not are unlikely to stop Trowbridge Town Council from applying for funds under one guise or another.

I would therefore seek a dispensation, so I can vote accordingly, for a period of 4 years whilst I continue to be a Councillor.

4. Please set out in detail the reason(s) why you consider you should be granted a dispensation.

Because the other Trowbridge Town Councillors have indicated they are applying for a dispensation, so I need to also have the same entitlement. Ideally, I would not like a dispensation granted to any Trowbridge Town Councillor, because Parish Councils are not supposed to be routinely applying to the Area Board.

	Name Edward Kirk	Date 1st March 2023
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Request for a Dispensation

Please complete the following details and give as much information as possible.

1. Please summarise the matter to which your interest relates:

Grant applications made to the Area Board from Trowbridge Town Council

2. What is the nature of your interest?

My roles as a Wiltshire Councillor and member of Trowbridge Area Board and as a Councillor on Trowbridge Town Council. My role as a Member of Trowbridge Town Council is recorded in my register of interests.

3. For which meeting(s) or period are you seeking a dispensation?

From on or before the Trowbridge Area Board meeting of 16 March 2023 to the Wiltshire Council elections of 2025.

4. Please set out in detail the reason(s) why you consider you should be granted a dispensation.

Trowbridge Town Councillors currently comprise seven of the nine Area Board members. Without dispensation, if the Town Council bring grant applications to the Area Board, those seven members will not be able to participate and the board will become inquorate.

I would request a dispensation to permit a member such as myself with an interest to remain in the room and vote, I understand that the basis on which this might be granted by the Dispensation Sub-Committee is the provision whereby it: "considers that 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."

	Name	Date
	David Vigar	1 March 2023

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