

AGENDA

Meeting: Standards Dispensation Sub-Committee

Place: Committee Room A - Council Offices, Monkton Park, Chippenham

SN15 1ER

Date: Thursday 24 January 2013

Time: <u>2.00 pm</u>

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713948 or email kirsty.butcher@wiltshire.gov.uk.

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

Membership:

Cllr Allison Bucknell Cllr Trevor Carbin Cllr Peter Doyle

AGENDA

- 1 Election of Chairman
- 2 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

- Consideration of a dispensation request for Wiltshire Councillors for Business relating to Setting of Council Tax and Budget
- 4 Dispensation Request Forms

Wiltshire Council

Standards Dispensation Sub - Committee

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Applications for Dispensation for Business relating to Setting of Council Tax and Budget

Purpose of Report

1. To ask the Dispensation Sub-Committee to determine applications from Wiltshire Councillors for a dispensation to enable them to participate in and vote at meetings of the council on matters relating to the setting of council tax and the budget.

Background

- 2. Under the former standards regime the setting of the council tax or a precept was exempt from being a prejudicial interest, so members were not prohibited from participating and voting in connection with such business. This statutory exemption was contained in paragraph 10(2)(c) of the previous code of conduct. This exemption was removed when the new standards framework was introduced through the Localism Act 2011 and no equivalent provision has been made in the new legislation in relation to the restrictions that apply to disclosable pecuniary interests.
- 3. It is my view, and the view of most monitoring officers, that a member who has any beneficial interest in land which is in the area of the council (including a home in the area), has a disclosable pecuniary interest in the setting of the council tax and the budget. As such a dispensation is required to enable members to participate in any discussions or vote on the setting of the council tax or budget.
- 4. Under the new standards regime it is a criminal offence if at a meeting of the council a councillor participates in any discussion or votes on a matter in which they have a disclosable pecuniary interest and have not been granted a dispensation.

Main Considerations

5. Under section 33 of the Localism Act 2011 the council may grant a dispensation to allow a member to participate in and vote where that councillor has a disclosable pecuniary interest in the business concerned.

- 6. The council has delegated the function of determining dispensation requests to the Dispensation Sub-Committee of the Standards Committee. Members of the Sub-Committee are permitted under the legislation to participate and vote in the determination of dispensation requests, including their own.
- 7. A dispensation may be granted to a member who has a disclosable pecuniary interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if it is considered that -
 - (a) 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 that business;
 - (b) 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) granting the dispensation is in the interests of people living in the authority's area:
 - (d) without the dispensation each member of the cabinet would be prohibited from participating in any particular business to be transacted by the cabinet;
 - (e) it is otherwise appropriate to grant a dispensation.
- 8. 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.
- 9. The law requires each member to submit a written request for a dispensation to the Monitoring Officer.
- 10. Following guidance on this issue councillors were asked to sign and date a dispensation request in the form attached at Appendix 1. Completed forms have to date been received from the councillors listed in Appendix 2. Councillor Morland has submitted a similar request, as set out in Appendix 3.
- 11. The Sub-Committee may grant a dispensation in the terms requested on the grounds set out in paragraph 7 (a),(c), and (e) above to enable the councillors to participate in and vote at meetings of the council, cabinet and committees on matters relating to the setting of the council tax and budget. The dispensation may be granted for the remaining period of this council.

Environmental and Climate Considerations

12. None arising from this report.

Equalities Impact

13. None

Risk Assessment

14. Failure to determine these applications for dispensation could result in the council being unable to set the council tax or budget for 2013-14.

Financial Implications

15. There are no costs arising from this report, but see paragraph 14 above.

Legal Implications

16. The Council is obliged to determine requests for dispensation in accordance with the Localism Act 2011. Failure to do so in this instance could mean that the council is unable to fulfil its legal obligation to set the council tax and a balanced budget.

Recommendation

17. The Sub-Committee is, therefore, recommended to grant a dispensation in the terms sought to each of the councillors listed in Appendix 2 and to any other councillor who submits a written request in these terms to the Monitoring Officer before the meeting of the body concerned.

Ian Gibbons

Solicitor to the Council and Monitoring Officer

Report author: Ian Gibbons

Appendices:

Appendix 1 Dispensation request form

Appendix 2 List of councillors requesting dispensations

Appendix 3 Dispensation request from Councillor Francis Morland

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Appendix 1

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

Setting the council tax under the Local Government Finance Act 1992 and consideration and determination of the budget which influences the setting of the council tax.

2 What is the nature of your interest?

Council tax is calculated partly with reference to the value of land and I have a land holding in the Council's administrative area which is a disclosable pecuniary interest.

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

All meetings while I continue to be a councillor at which the setting of the council tax or consideration of the budget is discussed or is to be decided upon.

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

The number of councillors who will have a disclosable pecuniary interest in these matters is such that without a dispensation being granted to me and to other councillors the number of persons prohibited from participating in this particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business

Name	Signature	Date

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Appendix 2

Council Tax Dispensation Forms

Members' Name	
Brady, John	Received
Britton, Richard	Received
Brown, Rosemary	Received
Carbin, Trevor	Received
Caswill, Chris	Received
Clark, Ernie	Received
Clewer, Richard	Received
Colmer, Peter	Received
Connolly, Mark	Received
Crisp, Christine	Received
Dalton, Brian	Received
Davis, Andrew	Received
De Rhe Philipe, Fleur	Received
Deane, Tony	Received
Douglas, Bill	Received
Doyle, Peter	Received
Eaton, Rod	Received
Fuller, Peter	Received
Gamble, Richard	Received
Green, Jose	Received
Greenman, Howard	Received
Hall, Robert	Received
Hill, Alan	Received
Howard, Charles	Received
Humphries Chris	Received
Humphries, Keith	Received
Hutton, Peter	Received
Jenkins, David	Received
Johnson, Julian	Received
Knight, John	Received
Macrae, Alan	Received
Marshall, Howard	Received
Mayes, Laura	Received
Milton, Jemima	Received
Morland, Francis	Received
Moss, William	Received
Noeken, John	Received
Ody, Jeff	Received
Osborn, Helen	Received
Osborn, Jeff	Received
Packard, Mark	Received

Parker, Sheila	Received
Petty, Stephen	Received
Phillips, Nina	Received
Randall, Leo	Received
Ridout, Pip	Received
Rooke, Judy	Received
Sample, Paul	Received
Scott, Jane	Received
Seed, Jonathon	Received
Sturgis, Toby	Received
Swabey, Julie	Received
Thomson, John	Received
Tonge, Dick	Received
Trotman Tony	Received
Wayman, Bridget	Received
West, lan	Received
Wheeler, Stuart	Received
While, Roy	Received
Williams, Christopher	Received

Appendix 3

Request from Councillor Francis Morland for a Dispensation

Dear Sirs,

I am the duly-elected member of Wiltshire Council ("the Council") for its Southwick Division.

If not re-elected, my term of office will expire in May 2013.

With effect from 1 July 2012, section 31(4) of the Localism Act 2011 ("the Act") restricts any member of a council from participating at a meeting in respect of any matter in which he has a disclosable pecuniary interest.

In accordance with section 30(3) of the Act, regulation 2 of and the schedule to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464), coming into force on 1 July 2012, specify what are disclosable pecuniary interests.

I am currently assessed for Council Tax in respect of my home at Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD, and accordingly it appears that I have a disclosable pecuniary interest in any Precept set by the Council on or after 1 July 2012 and in any budgetary or other matter required to set such a Precept.

Such a general and far reaching disability is clearly perverse and disproportionate to any benefits likely to be achieved by these provisions.

In accordance with section 33(1) of the Act, please therefore treat this e-mail as a written request, duly-made to the proper officer of the Council, to grant a dispensation relieving me from both of the restrictions in section 31(4) of the Act, by reason of one or more of the considerations specified in sub-section (2) of section 33, particularly (c) "that granting the dispensation is in the interests of persons living in the authority's area" and (e) "that it is otherwise appropriate to grant a dispensation".

Yours faithfully,

Francis Morland

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Name	Signature	Date
JOHN BR	AOY	14/1/13



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Name	Signature	Date
RICHARD	TOIL	14/01/2013



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Name	Signature	Date
ROSEMARY BROWN		09-01-13



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Name	Signature	Date
THENER		18/12/12



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Name	Signature	Date
CHAIL CASWILL		17/12/12

Joanna Smith

PA to Ian Gibbons & Service Directors Law & Governance Tel: 01225 718025

Email: joanna.smith@wiltshire.gov.uk

From: Clark, Ernie

Sent: 15 December 2012 14:32

To: Gibbons, Ian

Subject: Written request to grant dispensation - Localism Act 2011 Section 33

Dear Mr. Gibbons,

I am the duly-elected member of Wiltshire Council ("the Council") for Hilperton Division.

If not re-elected, my term of office will expire in May 2013.

With effect from 1 July 2012, section 31(4) of the Localism Act 2011 ("the Act") restricts any member of a council from participating at a meeting in respect of any matter in which he has a disclosable pecuniary interest.

In accordance with section 30(3) of the Act, regulation 2 of and the schedule to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464), coming into force on 1 July 2012, specify what are disclosable pecuniary interests.

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Yours sincerely,

Ernie Clark



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R	5 Clarre		14/1/13



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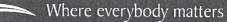
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Name	Signature	Date
M CONNOLLY	A. Fr	17/12/12







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CHRIST IN	12	19 Dec 2012



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Name	Signature	Date
Blinn DACION	E.A. 2701.76	29.12.12



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	Name		Signature	Date
cun	AMOREW	DAMES	- Having	8/1/13



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Name	Signature	Date
FLEUR BERHE'- PHILIPE		10/1/13



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A.N. DEANE	150	12/1/13



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Name	Signature	Date
W.J. Dou	GLAS (SLAS)	20/17/12



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Signature	Date
LE STEERS OF	19/12
	Signature

When completed, this form should be sent to lan Gibbons, Monitoring Officer lan.Gibbons@wiltshire.gov.uk



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Name	Signature	Date
RODERICK I EATON	Rul	15/12/12



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me	Signature	Date
tar fuller		21 st Dec 2012
	TOR FULLER	

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Name	Signature	Date
Posterior		- Pa
KILLARD	BLE	17-12-12



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	Name	Signature	Date
cllr	JOSE GREEN	Marphy Start.	23.12.12

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BRICAM GO HALL	RWS	15 December 2012



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ALAN HILL	205 ILLE	15-12-12



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cilv	CHARLES.		
	HOWAR		21/2012





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Signature		Date	
TUMPHILIES		23	2/1
	Signature	Signature	Signature Date

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Page 35 18/1/13

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PETGR J. HATO		18.12.12





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JULIAN JOHNSO	· / {	17 Dec 2012



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MARSHALL		



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Name	Signature	Date
JEMINU MICTOR		16/1/13

Appendix 3

Request from Councillor Francis Morland for a Dispensation

Dear Sirs,

I am the duly-elected member of Wiltshire Council ("the Council") for its Southwick Division.

If not re-elected, my term of office will expire in May 2013.

With effect from 1 July 2012, section 31(4) of the Localism Act 2011 ("the Act") restricts any member of a council from participating at a meeting in respect of any matter in which he has a disclosable pecuniary interest.

In accordance with section 30(3) of the Act, regulation 2 of and the schedule to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464), coming into force on 1 July 2012, specify what are disclosable pecuniary interests.

I am currently assessed for Council Tax in respect of my home at Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD, and accordingly it appears that I have a disclosable pecuniary interest in any Precept set by the Council on or after 1 July 2012 and in any budgetary or other matter required to set such a Precept.

Such a general and far reaching disability is clearly perverse and disproportionate to any benefits likely to be achieved by these provisions.

In accordance with section 33(1) of the Act, please therefore treat this e-mail as a written request, duly-made to the proper officer of the Council, to grant a dispensation relieving me from both of the restrictions in section 31(4) of the Act, by reason of one or more of the considerations specified in sub-section (2) of section 33, particularly (c) "that granting the dispensation is in the interests of persons living in the authority's area" and (e) "that it is otherwise appropriate to grant a dispensation".

Yours faithfully,

Francis Morland



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JOHN NOE	KEN	8 Ty
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JEFF (STERN TO	4/1/13

Wiltshire Council

Where everybody matters



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CUR	SHEILA PARKER		17/12/12



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111	STEPHEN		12 December
CLCR	RETTY		2012



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LEO RANDALL	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	19/12/2012



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PHILIPPA	TUT	15/12/12

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Via DS Ardut



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Name	Signature	Date
JUDY ROOKE		17/12/2012



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Name	Signature	Date
Par Soul		6/1/2013



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Name	Signature	Date
Jane Scott	A A SECON	14.1.13



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N	ame	Signature	Date
7	TONATHON	12.32	15/12/12



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T. STURGIS		10.01.2013



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Name	Signature	Date
JULIE SWA	Bey Sey	7/1/2013

When completed, this form should be sent to lan Gibbons, Monitoring Officer lan.Gibbons@wiltshire.gov.uk

Page 62



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John		7 / / / /
THOMSO		31/12/12



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Y	RLTONGE	Constitution of	20.15.2012

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Clly Tony Trotman		14/01/13



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BRIDGET WAYMAN	TALL QUENTE	14.1.13



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IAN WEST	A A CARLES	24 DEC 2012



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S.S.K. WHERE TR		14/1/13.



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ROY	WHILE		January 10 2813



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CHRISTOPHER		20/12/12