

AGENDA

Meeting: Standards Dispensation Sub-Committee

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Thursday 8 February 2024

Time: On the rising of the Standards Hearing Sub-Committee, not before 12.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@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 Trevor Carbin
Cllr Tamara Reay

Cllr Graham Wright

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Election of Chairman**

To elect a Chairman for this meeting only

2 **Declarations of Interest**

To make any declarations of disclosable interests or dispensations granted by the Standards Committee or Monitoring Officer.

3 **Consideration of a Dispensation Request** (*Pages 5 - 12*)

To consider a dispensation request from Councillor Sam Charleston.

Dispensation Policy (*Pages 13 - 16*)

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Wiltshire Council

Standards Dispensation Sub-Committee

8 February 2024

Consideration of Dispensation Request

Purpose of Report

1. To ask the Dispensation Sub-Committee to determine a request by Councillor Sam Charleston for dispensation in relation to a disclosable pecuniary interest.
2. To ask the Dispensation Sub-Committee to determine requests received from any other elected Members prior to the meeting on 8 February 2024

Background

3. 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.
4. Following adoption of a revised Code of Conduct on 18 October 2022, further amended at the meeting on 17 October 2023, 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.
5. 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.
6. The Council has delegated the function of determining dispensation requests relating to Disclosable Pecuniary Interests to the Dispensation Sub-Committee of the Standards Committee.

Main Considerations

7. 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.
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. A dispensation request must be submitted in writing for attention of the Proper Officer. A request for dispensation was received from Councillor Charleston on 3 January 2024.
 10. The request is set out at Appendix A to this report. It relates to the Member having a Disclosable Pecuniary Interest by virtue of renting a council owned garage, within the Housing Revenue Account (HRA). At the budget meeting of Full Council, the interest would require the Member to leave the room where discussion of the HRA arises.
 11. The Sub-Committee may grant a dispensation under any of the five sections under Paragraph 7 if it considers it appropriate to do so.
 12. A dispensation may be granted to allow a Member to simply remain in the room during discussion and voting on an item, or to permit them to participate in that discussion and vote.
 13. Councillor Charleston clarifies in his request that his request is for the same reasons and extent as that sought and granted at a meeting of the Sub-Committee on 3 October 2023. That is, he is not seeking a dispensation to speak on the budgetary matter, but noting the decision of the previous Sub-Committee, is requesting dispensation to remain in the room, but not to participate or vote on HRA related matters.
 14. Any Member may attend the meeting to assist the Sub-Committee on any points which require clarification.

Safeguarding Implications

15. There are no safeguarding implications.

Public Health Implications

16. There are no public health implications.

Procurement Implications

17. There are no procurement implications.

Equalities Impact of the Proposal

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

Environmental and Climate Change Considerations

19. There are no environmental or climate change considerations.

Workforce Implications

20. There are no workforce implications

Risk Assessment

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

Financial Implications

22. 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

23. 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 20, and also for the Members concerned.

Options Considered

24. The Sub-Committee may decide to:

- a) Decline the dispensation requests for one or more Members, depending on how many requests are received;
- b) Grant the dispensation requests for one or more of the Members, depending on how many requests are received, 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, depending on how many requests are received, to allow them to remain in the room, participate or vote on a matter impacting their interest.

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

Proposal

26. 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

24 January 2024

Appendices

Appendix A – Request from Councillor Sam Charleston

Appendix B – Minutes – Standards Dispensation Sub-Committee 3 October 2023

Background Papers

Code of Conduct

[Agenda for Standards Dispensation Sub-Committee on Tuesday 3 October 2023, 2.30 pm | Wiltshire Council](#)

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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 rent a council owned garage, within the HRA.

2. What is the nature of your interest?

At each budget setting I have to leave the council meeting when the HRA rents are set.

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

Full council.

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

Noting that Cllr Dalton, who has the same type of interest, requested and received a dispensation to remain in the room during consideration of any HRA related matters at the budget meeting of Full Council (see below), I request a similar dispensation for the same reasons.

This dispensation would be to remain in the room, not to participate or vote in relation to HRA matters.

[Agenda for Standards Dispensation Sub-Committee on Tuesday 3 October 2023, 2.30 pm | Wiltshire Council](#)

Name Sam Charleston	Date 2 January 2024

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

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Standards Dispensation Sub-Committee

MINUTES OF THE STANDARDS DISPENSATION SUB-COMMITTEE MEETING HELD ON 3 OCTOBER 2023 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Allison Bucknell, Cllr Ruth Hopkinson and Cllr Paul Oatway QPM

Also Present:

Cllr Andrew Davis and Cllr Matthew Dean

7 Election of Chairman

On the motion of Councillor Ruth Hopkinson, seconded by Councillor Allison Bucknell, it was,

Resolved:

To elect Councillor Paul Oatway QPM as Chairman for the meeting.

8 Declarations of Interest

There were no declarations.

9 Consideration of a Dispensation Request

The Sub-Committee considered a request for a dispensation as set out in the Agenda from Councillor Brian Dalton.

The Sub-Committee reviewed the requests, considered the criteria under which a dispensation could be granted, requesting that the dispensation request form be updated to ensure Members were specific on the nature of the request and the reason, and after debate, it was,

Resolved:

To grant a dispensation to remain in the room, in respect of matters relating to a Disclosable Pecuniary Interest as set out in the report, for Councillor Brian Dalton (Member of Wiltshire Council)

For a period up to the conclusion of the current council term (12 May 2025) for the following reasons:

Being otherwise appropriate.

(Duration of meeting: 2.45 - 2.50 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504 , e-mail kieran.elliott@wiltshire.gov.uk

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Wiltshire Council Dispensation Policy

Introduction

1. The Standards Committee is responsible for determining requests for dispensation by Members of Wiltshire Council under Section 33(2) of the Localism Act 2011.
2. This note explains:
 - the purpose and effect of dispensations;
 - the procedure for requesting dispensations;
 - the criteria which the Standards Committee apply in determining dispensation requests;

Dispensations

3. In certain circumstances Members may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited under the Code of Conduct or by law.
4. Provided Members act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct.
5. Members may request a dispensation relating to Disclosable Pecuniary Interests, Other Registerable Interests, and Non-Registerable Interests, as defined in Part 12 of the Constitution – Members' Code of Conduct.
6. Under Para 2.5.7 of Part 3B of the Constitution the Standards Committee is responsible for granting dispensations.
7. Under Para 2.5.17 of Part 3B a Dispensation Sub-Committee will determine requests for dispensation relating to Disclosable Pecuniary Interests.
8. Under Paras 2.5.18-2.5.19 of Part 3B the Monitoring Officer has authority to determine requests for dispensation relating to Other Registerable Interests, Non-Registerable Interests, and urgent requests for Disclosable Pecuniary Interests.
9. The Monitoring Officer and any Dispensation Sub-Committee will determine requests for dispensation in accordance with this procedure, which has been approved by the Standards Committee.

Process for Making Requests

10. Any Member who wishes to apply for a dispensation must complete the attached form at Appendix A and submit it for attention of the Monitoring Officer.
11. In order to avoid delay Members must ensure that they give full details of the grounds for their request and are advised to submit it for attention of the Monitoring Officer as soon as they become aware that a dispensation is necessary.
12. For a Disclosable Pecuniary Interest this should be submitted at least 15 clear working

Approved by Standards Committee 19 April 2023

days before the meeting for which the dispensation is required. For other types of interest it is requested that Members submit any request as soon as practical in advance of a meeting, where possible at least 10 clear working days in advance and not later than 3 clear working days in advance. However, the Monitoring Officer may determine urgent requests relating to Other Registerable Interests and Non-Registerable Interests relating to a matter that cannot reasonably be delayed or appropriately determined by another method.

13. The Monitoring Officer will arrange a meeting of the Dispensation Sub-Committee to consider requests relating to Disclosable Pecuniary Interests at the earliest opportunity.
14. In accordance with Para 2.5.19 of Part 3B, in the event a Disclosable Pecuniary Interest dispensation request from a Member is received where there is insufficient time to convene a Dispensations Sub-Committee, and in relation to a matter which is urgent and cannot reasonably be delayed or appropriately determined by another method, the Monitoring Officer will have authority to determine the request.
15. A request for dispensation must be made on an individual basis. Group applications are not permitted.
16. Meetings of the Dispensation Sub-Committee will normally be open to the public, except in the case of a sensitive interest, and any member who has submitted a request will have the opportunity to attend and make representations in support of their application.

Criteria for Determination of Requests

17. In accordance with S33 of the Localism Act 2011 the Dispensation Sub-Committee or Monitoring Officer may grant a dispensation where they:
 - 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.
18. In reaching a decision on a dispensation request the Dispensation Sub-Committee or Monitoring Officer will consider each request on its own merits and take into account:
 - a) the nature of the member's interest;

- b) the need to maintain public confidence in the conduct of the Council's business:
- c) the need for efficient and effective conduct of the Council's business;
- d) any other relevant circumstances.

Terms of Dispensation

19. The Dispensation Sub-Committee or Monitoring Officer may grant a dispensation:

- a) for one meeting; or,
- b) for a period not exceeding 4 years.

20. Dispensations may be granted to allow the Member:

- a) to participate in discussion of the matter to which the interest relates;
- b) to participate in the vote on the matter to which the interest relates.

21. If a dispensation is granted the Member may remain in the room during consideration of the matter to which the interest relates.

Notification of Decision

22. The Monitoring Officer will notify the Member of their or the Sub-Committee's decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the meeting.

23. Any Member who has been granted a dispensation must declare the existence, nature and extent of the dispensation before the commencement of any business to which it relates.

24. A copy of the dispensation will be retained by the council with the Register of Members' Interests and made publicly available.

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