

# AGENDA

---

**Meeting:** Standards Dispensation Sub-Committee

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

**Date:** Wednesday 22 March 2023

**Time:** On the rising of Strategic Planning Committee, not before 1.15 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](mailto: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](http://www.wiltshire.gov.uk)

---

## Membership:

Cllr Mike Sankey  
Cllr Pip Ridout

Cllr Trevor Carbin

---

## Substitutes:

Cllr Paul Oatway QPM  
Cllr Allison Bucknell  
Cllr Andrew Davis  
Cllr Matthew Dean  
Cllr Ruth Hopkinson  
Cllr Bill Parks  
Cllr Sam Pearce-Kearney  
Cllr Kathryn Macdermid  
Cllr Dr Nick Murry

Cllr Howard Greenman  
Cllr Iain Wallis  
Cllr Derek Walters  
Cllr Richard Britton  
Cllr Ernie Clark  
Cllr Jon Hubbard  
Cllr Mel Jacob  
Cllr Gordon King  
Cllr Graham Wright

---

## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for a meeting you are consenting that you may be recorded presenting this and that in any case your name will be made available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

## **Parking**

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

## **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](#).

Our privacy policy is found [here](#).

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**

Councillors are requested to declare any personal or prejudicial interests.

3 **Consideration of Dispensation Requests** (*Pages 5 - 10*)

To consider a dispensation request from Councillor Matthew Dean and any others who may submit requests ahead of the meeting date.

This page is intentionally left blank

## Wiltshire Council

### Standards Dispensation Sub-Committee

22 March 2023

---

#### Consideration of Dispensation Requests

##### Purpose of Report

1. To ask the Dispensation Sub-Committee to determine a request by Councillors Matthew Dean for dispensations for any matter at Melksham Area Board directly relating to or affecting the finances or wellbeing of Westbury Town Council, whilst they continue to be a Member of Wiltshire Council.
2. To ask the Dispensation Sub-Committee to determine requests received from any other elected Members prior to the meeting on 22 March 2023

##### 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, 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 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 requests for dispensation was received from Councillor Dean on 13 March 2023.
10. The request is set out at Appendix A to this report. It related to the Member having an Other Registerable Interest by virtue of being a Member of Westbury Town Council, which would require them to leave the room for a vote which directly relates to the finances or wellbeing of that council.
11. The request is made 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. However, the Sub-Committee may grant a dispensation under other sections if it considers it appropriate to do so.
12. Any Member may attend the meeting to assist the Sub-Committee on any points which require clarification.
13. 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**

14. There are no safeguarding implications.

#### **Public Health Implications**

15. There are no public health implications.

#### **Procurement Implications**

16. There are no procurement implications.

#### **Equalities Impact of the Proposal**

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

#### **Environmental and Climate Change Considerations**

18. There are no environmental or climate change considerations.

#### **Workforce Implications**

19. There are no workforce implications

## **Risk Assessment**

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

## **Financial Implications**

21. 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**

22. 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**

23. 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 and vote on a matter impacting their interest.

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

## **Proposal**

25. 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](mailto:kieran.elliott@wiltshire.gov.uk)

14 March 2023

## **Appendices**

Appendix A – Request from Councillor Matthew Dean

## **Background Papers**

Code of Conduct

This page is intentionally left blank



## 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:**

Westbury Town Council grant application at forthcoming Area Board meeting

**2. What is the nature of your interest?**

I am an elected member of Westbury Town Council, although I have not been involved in the preparation of this grant application.

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

Up to the end of the current council term (May 2025)

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

The meeting of the A.B. would not be quorate. It is in line with the guidance issued by the Monitoring officer and circulated by the Senior Democratic Services Officer by email on 23 march 2023 who acts as clerk to the Westbury Area Board

	Name	Date
	M Dean	23/3/23

**When completed this form should be sent for attention of the Monitoring Officer at [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)**

*Note: This information was provided in an image of a completed form, and the text has been inserted into this document by an officer.*

This page is intentionally left blank