

Wiltshire Council

Standards Dispensation Sub-Committee

3 October 2023

Consideration of Dispensation Request

Purpose of Report

1. To ask the Dispensation Sub-Committee to determine a request by Councillor Brian Dalton 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 3 October 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 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 Dalton on 24 August 2023.
 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. Councillor Dalton clarifies in his request that he is not seeking a dispensation to speak on the budgetary matter, but has submitted the dispensation due to the changes to the Code of Conduct.
 13. Any Member may attend the meeting to assist the Sub-Committee on any points which require clarification.

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

25 September 2023

Appendices

Appendix A – Request from Councillor Brian Dalton

Background Papers

Code of Conduct