

GENERAL COUNCILLOR DISPENSATIONS**Report of the Monitoring Officer****1. INTRODUCTION AND PURPOSE OF REPORT**

- 1.1 The purpose of this report is to consider what general dispensations ought to be granted to councillors to allow them to participate in council business where they have a disclosable pecuniary interest or personal and prejudicial interest that might otherwise preclude them from consideration of particular decisions.

2. BACKGROUND

- 2.1. In January 2013 the Standards Committee considered and granted a suite of dispensations covering all councillors that sought to replicate previous provisions in the Model Code of Conduct that granted exemptions from personal and prejudicial interests, the absence of which would likely lead to difficulties for the Council to discharge its duties.
- 2.2. The previous Code specifically exempted councillors from having a personal and prejudicial interest in the following functions of the authority:-
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- 2.3. With the introduction of a new standards regime for councillors and co-opted members following the Localism Act 2011, the provisions relating to Personal and Personal & Prejudicial interests were replaced with Disclosable Pecuniary Interests (DPI). Similarly, the automatic exemption for interests being prejudicial in relation to the matters set out in 2.2 was likewise removed so that councillors would then potentially have a DPI in these matters. DPIs would normally prevent a councillor or co-opted member from participating in any discussions or voting on any matter to which that interest relates.
- 2.4. The Localism Act also made provision for councils to grant dispensations to councillors. In January 2013, the Monitoring Officer invited the Standards Committee to consider requests for dispensations for councillors or co-opted members from the restrictions on participating and voting on matters that relate to their DPI.
- 2.5. Dispensations can be granted, after having had regard to all relevant circumstances, if the person or body discharging this responsibility 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,
- 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,
- considers that granting the dispensation is in the interests of persons living in the authority's area,
- without the dispensation each member of the Cabinet would be prohibited from participating in any particular business to be transacted by the authority's Cabinet, or
- it is otherwise appropriate to grant a dispensation.

2.6. Any dispensation granted must be for a specified period of time, not exceeding four years.

2.7. DPIs do not apply when determining whether to grant a dispensation.

2.8. Stockport Council, in addition to adopting the mandatory DPI provisions of the Localism Act, also chose to retain the Personal and Personal & Prejudicial provisions within its Code of Conduct to cover those interests which would fall short of the requirements of a DPI but which nonetheless be in the public interest to declare.

2.9. The dispensations originally granted by this Committee in 2013 (set out at Appendix 1) covered the following areas and allowed participating and voting at the Council Meeting and all Council Committees:-

- (i) As potential recipients of a ceremonial honour – to enable decisions regarding these.
- (ii) As recipients of an allowance under the Members' Allowance Scheme – to enable decisions regarding an allowance, payment, pension or indemnity given to members
- (iii) As a parent or guardian of a child in full time education, or as a parent governor of a school – to enable decisions regarding school meals or school transport and travelling expenses (subject to the qualification that the matter under consideration does not relate particularly to the school at which a councillor's child attends)
- (iv) As tenants of the authority (subject to the qualification that the matter under consideration does not relate particularly to that councillor's tenancy or lease)
- (v) As property owners or those eligible to pay Council Tax

2.10. On 1 March 2013 a further dispensation was granted to all councillors for any DPI or Personal and Prejudicial Interest in any item under consideration to take part in the budget setting process at the Budget Council Meeting only.

2.11. At the meeting of this Committee held on 21 November 2016 it was agreed to renew the Dispensations set out at paragraph 2.9 numbered (ii) to (v), but not (i) and also that set out at paragraph 2.10 on the grounds 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
- 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
- granting of dispensations is in the interests of persons living in the authority's area.

2.12. The Dispensation relating to Ceremonial Honours was not renewed by the Committee at its meeting held on 21 November 2016 on the grounds that the frequency with which such matters are discussed is so low as to render this dispensation redundant, and the number of councillors to which it would apply so few as to not fall within the criteria set out in paragraph 2.5.

2.13. The Standards Committee renewed the grant of the 2016 dispensations at its meeting on 22 June 2018 for a further period of four years. As a result the dispensations are due to expire in June 2022.

3. REQUEST FOR RENEWAL OF DISPENSATIONS

3.1. In light of the dispensations coming to an end, it is proposed to revisit the need for them.

3.2. The all-councillor dispensations granted in June 2018 have enabled the Council to discharge its duties and functions during a period when the political balance of the Council was such that DPs and other interests may have unduly impacted on the ability of councillors to remain and vote, particularly in relation to the setting of the Council Budget.

3.3. It is proposed that the dispensations be granted for the maximum period of four years.

3.4. By way of information only and in order to assist, the dispensations granted separately to the Members of the Board of the Mayoral Development Corporation expire in November 2023.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1. That the Standards Committee be requested to grant the following dispensations to all councillors to allow them to participate at Council Meeting and Council committees:-

Nature of Interest	Dispensation	Exemptions or qualifications	Duration
As recipients of an allowance under the Members' Allowance	to enable decisions regarding any allowance, payment or indemnity given to members		Until February 2026

Scheme			
As a parent or guardian of a child in full time education, or as a parent governor of a school	to enable decisions regarding school meals or school transport and travelling expenses	that the decision/ matter under consideration does not relate particularly to the school at which the councillor's child attends	Until February 2026
As tenants of the authority	To enable councillors to make decisions regarding Council housing	that the matter under consideration does not relate particularly to that councillor's tenancy or lease	Until February 2026
As property owners or those eligible to pay Council Tax	To enable councillors to make decisions regarding Council tax precepts and the Council Tax Discount and Support Scheme		Until February 2026
Any Disclosable Pecuniary Interest or Personal and Prejudicial Interest in any item forming part of the budget setting process being considered at the Budget Council Meeting only	To enable councillors to participate in these items.		Until February 2026

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates on telephone number Tel: 0161 474 3219 or alternatively email vicki.bates@stockport.gov.uk