

Policy & Finance Committee

Date: 23 January 2023

Title: Interests & Dispensations

Purpose of the Report:

To provide committee with information regarding the declaration of interests and granting of dispensations.

Contact Officer:

Sarah Sandiford, Deputy Town Clerk

Corporate Objective/s	n/a	
Implications:		
Financial	No	
Human Resources	No	
Operational/Service delivery	No	
Procedural/Legal	Yes	Localism Act 2011 requires all councils to adopt a Code of Conduct
Risk/Health and Safety	No	
Environmental Aims	No	

1 RECOMMENDATION/S

Should the Committee be minded, the proposals are:

- 1.1 To note the report.
- 1.2 To endorse the proposed amended wording regarding Interests and Dispensations to be included on formal meeting agendas (see para. 3.2).
- 1.3 To endorse that no changes be made to the existing Dispensations Procedure other than removal of the final seven words (see para. 3.3)
- 1.4 To approve the proposed revised Dispensation Request form.

2 CODE OF CONDUCT

- 2.1 The Localism Act 2011 abolished the previous Standards Board and created an environment in which standards must be dealt with at a local level. All councils were required to have a code of conduct which must be consistent with the Nolan Principles of public life and local authorities were required to have arrangements in place for dealing with local Code of Conduct complaints.
- 2.2 As reported to committee in November 2022, a new model Code of Conduct was commissioned on behalf of the Local Government Association and has subsequently been adopted by a significant number of councils. The model sets out minimum standards but is designed to encourage councillors to model the high standards expected, to be mutually respectful despite personal or political differences and to protect councillors, the public, council officers and the reputation of local government.
- 2.3 At its meeting held in November 2022, the Council adopted a new Code of Conduct, based on the LGA Model but with a couple of minor local provisions adopted by the principal authority (e.g. gift limit of £25 not £50) and has also had a couple of paragraphs removed which relate to the exercise of Cabinet/Executive functions, which are not applicable at parish level.
- 2.4 Appendix B of the new Code (attached) sets out the expectations and legal requirements in respect of personal and prejudicial/pecuniary interests.

3 DECLARATIONS OF INTERESTS

- 3.1 All formal meeting agendas currently contain a reminder of the legal requirement to declare interests and if applicable, seek dispensations. The current agenda wording, which has been in place for a number of years, reads as follows:
- (i) *Under the Localism Act 2011 (sections 26-37 and Schedule 4) and in accordance with the Council's Code of Conduct, Members are required to declare any interests Under which are not currently entered in the Member's Register of Interests or if he/she has not notified the Monitoring Officer of it.*
- (ii) *Should any Member have a Disclosable Pecuniary Interest in an item on the agenda, the Member may not participate in consideration of that item unless a Dispensation has first been requested (in writing) and granted by the Council (see Dispensation Procedure).*
- 3.2 Whilst it is impossible to summarise the full detail of the requirements on an agenda, it is suggested that the wording be amended as follows:
- (i) *The Localism Act 2011 and the Code of Conduct requires Councillors to declare any pecuniary interests, other registrable interests or sensitive interests in items on the meeting agenda, which are not*

already included in the Register of Interests. Members may choose to declare interests already listed in the Register for clarity and transparency.

- (ii) For disclosable pecuniary interests, Members must leave the room and not participate in discussion or voting, unless a dispensation has been granted.*
- (iii) For other registrable or non-registrable interests which directly relate to the financial interest of a Member, a relative or close associate, councillors may speak on the matter **only** if members of the public may also speak at the meeting. Thereafter, Members should leave the room and not participate in discussion or voting, unless a dispensation has been granted.*
- (iv) The Council/Committee/Sub-Committee is asked to consider approving any requests for dispensations to speak/vote on any agenda item in accordance with the Dispensations Procedure.*

3.3 It is proposed that no changes are required to the Council's existing Dispensations Procedure (**attached at Appendix A**) other than to remove the final part of point 8, as it is recognised within the sector that Councillors must set the precept for their authority area and no dispensation is required to do so.

3.4 It is however proposed that the existing Dispensation Request form be updated as shown in **Appendix C**, to provide greater clarity on the nature of the Members' interest and guidance to the Council/Committee/Sub-Committee regarding instances in which a dispensation may be considered appropriate.

End.

Appendices

A – Appendix B of the current Town Council Code of Conduct in respect of Interests and Dispensations

B – existing Dispensations Procedure (January 2013)

C – proposed revised Dispensation Request Form