

# Values and Ethics Committee

## 21<sup>st</sup> January 2019



**Report of:** Tim O’Gara Service Director – Legal and Democratic Services and Monitoring Officer

**Title:** Applications for Dispensations

**Ward:** Citywide

**Officer presenting report:** Nancy Rollason, Head of Legal Service and Deputy Monitoring Officer

### Recommendation

**The Values and Ethics Committee is recommended to grant dispensations to the elected Mayor and Councillors listed in Appendix A to this report to enable them to participate in discussion, vote on matters in relation to the civic budget and the setting of the council tax at the Full Council budget meeting on 26<sup>th</sup> February 2019 (such dispensations to be granted for this meeting only).**

### Summary

This report sets out the rules in relation to disclosable pecuniary interests (DPIs) and details those members who will have such interests in relation to the Full Council civic budget debate who would otherwise (i.e. if dispensation is not granted) be unable to participate in that discussion and vote. The report recommends that they be granted dispensations to enable them to take a full part at the Full Council budget meeting on the basis that it would be appropriate to grant such a dispensation.

### The significant issues in the report are:

The statutory provisions in relation to DPIs, the grounds where dispensations may be granted, and the details of those members who are seeking dispensations.



**Policy**

Not applicable

**Consultation**

The Mayor and all councillors

**Context**

1. Sections 29-31 of The Localism Act 2011 set out provisions for the registration of disclosable pecuniary interest (DPIs).
2. Guidance on what constitutes a DPI is described in the appendix to the DCLG document "Openness and transparency on personal interests"

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/240134/Openness\\_and\\_transparency\\_on\\_personal\\_interests.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf)

**DPIs are business interests** e.g. employment, trade, profession, contracts or company in which a member and/or their spouse/partner etc. are associated and any wider financial interests which they may have. These interests are required to be registered and are shown in section 1 of the Council's Register of Members' Interests.

3. When attending meetings of Full Council, its executive, any committee or sub-committee, members who have a DPI **relating to any business that is or will be considered at the meeting** must not:
  - \* participate in any discussion of the business of the meeting or, if they become aware of a DPI during the meeting, participate further in any discussion of the business, or
  - \* participate in any vote or further vote taken on the matter at the meeting.

Such prohibitions apply to any form of participation, which includes speaking as a member of the public. Failure to observe this requirement could result in a criminal offence being committed.

**Dispensations sought**

4. Section 33 of the Localism Act 2011 allows the Council (delegated to the Values and Ethics Committee) to grant dispensations to permit members, in certain circumstances, to take part in the business of the authority even if a member has a DPI relating to that business. These circumstances are described in detail in the guidance but the main reasons for granting a dispensation are as follows:
  - a. Without the dispensation, the number of members prohibited from participating / voting 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. 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. The grant of the dispensation would be in the interests of the inhabitants of Bristol.

- d. Without the dispensation, every member of the executive would have a DPI prohibiting them from participating/voting in any particular business to be transacted by the executive.
  - e. It is otherwise appropriate to grant the dispensation.
5. It is considered that one or more of the circumstances will apply to some members at the Full Council budget meeting. Members have been asked to consider whether they will have a DPI in relation to the business for the budget meeting and, if so, to apply for a dispensation to enable them to speak and vote at that meeting.
  6. **Appendix A** details the applications lodged where the Monitoring Officer considers that members have a DPI which warrants an exemption to enable them to vote at the meeting.
  7. The committee is also asked to note the following:
    - Member interests in the budget by virtue of being council tax payers / recipients of a council tax discount under the local arrangements for council tax support do not prevent participation in and voting at the budget meeting, so seeking a dispensation in respect of this is not necessary.
    - The dispensation which the Council may grant does not extend to the consideration of, or allocation of funds in respect of an individual interest. In such circumstances, the interest would no longer be incidental to the budget as a whole and it would be inappropriate for the member to participate in the budget discussion or vote thereon.

#### **Other Options Considered**

Not applicable

#### **Legal and Resource Implications**

As described above

#### **Appendices:**

Appendix A – Schedule of dispensations

#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

##### **Background Papers:**

None