

MUNICIPAL YEAR 2015/2016 - REPORT NO. 49

MEETING TITLE AND DATE
Councillor Conduct Committee
16 July 2015

REPORT OF: Asmat Hussain
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Agenda - Part: 1	Item: 8
Subject: Dispensations granted by the Monitoring Officer – Annual Update	
Wards: Not ward specific Key Decision No: N/A	
Cabinet Member consulted: Not applicable	

1. EXECUTIVE SUMMARY

This report is an annual update, providing information to the Councillor Conduct Committee, on the dispensations granted in relation to the declaration of disclosable pecuniary interests in 2014/15.

2. RECOMMENDATIONS

To note that the Monitoring Officer granted a dispensation to councillors at the Council meeting held on Wednesday 25 March 2015, which allowed all of them to participate in the debate and decision, on the Opposition Priority Business item: the cost of temporary accommodation and what can be done about it.

3. BACKGROUND

The Councillors Code of Conduct requires that members register any disclosable pecuniary, other pecuniary and non-pecuniary interests in the Register of Members Interests. If a councillor has an interest in a matter under discussion at a meeting of the authority and is aware of that interest, it

must be disclosed at the meeting. If they have a disclosable pecuniary interest they must:

- Not participate or participate further, in any discussion at the meeting.
- Not participate in any vote, or further vote, taken on the matter at the meeting.
- Leave the room until the conclusion of the matter under discussion.

If the member has a disclosable pecuniary interest in a matter coming before a meeting of the authority, they can make a written request to the Monitoring Officer beforehand for a dispensation, which if granted would allow them to participate in the discussion and vote.

A dispensation may be granted in the following circumstances:

- (a) Where members of the decision making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”.
- (b) That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter.
- (c) That the authority considers that the dispensation is in the interest of persons living in the authority’s area.
- (d) That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of dispensation must specify how long it will last, up to a maximum of 4 years.

Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, with the right of appeal to the Councillor Conduct Committee. Those in (c) and (d) shall be considered by the Councillor Conduct Committee, after consultation with the Independent Person(s).

Before the 25 March 2015 full Council meeting, the Monitoring Officer received a request, signed by the Leaders of both political groups, for a dispensation to be granted under circumstances (a) and (b) above, to enable all councillors to participate in the debate and decision on the cost of temporary accommodation opposition priority business item. A copy of the request is attached as appendix A and a copy of the business paper as appendix B.

So many members would have had to declare a disclosable pecuniary interest in the item, and therefore would have been prevented from taking part in the decision and the debate, that this would have impeded the transaction of business and so upset the representation of the different political groups, on the Council, as to alter the vote.

Having considered the request, the Monitoring Officer agreed to grant the dispensation. This only applied for the 25 March 2015 meeting.

There have been no other dispensations granted this year.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

The remit of the Councillor Conduct Committee includes responsibility for requests for dispensations, by councillors and co-opted members, relating to interests set out in the Councillor Code of Conduct.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 **Financial Implications** – There are no financial implications.

6.2 Legal Implications

The Terms of Reference of the Councillor Conduct Committee includes within its remit the requirement to consider requests for dispensations by councillors and co-opted members relating to member interests in relation to circumstances c and d as set out above.

It is good practice for the granting of the dispensations by the Monitoring Officer to be reported to the Councillor Conduct Committee.

7. KEY RISKS

None identified.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All, Growth and Sustainability and Strong Communities

Granting the dispensation allowed all members to take part in the discussion on the issue of the cost of temporary accommodation in Enfield.

9. **EQUALITIES IMPACT IMPLICATIONS**

An equalities impact assessment was not necessary for this decision.

Background Papers

None