

MUNICIPAL YEAR 2018/2019 - REPORT NO. 44

MEETING TITLE AND DATE
Councillor Conduct Committee
11 July 2018

REPORT OF: Jeremy Chambers
Monitoring Officer and Director Law
and Governance

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Agenda - Part: 1	Item: 6
Subject: Dispensations granted by the Monitoring Officer and Councillor Conduct Committee – Annual Update 2017/18	
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 2017/18.

2. RECOMMENDATIONS

To note that during the municipal year 2017/18, dispensations had been granted as listed in sections 3.6 and 3.7 of the report.

3. BACKGROUND

3.1 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.

3.2 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.

3.3 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).

3.4 This year we continued using the form for recording dispensations which makes the process of agreeing and recording them run more smoothly. The Councillor Conduct Committee were consulted on and approved the design of the form at their meeting held on 2 December 2015.

3.5 In 2017/18 no requests for dispensations were referred for the consideration of the Councillor Conduct Committee.

3.6 In 2017/18 dispensations were granted by the Monitoring Officer in relation to the following items of Council business:

At the Council Meeting held on 19 July 2017 dispensations were granted in relation to Motion 13.2 in the name of Councillor Doug Taylor and Motion 13.7 in the name of Councillor Ertan Hurer on the Grenfell Tower Fire and Motion 13.3 in the name of Councillor Krystle Fonyonga on lifting the public sector pay cap.

The Monitoring Officer had granted the dispensations on the basis that she had been satisfied that were likely to be sufficient members with a disclosable pecuniary interest which would adversely affect the transaction of business that evening and that the political representation in the chamber would be similarly affected so as to alter the outcome of any vote on the matter. The dispensations were granted for that Council meeting only.

- 3.7 Standard dispensations were also allowed in relation to the Budget Report 2018/19 and Medium Term Financial Plan discussed at the 21 February 2018 Council meeting. Under guidance issued by the Department of Communities and Local Government members were not to be required to declare a Disclosable Pecuniary Interest (DPA) in relation to the budget or setting of the Council Tax. This was on the basis that Council Tax liability would apply to the borough's population as a whole, with councillors not having any unique position in that regard.

The requirements within Section 106 of the Local Government Finance Act 1992 would, however, still apply, which required any Member who was two or more months in arrears on their Council Tax to declare their position and not vote on any issue that could affect the calculation of the budget or Council Tax. No declarations in this respect were made at the meeting.

At this Council meeting (21 February 2018) it was also noted that the Councillor Conduct Committee (May 2013) had also granted a dispensation for all members in terms of the declaration of disclosable pecuniary interests relating to the setting of housing rents.

Members also had a standard dispensation in relation to Members Allowances.

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 dispensations allowed all members to take part in the discussion on the issues of school funding, women's state pension age as well as setting the Council budget and council tax, housing rents and members allowances.

9. EQUALITIES IMPACT IMPLICATIONS

An equalities impact assessment was not necessary for this decision.

Background Papers

None