

Dispensations Sub-committee

10 August 2015

Applications for Dispensations

Recommendations

That the Dispensations Sub-committee considers the applications for dispensation and whether or not any dispensations should be granted.

1.0 Key Issues

- 1.1 The Dispensations Sub-committee has previously granted dispensations to twin hatted county councillors to participate, including speaking and vote in meetings on matters impacting on other public authorities **unless** the issue is **a matter of dispute** with the county council **and** there would be **financial implications** for the other public authority(s). In such cases the twin-hatted county councillors may speak at the meeting provided s/he immediately withdraws from the meeting room. A copy of the current dispensations are set out in Appendix 2.
- 1.2 The Council has 27 county councillors who are also district/borough councillors and 5 county councillors whose spouse or partner is a district/borough councillor (collectively called the 'twin-hatted members'). Under the Code of Conduct these county councillors all have a disclosable pecuniary interest in any matter coming before a meeting which would impact on the district/borough council where they are in receipt of a members allowance from that council.
- 1.3 The Council has been consulting on proposed changes to Housing Related Support Services. The proposed changes would have financial implications for district/borough councils in Warwickshire and there are differences of view on the appropriate way forward i.e. there is a conflict of interests between the County Council and the District/Borough Councils. This means that under the current dispensations twin-hatted members may speak at a meeting but then must withdraw from the meeting room until the matter has been dealt with.
- 1.4 The 'twin-hatted' members are now seeking wider dispensations to participate in any future meeting where the proposals for Housing Related Support Services are discussed. The Sub-committee is asked to consider the applications in Appendix 1 and decide whether it would be appropriate to grant wider dispensations to those twin hatted members due to their receipt of a members allowance in these particular circumstances.

- 1.5 This report deals only with the request for wider dispensations for twin-hatted members who are currently precluded from voting on these proposals only due to the fact that they or their spouse or partner are in receipt of a members allowance. Any member who has a DPI for other reasons would need to make a personal application setting out in detail the nature of their DPI and the reasons why they should be granted a dispensation for that DPI and the extent of the dispensation they are seeking.

2.0 Powers to grant dispensations

- 2.1 Dispensations for up to four years can be granted allowing a member to speak and or vote where s/he has a Disclosable Pecuniary Interest. The Council delegated the power to make dispensations to this Sub-Committee.

- 2.2 The grounds for granting a dispensation are having regard to all relevant circumstances, the Sub-Committee considers:

- (a) 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;
- (b) that 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) that granting the dispensation is in the interests of persons living in the authority's area;
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive; or
- (e) that it is otherwise appropriate to grant a dispensation.

- 2.3 Any decision made by the Sub-committee must only have regard to relevant factors and must be 'Wednesbury' reasonable.

3.0 Background and Reasons

- 3.1 The Dispensations Sub-Committee last met on 24 June 2013 to grant certain dispensations to all county councillors following the elections. These were to protect members from inadvertent breaches of the requirements relating to 'disclosable pecuniary interests' [DPI] due to ambiguities in the drafting of the legislation and to ensure the Council could actually carry out its business. As there are potential criminal sanctions for failures to handle DPIs correctly it is

important that the position was absolutely clear in both the interests of members and the public.

- 3.2 The current dispensations apply **if the only reason** the Councillor has a disclosable pecuniary interest is because they or their partner or spouse are in receipt of a members allowance. If a Councillor has a DPI in the matter for other reasons then s/he would be precluded from participating in the matter and required to withdraw from the meeting room for the item unless there is another dispensation covering those circumstances.
- 3.3 In considering whether or not a wider dispensation to participate and vote in any future meetings should be granted the sub-committee may wish to take into account the factors set out in the following paragraphs.
- 3.4 The housing related support services proposals are a key part of the County Council's current savings plan. The County Council is currently hung and nearly 50% of its current membership would be precluded from voting on the proposals. This affects not only the political balance of the Council but the uneven distribution of members affected across the county mean that some areas are more significantly affected than others, for example the number of county councillors representing the Nuneaton and Bedworth area compared to the Warwick area. This creates an uneven balance in the representation of people living in the county in any future debates and decisions which may need to be made.
- 3.5 County councillors have a number of competing key roles which need to be balanced i.e.
- represent the people of Warwickshire, the interests of their electoral division and of individual constituents;
 - provide community leadership and contribute to the good **governance of the area**;
 - actively encourage community participation and citizen involvement in **decision-making**;
 - collectively be the ultimate policy makers and participate in the **governance and management of the council**; and
 - promote and maintain the highest standards of conduct and ethics in the **conduct of council business**.
- 3.6 District/Borough Councillors are also elected to represent their constituents and act in the public interest. The nature of the role is a public one rather than a private interest. It is unlikely that these proposals would have any impact on the levels of member's allowances paid by the district/borough councils and therefore it is unlikely that councillors would receive any personal benefit or disbenefit as a result of these proposals.

- 3.7 Housing Related Support Services are part of the current One Organisational Savings Plan which runs until 31 March 2018. It is therefore suggested that any such dispensation should be time-limited to the duration of the plan.
- 3.8 In the light of the above considerations it is suggested that the Sub-Committee may wish to grant a dispensation to allow county councillors who have a disclosable pecuniary interest because they or their spouses or partners are in receipt of a members allowance from a district/borough council in Warwickshire to fully participate in any future discussions concerning housing related support services until 31st March 2018.

Background Papers

None.

	Name	Contact Information
Report Author	Jane Pollard	janepollard@warwickshire.gov.uk
Head of Service	Sarah Duxbury	sarahduxbury@warwickshire.gov.uk
Strategic Director	David Carter	davidcarter@warwickshire.gov.uk
Portfolio Holder	Cllr Seccombe	cllrmsseccombe@warwickshire.gov.uk

APPLICATIONS FOR DISPENSATIONS

County Councillors who are also Borough/District Councillors

County Councillor	Party	District/Borough Council
Neil Dirveiks	Labour	North Warwickshire BC
Colin Hayfield	Conservative	North Warwickshire BC
Joan Lea	Conservative	North Warwickshire BC
Peter Morson	Labour	North Warwickshire BC
Brian Moss	Labour	North Warwickshire BC
John Beaumont	Labour	Nuneaton & Bedworth BC
Sara Doughty	Labour	Nuneaton & Bedworth BC
Brian Hawkes	Labour	Nuneaton & Bedworth BC
Julie Jackson	Labour	Nuneaton & Bedworth BC
Caroline Phillips	Labour	Nuneaton & Bedworth BC
June Tandy	Labour	Nuneaton & Bedworth BC
Keith Kondakor	Green	Nuneaton & Bedworth BC
Peter Butlin	Conservative	Rugby BC
Richard Dodd	Liberal Democrat	Rugby BC
Maggie O'Rourke	Labour	Rugby BC
Jerry Roodhouse	Liberal Democrat	Rugby BC
Heather Timms	Conservative	Rugby BC
Howard Roberts	Independent	Rugby BC
Mike Brain	Conservative	Stratford DC
Jenny Fradgley	Liberal Democrat	Stratford DC
Mike Gittus	Conservative	Stratford DC
Danny Kendall	Conservative	Stratford DC
Kate Rolfe	Liberal Democrat	Stratford DC
Chris Saint	Conservative	Stratford DC
Chris Williams	Conservative	Stratford DC
Bill Gifford	Liberal Democrat	Warwick DC
Dave Shilton	Conservative	Warwick DC

County Councillors whose spouse or partner is a Borough/District Councillor

Isobel Seccombe	Conservative	Philip Seccombe is a member of Stratford District Council
Wallace Redford	Conservative	Pamela Redford is a member of Warwick District Council
Howard Roberts	Independent	Deepah Roberts is a member of Rugby Borough Council
Sarah Boad	Liberal Democrat	Alan Boad is a member of Warwick District Council
Neil Dirveiks	Labour	Lorna Dirveiks is a member of North Warwickshire Borough Council

CURRENT DISPENSATIONS

To all county councillors for four years

(a) Allowing them to both speak and vote in relation to the following functions of the County Council:

- i. school meals or school transport and travelling expenses, where the County Councillor is a parent or guardian of a child in full-time education, unless it relates particularly to the school which the child attends;
- ii. the provision of any allowance, payment, pension, indemnity or other financial benefit given to members; and
- iii. setting Council Tax or a precept.

(b) Who are elected members or co-opted members of another public authority, or whose spouse or partner are elected or co-opted members of another public authority, and who have a Disclosable Pecuniary Interest in a matter **only by virtue of** the fact that s/he or his/her spouse or partner is in receipt of an allowance from that other authority:

- i. where the issue is a matter of dispute between the County Council and the other authority, and the matter would affect the financial position of that other authority, the County Councillor may speak on the matter provided s/he immediately withdraws from the meeting room; and
- ii. in relation to other matters affecting that other authority, the County Councillor may speak and vote.

(c) Where he/she only has a Disclosable Pecuniary Interest in a matter relating to the County Council or another authority by virtue of the fact that his or her spouse or partner is an employee of the County Council or that other authority, the County Councillor may speak and vote on all matters affecting the County Council or that other authority other than issues which would have a direct impact on the employment of the spouse or partner.