

Dispensations Sub-Committee

Wednesday, 26 August 2020

Minutes

Attendance

Committee Members

Councillor Parminder Singh Birdi

Councillor Neil Dirveiks

Councillor Bill Gifford

Councillor John Horner

Councillor David Reilly

Officers

Jane Pollard – Legal Service Manager

Paul Williams – Democratic Services Team Leader

1. Apologies

No apologies were received. All members present.

2. Declarations of Pecuniary and Non-pecuniary Interest

Councillor Bill Gifford declared a pecuniary interest as a member of Warwick District Council as is his wife.

Councillor Dave Reilly declared a pecuniary interest as a member of North Warwickshire Borough Council.

Councillor Neil Dirveiks declared a pecuniary interest as a member of North Warwickshire Borough Council.

3. Election of Chair

Councillor Dave Reilly nominated Councillor Neil Dirveiks to the Chair. This was seconded by Councillor Bill Gifford. Councillor Dirveiks was unanimously elected as Chair.

4. Applications for Dispensations

Jane Pollard (Legal Service Manager) summarised the key elements of the report. It was confirmed that the issue only applied at county and district/borough council level. I.e. not parish and town councils where remuneration is not given,

Councillor Bill Gifford reminded the sub-committee that a similar situation had arisen previously, and dispensations had been granted then. On the advice of Jane Pollard members agreed that the if dispensation were to be granted it would be on the basis of sections A, B, C and E as set out in para 2.2 of the report.

Councillor John Horner questioned whether not granting the dispensation would be detrimental to the debate. It was explained that a member with a declarable pecuniary interest who did not have a dispensation would be able to address the meeting but would then be required to leave. They would not then be able to hear what other members have said.

The sub-committee noted that the level of (pecuniary) interest that a member might have will depend on their position within the County Council and district and borough council. For example, a Cabinet member receives more than a member who does not receive a special responsibility allowance. It was also noted that the composition of the council would mean that failing to grant a dispensation would have an impact on the political balance and the geographical spread of representation if members had to leave the meeting and were unable to vote.

Councillor Parminder Singh Birdi observed that the debate on devolution will require “twin hatters” to vote at county and district and borough council level. Members questioned whether there was a chance of decisions being challenged on grounds of pre-determination. Jane Pollard informed the meeting that the issue to be discussed was at its early stages. However, there may come a time when individual members will need to consider their position. This could affect whether they could speak at meetings. The distinction between pre-determination and pre-disposition was explained to the committee. (A member who is pre-determined enters a debate with a closed mind whilst a member who has a pre-disposition has an open mind on a subject). It was agreed that guidance on this would be provided to all members of the Council on pre-determination and pre-disposition.

A member who is a “twin hatter” may feel they should vote differently at County and district borough level. However, the committee acknowledged that the principal basis for voting should be what is best for the people of Warwickshire as a whole.

The sub-committee unanimously agreed the following.

Resolved;

That the Dispensations Sub-Committee:

- 1) Agrees that, for the reasons stated in the published report, dispensations be granted to those members of Warwickshire County Council listed in its appendix.
- 2) That guidance be provided to members of the County Council on the subjects of pre-determination and pre-disposition as they relate to the decision-making process.

The meeting ended at 14.40