

Dispensations Sub Committee

Date: Wednesday, 26 August 2020

Time: 2.00 pm

Venue: Microsoft Teams

Membership

Councillor Parminder Singh Birdi

Councillor Neil Dirveiks

Councillor Bill Gifford

Councillor John Horner

Councillor David Reilly

Items on the agenda: -

1. Apologies

2. Declarations of Pecuniary and Non-pecuniary Interest

3. Election of Chair

4. Applications for Dispensations

3 - 8

To consider a report regarding the application of dispensations to County Councillors who would otherwise be excluded from meetings where devolution is debated.

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Dispensations Sub-Committee

26 August 2020

Applications for Dispensations

Recommendation

That the Dispensations Sub-Committee considers whether to grant the applications for dispensation set out in this report.

1.0 Background

- 1.1 The Dispensations Sub-Committee has previously granted dispensations to 'twin hatted' county councillors to participate, including speaking and voting 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).
- 1.2 The County Council currently has 54 members of which 29 county councillors are also district/borough councillors and 7 county councillors have a spouse or partner who is a district/borough councillor, 6 of which also themselves sit on a district/borough council) (collectively called the 'twin-hatted members'). Under the Code of Conduct these county councillors all have a disclosable pecuniary interest (DPI) in any matter coming before a meeting which would impact on the district/borough council where they are in receipt of a member's allowance from that council.
- 1.3 Under the current dispensations, where there is a conflict with a district/borough council and there would be a financial impact, 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 As members will be aware, the Government will shortly be publishing a White paper on Devolution and Local Government Reform. This is likely to have a significant impact on the future shape of local government. It is expected that the White paper will canvass views on new local government structures as well as views about devolved powers and steps towards recovery. Where these might involve unitary structures there are likely to be conflicting views across the levels of local government and any changes towards say unitary local government would have financial implications for both tiers of government.
- 1.5 It is important that all member views be heard on such a fundamental issue and that the vast majority of members are able to formally participate in the voting on the future direction of the County Council; any proposals for new local governance structures; and the future role of Councils in Warwickshire.

The exclusion of such a large number of members and their collective, skills knowledge and experience would seriously damage the quality of the decision-making of member bodies and the representation of communities across Warwickshire.

- 1.6 In addition, the political balance of the Council and its committees would be seriously disturbed if effectively 30 members of the Council (the range of twin hatters, including association with spouses)) were to be precluded from voting.
- 1.7 This report seeks wider dispensations to enable the twin hatted members to participate in any future meeting where the proposals relating to the White paper, devolution and/or local government reform 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 who have a disclosable interest only due to their receipt of a member allowance in these particular circumstances.
- 1.8 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 member 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 DPI. The Council delegated the power to make such dispensations to this Sub-Committee.
- 2.2 The grounds for granting a dispensation are, that 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 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.

3.2 More than 50% of The County Council's 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 means 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.

3.3 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.

3.4 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.

3.5 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 the White paper, on devolution and recovery and/or local government reform.

Background Papers

None.

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This paper was not circulated to members prior to publication.

*Named after an English court case from 1948 the Wednesbury principle is that no decision should be so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.

APPLICATIONS FOR DISPENSATIONS

County Councillors who are also Borough/District Councillors

County Councillor	Party	District/Borough Council
Colin Hayfield	Conservative	North Warwickshire BC
Margaret Bell	Conservative	North Warwickshire BC
David Reilly	Conservative	North Warwickshire BC
Andy Jenns	Conservative	North Warwickshire BC
Andrew Wright	Conservative	North Warwickshire BC
Neil Dirveiks	Labour	North Warwickshire BC
Dave Parsons	Labour	North Warwickshire BC
Daniel Gissane	Ind Conservative	Nuneaton & Bedworth BC
Clare Golby	Conservative	Nuneaton & Bedworth BC
Seb Gran	Conservative	Nuneaton & Bedworth BC
Bhagwant Singh Pandher	Conservative	Nuneaton & Bedworth BC
Andy Sargeant	Ind Conservative	Nuneaton & Bedworth BC
Keith Kondakor	Green	Nuneaton & Bedworth BC
Peter Butlin	Conservative	Rugby BC
Jill Simpson-Vince	Conservative	Rugby BC
Maggie O'Rourke	Labour	Rugby BC
Jerry Roodhouse	Liberal Democrat	Rugby BC
Heather Timms	Conservative	Rugby BC
Howard Roberts	Conservative	Rugby BC
Jo Barker	Conservative	Stratford on Avon DC
Jenny Fradgley	Liberal Democrat	Stratford on Avon DC
Mike Cargill	Conservative	Stratford on Avon DC
Andy Crump	Conservative	Stratford on Avon DC
Kate Rolfe	Liberal Democrat	Stratford on Avon DC
Anne Parry	Conservative	Stratford on Avon DC
Bill Gifford	Liberal Democrat	Warwick DC
John Cooke	Conservative	Warwick DC
Judy Falp	Whitnash RA	Warwick DC

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

Wallace Redford	Conservative	Warwick DC
Howard Roberts	Conservative	Rugby BC
Sarah Boad	Liberal Democrat	Warwick DC
Jenny Fradgley	Liberal Democrat	Stratford on Avon DC
Andy Sargeant	Ind Conservative	Nuneaton & Bedworth BC
Jerry Roodhouse	Liberal Democrat	Rugby BC
Bill Gifford	Liberal Democrat	Warwick DC

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