

Dispensations Sub-Committee

21 September 2020

Applications for Dispensations

Recommendation

That the Dispensations Sub-Committee considers whether to grant the application(s) for dispensation set out in this report.

1.0 Background

- 1.1 The Dispensations Sub-Committee on 26th August 2020 granted dispensations to county councillors who had a disclosable pecuniary interest (DPI) in relation to the issue of local government reform by virtue of them being a district/borough councillor or their spouse or partner being a district or borough councillor. The dispensation has the effect of enabling those councillors to fully participate, including speaking and voting, on the issue of local government reform and matters related to the Devolution and Local Recovery White Paper, now expected to be published in October.
- 1.2 The DPI regime also applies where a Councillor's spouse or partner holds an employment position which relates to the matter under consideration.
- 1.3 The current dispensations do not extend to such situations as they only cover spouses or partners who are district or borough councillors.
- 1.4 Applications from Councillor(s), who wish to make an application as their spouse or partner are employed by a District/Borough council in Warwickshire in order to enable them to fully take part in Council meetings considering the issue of devolution and/or local government reform are set out in the Appendix.
- 1.5 It is important that all member views, as representatives of their electorate, be heard on such a fundamental issue and that they are able to formally participate in the voting on the future direction of the Council on local government reform; any proposals for new local governance structures; and the future role of Councils in Warwickshire.
- 1.6 The Sub-committee is asked to consider the applications in the Appendix and decide whether it would be appropriate to grant wider a dispensation in these circumstances.

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 The legal powers to grant dispensations are therefore wide. 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 County councillors have a number of competing key roles which need to be balanced i.e.
- (i) represent the people of Warwickshire, the interests of their electoral division and of individual constituents;
 - (ii) provide community leadership and contribute to the good governance of the area;

- (iii) actively encourage community participation and citizen involvement in decision-making;
 - (iv) collectively be the ultimate policy makers and participate in the governance and management of the Council; and
 - (v) promote and maintain the highest standards of conduct and ethics in the conduct of council business.
- 3.3 All councillors are 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.
- 3.4 The matter under consideration is at a very early stage and it is too early to determine any impact or potential future impact on employment positions.
- 3.5 In the light of the above considerations it is suggested that the Sub-Committee may wish to grant dispensations to allow councillors to fully participate in any future discussions concerning the White paper on devolution and local 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

APPLICATION FOR DISPENSATIONS

Councillor Cllr Mike Brain

Nature of the DPI

My wife Jeanette Brain is employed part-time by Stratford on Avon District Council as a Compliance & Business Support Officer ICT Services.

As my wife is currently employed by Stratford on Avon District Council there is a risk that she may ultimately be impacted by any changes to local government structures in Warwickshire. If so this may have a negative effect in pecuniary terms.

Reasons why a dispensation should be granted

I wish to be able to fulfil my role as a councillor in representing my local area by fully engaging in the debate on devolution and local government reform. At the same time I wish to uphold the standards of conduct and ethics set by the Council. The devolution and local government proposal coming before the Council is one of the most important issues the Council has ever had to consider. I believe all communities should have full representation from their local councillor on such an important issue. Whilst there is a risk my wife might ultimately be impacted by any formal proposals this matter is at an early stage and whether or not there would be an impact is currently unknown.

I would wish to be entirely clear on whether or not I can fully participate in the debate going forward and this can only be achieved through a dispensation

Extent of the dispensation being sought.

To enable me to partake fully in any future debate within the County Council where proposals relating to devolution and/or local government reform are discussed.