

Subject:	Code of Conduct for Members – Granting of Dispensations		
Date of Meeting:	13 January 2015		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Oliver Dixon	Tel: 291512
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report recommends granting the Monitoring Officer delegated power to grant dispensations under the Code of Conduct for Members recently adopted by Council.

2. RECOMMENDATION:

- 2.1 That Audit & Standards Committee grant delegated power to the Monitoring Officer to grant dispensations under the Code of Conduct for Members, subject to consultation, where reasonably practicable, with the Chair of Audit & Standards Committee or the Independent Person.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Council approved a revised Code of Conduct for Members on 11 December 2014.
- 3.2 The revised Code includes arrangements for granting Members dispensations to participate in council meetings where they would otherwise be prevented from doing so (e.g. by reason of a particular interest in the matter due for discussion at the meeting). Paragraph 3.5 of the Code provides as follows:

“On a written request made to the council’s Monitoring Officer, the council may – on the advice of the Monitoring Officer following consultation, where reasonably practicable, with the Independent Person or Chair of Audit & Standards Committee – grant a Member a dispensation to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to if the council believes that the number of Members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the council’s area to allow the Member to take part or it is otherwise appropriate to grant a dispensation.”

- 3.3 The provision above permits “the council” to grant dispensations but does not specify which part of the council would exercise this function in practice. However, the terms of delegation to the Audit & Standards Committee provide that the Committee may put in place suitable arrangements for dealing with applications for dispensation; such arrangements would include delegations to an officer.
- 3.4 As requests for dispensation tend to be at short notice and usually relate to a meeting soon to commence or already underway, it would not be practicable to refer the decision to full Council or to Audit & Standards Committee. Instead, it is recommended that the Committee grant delegated authority to the Monitoring Officer to grant dispensations following consultation, where reasonably practicable, with the Chair of Audit & Standards Committee or the Independent Person. This represents a more practical arrangement, since the Monitoring Officer is normally contactable at short notice and could decide a dispensation request in a relatively short timeframe.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 There are no financial implications associated with the recommendations in this report.

Finance Officer Consulted: James Hengeveld *Date: 23/12/14*

Legal Implications:

- 4.2 Under its delegated standards functions, the Audit & Standards Committee has power to exercise all council functions in relation to ethical standards (other than the adoption of, or replacement or revision to codes of conduct). These functions include putting in place arrangements to grant dispensations from the restrictions, under the Code of Conduct for Members, on speaking and/or voting at council meetings.

Lawyer Consulted: Oliver Dixon *Date: 19/12/14*

SUPPORTING DOCUMENTATION

Appendices:

None.

