

**Bolsover District Council**

**Standards Committee on 2nd September 2024**

**Delegation of the decision to grant dispensations**

**Report of the Director of Governance and Legal Services & Monitoring Officer**

<b>Classification</b>	This report is public
<b>Report By</b>	Jim Fieldsend Director of Governance and Monitoring Officer

**PURPOSE/SUMMARY OF REPORT**

For Standards Committee to consider a proposal to delegate the power to grant dispensations for Members to speak and vote in committees when they have a declarable interests.

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**REPORT DETAILS**

**1. Background**

- 1.1 One of Standard Committee's roles from its terms of reference is to "consider all matters relating to dispensations for Members to speak and vote where Members concerned have interests".
- 1.2 In accordance with the Code of Conduct (copy attached as an Appendix) where a councillor is prevented from participating in a matter in a meeting by virtue of the existence of either a Disclosable Pecuniary Interest, Other Registerable Interest or a Non-Registerable Interest he or she may still take part in the meeting and vote where they have been granted a dispensation.
- 1.3 Part 12 of the Code of Conduct states that the Council may grant a dispensation to enable a councillor to participate and vote on a matter in which he/she has a Disclosable Pecuniary Interest". Requests must be made in writing to the Monitoring Officer on one of the following grounds.
  - That so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of the business.
  - That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.
  - That the District Council considers that the dispensation is in the interests of persons living in the Authority's area;
  - That, without a dispensation, no member of the Cabinet would be able to participate in the matter; or

- That the District Council considers that it is otherwise appropriate to grant dispensation.
- 1.4 The dispensation provisions referred to in part 12 of the Code of Conduct refers to situations where a councillor has a Disclosable Pecuniary Interest. There is no corresponding provision for the granting of a dispensation for Other Registerable Interest or a Non-Registerable Interest. In order to clarify that the rules on dispensation apply to all interests it is proposed that the provisions set out in paragraph be changed to include reference to Other Registerable Interests and Non-Declarable Interests
- 1.5 Any requests for a dispensation must be sent in writing to the Monitoring Officer however there is no ability for the Monitoring Officer to determine whether a dispensation should be granted. It is proposed that the Standards Committee delegate the decision to determine dispensation applications to the Monitoring Officer. This would enable decisions being made in an efficient and timely manner. It is further proposed that Council be recommended to include this power within the Scheme of Delegation for Officers

## **2. Details of Proposal or Information**

- 2.1 The dispensation provisions referred to in paragraph 1.3 above refers to situations where a councillor has a Disclosable Pecuniary Interest. There is no corresponding provision for the granting of a dispensation for Other Registerable Interests or a Non-Registerable Interest. In order to clarify that the rules on dispensation apply to all interests it is proposed that the provisions set out in paragraph 1.3 be changed to include reference to Other Registerable Interests and Non-Declarable Interests
- 2.2 Any requests for a dispensation must be sent in writing to the Monitoring Officer however there is no express ability for the Monitoring Officer to determine whether a dispensation should be granted. It is proposed that the Standards Committee delegate the decision to determine dispensation applications to the Monitoring Officer. This would enable decisions being made in an efficient in timely manner. It is further proposed that Council be recommended to include this power within the Scheme of Delegation for Officer

## **3. Reasons for Recommendation**

- 3.1 To clarify the rules around granting dispensations to councillors where they have a relevant interest in an item to be considered.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 Not to change the rules on granting dispensations. This is rejected as it is necessary to have clarity on when a dispensation can be granted for all interests and not just disclosable pecuniary interests.
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**RECOMMENDATION(S)** that Standard Committee;

1. Approve the addition of Other Registerable Interests and Non-Disclosable Interests to part 12 of the Code of Conduct for Councillors;
2. Delegate the decision to consider applications for dispensations to the Monitoring Officer;
3. Recommend to Council that the Scheme of Delegation to Officers include a power for the Monitoring Officer "To determine all application made by councillors to vote on a matter in which they have a relevant interest in accordance with part 12 of the Code of Conduct for Councillors

**IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:**

None arising from this report.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

None arising from this report.

On behalf of the Solicitor to the Council

**Staffing:**            Yes             No

**Details:**

None arising from this report.

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<p><b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/>	Details:

<b>Links to Council Ambition: Customers, Economy and Environment.</b>
Demonstrating good governance

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Draft Code of Conduct

<b>Background Papers</b>
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>