

BOLSOVER DISTRICT COUNCIL

Meeting of the Standards Committee on 27th January 2025

Request for Dispensation

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

Classification	This report is Public
Contact Officer	Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer

PURPOSE/SUMMARY OF REPORT

To seek Standard Committees decision on a request for dispensation.

REPORT DETAILS

1. Background

- 1.1 One of Standard Committee's terms of reference is to consider requests for dispensations from councillors who have a declarable interest in an item to be considered at a meeting and who wish to remain in the meeting and vote on the item.
- 1.2 Councillors who are also directors of Dragonfly Development Ltd and Dragonfly Management (Bolsover) Ltd would generally have an interest in matters discussed in Council meetings which affect either or both of the companies and would normally be required to leave the meeting and not take part in any debate or vote.
- 1.3 The Council has received a request from Cllr Deborah Watson on behalf of herself and the other councillor directors of both companies for dispensations.

2. Details of Proposal or Information

- 2.1 On 10th January 2025 the Monitoring Officer received the following request from Cllr Deborah Watson:

"I would like to formally request a dispensation to allow all Dragonfly Board members (who undertake this role on behalf of the Council), to remain in

meetings, take part in any debates, and ultimately vote, on matters pertaining to the setting of the Council's future budgets.

As Council members, it is imperative that we as Board members are able to fulfil our original role of representing the people of our District and that we should not lose our democratic right to participate in the process of budget setting.

Furthermore, at a time when the very future of Bolsover District Council is clearly limited by the newly released MCHCLG English Devolution White Paper, which, of course, will dramatically affect the people we represent as District Councillors, I would additionally request that Dragonfly Board members be granted a dispensation to remain in meeting, take part in debates, and also vote on matters which pertain to any preparations for Devolution and the role of BDC and Dragonfly as part of this process.

I believe that this dispensation should fall under two grounds, firstly, that it would be otherwise appropriate for the Council to grant a dispensation, and secondly, that the Council considers that the dispensation is in the interest of persons living in the Authority's area".

- 2.2 In accordance with the Council's Constitution a dispensation may be granted for a number of reasons. These are set out as follows:
- That so many members of the decision-making body have 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.
- 2.3 The above request is seeking a specific dispensation to remain in Council when it considers setting its budget, part of which includes the budget it will make available for Dragonfly Management (Bolsover) Limited. The budget is set annually following recommendations from the Section 151 Officer and this request is seeking approval of dispensation at all annual budget meetings. The Council's budget is one of the most important decisions a councillor is involved in and so it is likely to be in the interests of council tax payers to allow his or her councillor to take an active part in budget setting. The risk of a conflict of interest with this is small.

2.4 In addition Cllr Watson is seeking a wider dispensation to enable the directors of the Dragonfly companies to remain in the meeting and vote on items relating to local government reorganisation, even though the proposed decision may have an impact on the Dragonfly companies. This is not as straight forward as the budget setting dispensation as we don't know what decisions Member will be asked to consider and the extent of any conflict of interest. Standard Committee therefore may decide that rather than grant such a blanket dispensation that they consider that dispensations should be requested on an 'as and when' basis so that each request can be determined on its merits.

3. Reasons for Recommendation

3.1 Standard Committee are required to determine whether to grant dispensations.

4 Alternative Options and Reasons for Rejection

4.1 There are no alternative options.

RECOMMENDATION(S)

- 1. That the Committee decide whether to grant:
 - (a) a dispensation to allow all Dragonfly Management (Bolsover) Ltd members to remain in meetings, take part in any debates, and ultimately vote, on matters pertaining to the setting of the Council's future budgets; and;
 - (b) a dispensation to allow Dragonfly Management (Bolsover) Ltd and Dragonfly Development Ltd members remain in meeting, take part in debates, and also vote on matters which pertain to any preparations for Devolution and the role of BDC and Dragonfly as part of this process.

IMPLICATIONS:

<u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details:		
On behalf of the Section 151 Officer		

<p><u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Details: The Council's Constitution enables the Standard Committee to grant dispensations on the grounds referred to in the report.</p> <p style="text-align: right;">On behalf of the Solicitor to the Council</p>
<p><u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: On behalf of the Head of Paid Service</p>
<p><u>Equality and Diversity, and Consultation</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>
<p><u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment</p> <p>Details:</p>

DECISION INFORMATION:

<p><input checked="" type="checkbox"/> Please indicate which threshold applies:</p>	
<p>Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.</p>	<p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p>
<p>Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.</p>	<p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p>
<p>District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected:</p>	<p>All <input type="checkbox"/></p>

<p>If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? (<i>decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer</i>)</p> <p>Consultation carried out: (<i>this is any consultation carried out prior to the report being presented for approval</i>)</p> <p>Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
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Links to Council Ambition: Customers, Economy, Environment, Housing

DOCUMENT INFORMATION:

Appendix No	Title

Background Papers
<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>