

# CHESHIRE EAST COUNCIL

## Audit and Governance Committee

---

<b>Date of Meeting:</b>	29 September 2016
<b>Report of:</b>	Director of Legal Services and Monitoring Officer
<b>Subject/Title:</b>	Localism Act 2011 – General Dispensations

---

### 1.0 Report Summary

- 1.1 This report recommends that the Committee renews, for a period of four years, a number of general dispensations under the Localism Act 2011, as previously approved by the Committee in September 2012.

### 2.0 Recommendations

- 2.1 That the Committee approve for the four year period to 28 September 2020 the general dispensations for all elected and co-opted Members of Cheshire East Council as set out at paragraph 4.4 of the report.

### 3.0 Reasons for Recommendations

- 3.1 To renew general dispensations approved by the Committee in 2012 in the interest of good governance and the effective conduct of public affairs.

### 4.0 Background and Options

- 4.1 The Localism Act 2011 ('the Act') made significant changes to the Standards regime. Under the Act the Council has a statutory duty to promote and maintain high standards of conduct by both its Elected Members and co-opted Members. The Council must also adopt a Code of Conduct setting out the conduct expected of elected and co-opted Members whenever they act in their official capacity as a Member. The Council adopted the Member Code of Conduct ('the Code of Conduct') compliant with the Act in 2012. The Code of Conduct can be found on the authority's website at:  
[http://www.cheshireeast.gov.uk/council\\_and\\_democracy/your\\_council/constitution.aspx](http://www.cheshireeast.gov.uk/council_and_democracy/your_council/constitution.aspx)
- 4.2 The Act prevents Members from participating in any business of the Council where they have a Disclosable Pecuniary Interest, unless they have sought a dispensation under Section 33 of the Act. Applications must be made in writing and dispensations may be sought for a period of up to four years. Dispensations may be sought on the following grounds:

- That so many Members of the decision making body have a disclosable pecuniary interest in a matter that the business of the meeting would be impeded;
- Without a dispensation the representation of different political groups on the body would be so upset as to alter the outcome of any vote;
- The dispensation is in the interests of persons living in the area;
- No Member of Cabinet would be able to participate on the matter without a dispensation;
- It is otherwise appropriate to grant a dispensation.

4.3 At the Council meeting on 19 July 2012 the Terms of Reference of the Audit and Governance Committee were amended to include: '*Granting Dispensations under the provisions of the Localism Act 2011 to enable a Member or co-opted Member to participate in a meeting of the Authority.*'

4.4 On 27 September 2012 the Committee considered a report of the former Borough Solicitor and Monitoring Officer entitled 'Standards Issues and Planning Protocol.' The report recommended (amongst other things) that Members approve the following general dispensations to speak and vote on the following items to all Cheshire East Council Members and co-opted Members for a period of four years:

- Any allowance, payment or indemnity given to Members;
- Any Ceremonial Honours given to Members;
- Statutory sick pay under Part X1 of the Social Security Contributions and Benefits Act 1992 where they were in receipt of or entitled to receive such pay;
- Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation);
- Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (Including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation); and
- School Meals or School Transport or Travelling expenses where the Member is a parent/guardian of a child in full time education or a parent governor (unless the matter relates specifically to the school the child attends).

- 4.5 This recommendation was approved and these general dispensations expired on 26 September 2016. It is now recommended that the Committee renew the above general dispensations for a further period of four years, expiring on 28 September 2020.

## **5. Wards Affected and Local Ward Members**

- 5.1. All

## **6. Implications of Recommendation**

### **6.1. Policy Implications**

- 6.1.1. None

### **6.2. Legal Implications**

- 6.2.1. These are set out in the body of this report.

### **6.3. Financial Implications**

- 6.3.1. None

### **6.4. Human Resources Implications**

- 6.4.1. None

### **6.5. Equality Implications**

- 6.5.1. None

### **6.6. Rural Community Implications**

- 6.6.1. None

### **6.7. Public Health Implications**

- 6.7.1. None

## **7. Risk Management**

- 7.1. Not putting in place the recommended general dispensations would mean that every Member would need to apply for a personal dispensation when the relevant matters arose. This would not be an efficient use of the Council's resources or in the public interest.

## 8. Background Papers

8.1. The Member Code of Conduct.

### 9.0 Access to Information

The background papers relating to this report can be inspected by contacting the report author:

Name: **Bill Norman**  
Designation: **Director of Legal Services and Monitoring Officer**  
Tel No: **01270 685850**  
Email: [Bill.Norman@cheshireeast.gov](mailto:Bill.Norman@cheshireeast.gov)