

## Audit & Governance Committee

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**Date of Meeting:** 12 March 2020

**Report Title:** Urgent Decision – General Dispensation

**Senior Officer:** Jan Bakewell – Director of Governance & Compliance

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### 1. Report Summary

- 1.1. The purpose of the report is to inform the Committee of an urgent decision which needed to be taken by the Acting Chief Executive in consultation with the Chair of the Committee before the next meeting of this Committee.

### 2. Recommendation

- 2.1. That the Urgent Decision taken by the Acting Chief Executive in consultation with the Chair of the Committee on 23 January 2020 to grant an additional dispensation for inclusion in the Council's list of general dispensations be noted.

### 3. Reasons for Recommendation

- 3.1. The Audit and Governance Committee is responsible for promoting high standards of ethical behaviour by developing, maintaining and monitoring the Member Code of Conduct.
- 3.2. The Terms of Reference for the Committee include:
- 3.3. '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.'
- 3.4. The Committee may therefore grant dispensations from the requirements of the Code of Conduct in limited circumstances to enable those members with a disclosable pecuniary interest ("DPI") to participate and vote on a matter in which they have a prejudicial or DPI.
- 3.5. Dispensations may be sought on the following grounds:
  - That so many Members of the decision-making body have a DPI 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; or
  - It is otherwise appropriate to grant a dispensation.

#### **4. Other Options Considered**

- 4.1. It was not practicable in the time available before full Council on 20 February 2020 to convene an urgent meeting of this Committee solely for consideration of this item.

#### **5. Report Detail**

- 5.1. This report provides details to the Committee for information of an Urgent Decision taken on 23 January 2020 by the Acting Chief Executive and the Chair of Audit & Governance Committee.

- 5.2. At the Council meeting on 20 February 2020, the Medium-Term Financial Strategy report included proposals that potentially had an impact on the Council's ASDVs. For example, item 20 under Outcome 4 (Environment) relates to Ansa income generation and efficiencies (Revenue Savings). Some members would have had a DPI in relation to the budget item due to their appointment as directors of the Council's ASDVs. Those members with a DPI triggered by any budget proposals that may impact on ASDVs, would have needed to declare and leave the Council meeting for this item in accordance with the Council's Code of Conduct for Members.

- 5.3 It was considered appropriate for an urgent decision to be taken by the Acting Chief Executive in consultation with the Chair of Audit & Governance Committee, to grant a dispensation in these circumstances. The decision granted an additional dispensation for inclusion in the Council's list of general dispensations as follows:

'To the extent that it may amount to a prejudicial or disclosable pecuniary interest, any allowance or other remuneration received from the Council in respect of Council duties or directorships of Council owned ASDVs.'

- 5.4 Committee Procedure Rule 2.7 (Urgent Decisions – Non-Executive Matters) provides for an item of urgent business, which has to be decided before the next meeting of a Committee or Sub-Committee, can be determined in accordance with the procedure set out at Appendix 4.

- 5.5 Appendix 4 to the Rules states the Acting Chief Executive in consultation with the Chairman and/or Vice-Chairman of the relevant Committee or sub-committee has delegated authority to take any non-executive decision subject to the following requirements being met:

- The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the decision-making body, or an urgently convened meeting
- The decision is reported for information to the next available meeting of the decision-making body
- The provisions of legislation are complied with
- Advice has been taken from the Council's Monitoring Officer and Section 151 Officer
- All members of the Council are notified of the decision by electronic means

5.6 The Council's Monitoring Officer and Section 151 Officer were consulted prior to the decision being taken. All members of the Council were notified of the decision by email from the Monitoring Officer on 11 February 2020.

5.7 A copy of the Urgent Decision is attached at Appendix A.

## **6. Implications of the Recommendations**

### **6.1 Legal Implications**

6.1.1 The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity.

6.1.2 The Code includes a link to a list of dispensations for all elected and co-opted members of the Council. The Committee last renewed the above general dispensations on 29 September 2016 for a further period of four years, expiring on 28 September 2020.

6.1.3 At a future meeting later in the year, the Committee will need to review and consider renewing the general dispensations for a further period of 4 years.

### **6.2 Finance Implications**

6.2.1 There are no financial implications.

### **6.3 Equality Implications**

6.3.1 There are no direct equality implications.

### **6.4 Human Resources Implications**

6.4.1 There are no direct human resources implications.

### **6.5 Risk Management Implications**

6.5.1 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.

### **6.6 Rural Communities Implications**

6.6.1 There are no direct implications for rural communities.

## **6.7 Implications for Children & Young People/Cared for Children**

6.7.1 There are no direct implications for children, young people or cared for children.

## **6.8 Public Health Implications**

6.8.1 There are no direct implications for public health.

## **7. Ward Members Affected**

7.1 Implications are borough wide.

## **8. Access to Information**

8.1. The Members' Code of Conduct.

## **9. Contact Information**

9.1. Any questions relating to this report should be directed to the following officer:

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