

COMMITTEE PROCEDURE
PARAGRAPH 2.7 AND APPENDIX 4
URGENT DECISION

CONTACT
OFFICER: Brian
Reed
TELEPHONE: 01270
686670

DATE: 20th January
2020

The Constitution gives delegated authority to the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with the Chairman and/or Vice Chairman of the relevant committee or sub-committee to take any urgent non-executive decision.

The need has arisen for an urgent decision in respect of the following:

Subject: The grant of a dispensation in respect of disclosable pecuniary interests, in respect of any allowance or other remuneration received from the Council in respect of Council duties, to the extent that they may amount to a prejudicial or disclosable pecuniary interest.

The reasons for urgency are as follows:

Members of Council, who are directors of an ASDV, would have a Disclosable Pecuniary Interest (DPI) in relation to the MTFs, which is to be considered at the meeting of Council on 20th February: Ansa income generation and efficiencies (revenue savings)

The DPI would apply, to a lesser or greater extent, depending on proposals in the MTFs. Technically, they would be required to declare and leave the room, which is not desirable.

There is no dispensation currently in place which would allow such Members to take part in the debate.

The Council's Code of Conduct for Members refers to a list of 'suggested' dispensations (see below) in addition to those granted by Audit & Governance Committee. It would appear that they have not been formally adopted by the Council but may have been considered, at some stage, to be appropriate.

The list of 'suggested' dispensations includes item (i) re ASDVs (see below). This appears not to have been approved by the Audit and Governance Committee.

OFFICIAL

Urgency powers are being used to seek to apply this dispensation. The relevant grounds in the Localism Act to do this are:

- a. Without the dispensation, the number of persons who could not take part due to their DPI would be so great as to impede the transaction of the business;
- b. without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; and
- c. it is otherwise appropriate to grant a dispensation.

The Audit and Governance Committee is not scheduled to meet until March 2020. Urgency powers are therefore needed so that those Members subject to this DPI can participate in the Budget Council meeting on 20th February.

The Council's Committee Procedure Rules refer to Urgent Decisions (Non-Executive Matters) taken outside of meetings. An item of urgent business that has to be decided before the next relevant meeting can be determined in accordance with the procedure in Appendix 4 of the Constitution. This sets out the procedures for Urgent Decisions (Council) and (Regulatory/Non-Executive matters). The latter states:

“Urgent Decisions: Regulatory / Non-Executive matters (Paragraph 2.7)

The Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) 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 taken by electronic means”.*

Suggested dispensations currently referred to in the Member Code of Conduct

The following is the list of “suggested dispensations” referred-to in the Member Code of Conduct:

“List of suggested dispensations (Note: this differs from the current list granted by Council and differences have been highlighted.)

- (a) *housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;*

(b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(d) an allowance, payment or indemnity given to Members;

(e) any ceremonial honour given to Members;

(f) setting Council Tax or precept under the Local Government Finance Act 1992 (or any subsequent legislation);

(g) 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);

(h) an interest arising from your membership of another council; and

(i) 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”.

The following Member has been consulted:

Councillor Rod Fletcher (Chairman of the Audit and Governance Committee)

Any comments received have been taken into consideration.

Advice has been taken from the following Officers:

- (1) Section S151 Officer
- (2) Director of Legal Services

Their comments have been taken into consideration in producing this decision form and any attached information.

This decision is subject to the relevant provisions of the Council's Constitution.

DECISION

That the following dispensation be agreed in respect of Disclosable Pecuniary Interests, and included in the Constitution

"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"

Signatures of Decision Taker:

Signed:

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Acting Chief Executive

Signatures of Members consulted:

Signed:

.....
Chairman of the Audit and
Governance Committee

Date:

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23/1/20
.....

A copy of this decision form and any supporting documentation will be made available to all Members of the Council subject to the Access to Information Procedure Rules.

This decision will be reported at the next meeting of the Audit and Governance Committee.