

Audit and Governance Committee

Date of Meeting:	30 July 2020
Report of:	Director of Governance & Compliance and Monitoring Officer
Subject/Title:	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 on 29 September 2016.

2.0 Recommendations

- 2.1 That the Committee approve for the 4-year period to 28 September 2024 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 2016 in the interests 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 its Member Code of Conduct ('the Code of Conduct') in compliance with the Act in 2012. It was last reviewed in December 2017 and a revised Code was adopted from 1 January 2018. The Code of Conduct can be found on the Council's website at:

Members will be aware the LGA are currently consulting on a new draft model Code of Conduct for Members. If a new model Code is published, it will be open to Councils to choose to adopt this as a new Code of Conduct for Members in due course.

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 transacting any particular business would be so upset as to alter the outcome of any vote relating to the business;
- The dispensation is in the interests of persons living in the authority's 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 expire on 28 September 2020.

4.6 On 12 March 2020, the Committee noted an Urgent Decision in a report of the Director of Governance & Compliance and Monitoring Officer entitled 'Urgent Decision – General Dispensation.' The Decision granted an additional general 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.'

4.7 It is now recommended that the Committee renew all of the above general dispensations for a further period of four years, expiring on 28 September 2024.

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: Director of Governance & Compliance and Monitoring Officer
Tel No: 01270 685999

10. Version Control

<This table below must be completed to show the journey that the report has taken; and should include details on the officers consulted on each version of the report. It is expected that Finance, Legal, line manager and Executive Director are consulted on every version.

Each Directorate is to have a document library to store its reports and it is the responsibility of the author to ensure that all versions are retained and stored correctly. >

Draft versions are to be categorised by meeting type.

- Directorate management team; version to begin at 1.0
- CLT; version to begin at 2.0

This section must be deleted when the report is in its final state and is being submitted to Cabinet Briefing, Cabinet, Council, PH decision or Committee. Remember to also delete the version control box on the front sheet of the report on the top left hand corner.

The version number should also be referenced on the front cover of the report

Remember to delete the guidance wording when the report is complete.

Date	Version	Author	Meeting report presented	Consultees	Summary of amendments made
------	---------	--------	--------------------------	------------	----------------------------

			to	Name of officers consulted	Date consulted	