

POLICY & FINANCE COMMITTEE

26 SEPTEMBER 2019

GENERAL DISPENSATIONS

1.0 Purpose of Report

1.1 That a general dispensation with regard to council tax setting be given to all Members of Newark & Sherwood District Council for a period of 4 years from the date of this decision.

2.0 Background Information

2.1 The Localism Act 2011 together with the Relevant Authorities (Disclosable Pecuniary Interests (DPI)) Regulations 2012 defines what are Disclosable Pecuniary Interests for councillors.

2.2 It is a criminal offence for a Member to fail to appropriately register or disclose a DPI, or to speak and vote on any matter in which they have a DPI unless they have obtained a dispensation.

2.3 It is within this Committee's remit to consider and grant dispensations.

3.0 Proposals

3.1 One effect of the 2011 Act is that it includes strict definitions of what are Disclosable Pecuniary Interests and imposes a duty upon Members not to participate in any matter where they have a DPI. Included in this definition is any beneficial interest in land or property which is within the Council's area, including the Members' home address.

Therefore even where:

- the matter to be considered results in trivial or remote consequences that are the same for all residents in the Council's area; or
- where a member of the public knowing the relevant facts would not think that they would be influenced by it;

the councillor is not able to factor this into the consideration if the interest is defined as a DPI. The consequences are that if a member speaks and votes where they have DPI as defined by the Regulations and have not sought and been granted a dispensation they will potentially commit a criminal offence.

3.2 Of particular concern is council tax setting where a blanket dispensation will be required for all councillors with property interests in the district (including where they own or rent their home within the district). There is Government Guidance stating that, in these circumstances, a DPI will not arise. However, in order to provide an additional safeguard to councillors it is recommended that a blanket dispensation be given to all members to speak and vote where they would otherwise have a disclosable pecuniary interest where the interest is one, which a member of the public with knowledge of the relevant facts, would not reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest. The intention of the blanket dispensation would be to grant an automatic dispensation in all cases where the interest is technically caught by the Regulations but is sufficiently remote and/or trivial not to influence their judgement of the public interest. For the avoidance of doubt the blanket dispensation would include:-

- i Housing where the member is a tenant of the Council provided that the functions do not relate particularly to the member's tenancy or lease.
- ii Setting the Council Tax under the Local Government Finance Act 1992 where the member holds property interests within the district (including owning or renting a home within the district).

The above is not intended to be an exclusive list but to give examples of what matters will expressly be covered by the dispensation.

3.3 Where members are unsure whether the blanket dispensation would apply in their particular circumstances, they are advised to err on the side of caution and to apply to the Monitoring Officer in writing to request a specific dispensation.

4.0 Equalities Implications

4.1 There are no equalities implications arising from the contents of this report.

5.0 Financial Implications (FIN19-20/5601)

5.1 There are no financial implications arising from this report.

6.0 RECOMMENDATION

That a general dispensation be granted to all Members of Newark & Sherwood District Council on the grounds set out above for the remainder of the current administration of the Council.

Reason for Recommendation

To enable members to speak and vote on matters where they would otherwise have a DPI but that interest is remote, trivial or insignificant and would not influence their judgement of the public interest.

Background Papers

Nil.

For further information please contact Karen White on x5240.

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