

Recommendation to Council on 13 September 2012	From: General Purposes Committee on 2 August 2012	Item 9 (b) (i)
	Localism Act 2011 – Registration and Declaration of Interests Members’ Participation – Dispensations	
1.	Council is asked to approve the following recommendations:-	
	<ol style="list-style-type: none"> <li data-bbox="347 607 1359 1301"> 1 that a general dispensation be granted to all Members of the Council under section 33 of the Localism Act 2011 allowing them to participate and vote at meetings when the following items of business are under discussion: <ol style="list-style-type: none"> <li data-bbox="411 786 1327 824">(a) an allowance, payment or indemnity given to Members; <li data-bbox="411 860 983 898">(b) setting Council Tax or a precept; <li data-bbox="411 934 1246 1039">(c) housing, where they are a tenant of the Council, provided that the item of business does not relate particularly to their tenancy or lease; <li data-bbox="411 1075 1342 1294">(c) services provided by the Council to school pupils (such as school meals and transport) where the Member is a parent or guardian of a child in full-time education, or is a parent governor of a school, unless the item of business relates specifically to the school which the child attends; <li data-bbox="347 1337 1342 1630"> 2 that a dispensation be granted, where a Member has a disclosable pecuniary interest in an item of business, permitting the Member to make representations, answer questions or give evidence relating to the business and then to leave the meeting before any discussion of the matter takes place, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise; <li data-bbox="347 1666 1359 1850"> 3 that, subject to paragraph 4 below, the dispensations granted under paragraphs 1 and 2 above shall apply to that period between the date on which the dispensation is granted and the first ordinary meeting of the General Purposes Committee following the election of a new Council; <li data-bbox="347 1886 1353 1993"> 4 that the Committee review these general dispensations in the light of experience and having regard to the requirements set out in section 33 of the Act; 	

	5	that the Monitoring Officer be authorised to grant specific dispensations under section 33 of the Act in consultation with the Chairman of the Committee, as and when written requests are received.
	Background	
2.	At its meeting on 2 August 2012 the Committee considered a report by the Head of Legal and Democratic Services which referred to concerns expressed by Members regarding their right to participate and vote at meetings when certain items of business were under discussion and, in particular, when a Member had a disclosable pecuniary interest in an item.	
3.	In response to these concerns the Head of Legal and Democratic Services set out proposed dispensations relating to Members participation at meetings. He reminded the Committee that the Localism Act contained no general dispensations and so those before Members had been largely based on general dispensations contained in the Council's previous Code of Conduct.	
4	In connection with Members holding disclosable pecuniary interests the Head of Legal and Democratic Services reminded the Committee that the previous Code of Conduct had contained a specific provision allowing Members to attend meetings, even when they had a prejudicial interest, but only for the purpose of making representations, answering questions or giving evidence relating to an item of business, providing that members of the public were also allowed to attend the meeting for the same purpose. He explained that the Localism Act simply stated that Members with disclosable pecuniary interests in items could not participate in the discussion and voting on such items. The Head of Legal and Democratic Services stated, however, that if the representations, answering of questions or giving of evidence by Members took place prior to the discussion on those items, he was of the opinion that dispensations could be granted to Members to do so.	
5.	Members considered whether a Member with a disclosable pecuniary interest and holding a dispensation should be required to leave the meeting room as had been required for those with a prejudicial interest under the previous Code of Conduct. Following discussion the Committee felt that, in order that Members could be seen by the public to be acting with integrity and in an open and transparent way, they should do so.	
Appendices		None