

Committee: Standards Committee	Date: 5 October 2018
Subject: Policy and Guidance, etc on Dispensations under the Localism Act 2011	Public
Report of: Joint Report of Town Clerk and Comptroller & City Solicitor	For Decision
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Summary

In July 2018, the Town Clerk authorised the establishment of a Dispensations (Standards) Working Party under the urgency provisions of Standing Order No. 41(a). The Working Party has since met regularly to consider dispensation policy and associated issues, with a view to reporting its findings to the Standards Committee in October 2018.

This report sets out the details of the Working Party's draft future policy and guidance on dispensations, revisions to the dispensation request application form and proposed decision notices. Also set out in the report are proposals to amend the current terms of reference of the Dispensations Sub (Standards) Committee. The aim of the Working Party has been to provide members with an enhanced level of requisite information about disclosable pecuniary interests, and a better understanding of the regulations around such interests and dispensations, and thereby increased clarity in the matter and confidence both for members and the general public that the Corporation is taking decisions on them in a consistent way.

Your Committee is asked to consider and comment on the matters and documentation set out in this report and to approve the contents of the draft future policy and guidance on dispensations and revisions to the dispensation request application form, for further consideration at the informal Court of Common Council meeting in November, along with some alterations to the Sub Committee terms of reference.

Recommendation

Your Committee is recommended to:-

- (a) Comment on and approve the draft policy and guidance and the dispensation request application form, set out in appendices 2 and 3, for

further consideration by members at the informal Court of Common Council meeting in November and agree any further reporting;

- (b) Approve the revisions to the Dispensations Sub (Standards) Committee terms of reference set out in appendix 4 to come into effect from the final approval of the matters referred to in (a) above.

Main Report

Background

1. In July 2018, the Town Clerk authorised the establishment of a Dispensations (Standards) Working Party under the urgency provisions of Standing Order No. 41(a) and with the following membership:- Oliver Lodge (Chairman), Ann Holmes (Deputy Chairman), Deputy Jamie Ingham Clark, Deputy Edward Lord and Mark Greenburgh (Co-opted Member)
2. The authorised terms of reference of the Working Party are set out in **appendix 1.**
3. The Working Party has since met regularly to consider dispensation policy and associated issues, with a view to reporting with its findings to the Standards Committee in October 2018, and its proposals are set out in this report and appendices 2, 3 and 4.

Proposals

4. A proposed policy and guidance has been considered in detail and this is attached as **appendix 2.** In summary, this document explains the general policy on the granting of dispensations, including when it might be necessary to apply for one, the process for this, statutory grounds for granting a dispensation, agreed additional factors to be taken into account in deciding whether one or more of the statutory grounds are satisfied, and other related matters.
5. Significant revisions have been made to the current dispensation request form, cross referencing with the policy and guidance document, and this is attached as **appendix 3.** The revisions aim to provide appropriate advice on matters that should be taken account of by the applicant and capture the relevant and necessary information that is required for a decision on the request to be made.
6. The communication of request decisions has been considered and decision notices covering granting / partially granting / rejection would provide a

consistent basis for informing applicants of the decision taken and the high-level reasons for that decision.

Dispensation Sub (Standards) Committee

7. The Working Party has also discussed the current terms of reference of the Dispensations Sub (Standards) Committee. The view of the Working Party is that revisions should be made to provide for the Standards Committee to elect annually from its membership a Chairman and 2 Deputy Chairmen of the Sub Committee, with one of those persons to always chair the Sub Committee. It is proposed that the members of any Sub Committee meeting would not be members of the Committee / Sub Committee that the dispensation request(s) relates to. It is further proposed that dispensation requests should be considered by the Sub Committee only (and not the Standards Committee itself) subject to any requirements to deal with any requests under the urgency provisions of Standing Order No. 41(a). Proposed revisions to the Sub Committee terms of reference are set out in **appendix 4.**

Next steps

8. It is proposed that the Committee consider and comment on the draft documents in appendices 2 to 4, approve the further consideration of the policy and guidance and application form at the informal meeting of the Court in November, and agree any further reporting.

Future matters to be considered

9. During their deliberations, the Working Party considered that further appropriate training would be advisable for members arising from the policy and guidance and associated matters. Members also considered that, going forward, the Town Clerk at each committee meeting would read out a list of any dispensations granted for business to be considered. The Working Party was also of the opinion that the member granted the dispensation should also indicate, at the appropriate time at the meeting, both the nature of the dispensation granted and the disclosable pecuniary interest that it relates to in order that this can be recorded in the public record of the meeting. The Working Party further identified an additional matter to be considered relating to the possibility of amendments to the Corporation's Standing Orders to provide for substitution of members at meetings.

Conclusion

10. The proposed policy and guidance and associated documents seek to provide members with an enhanced level of requisite information about disclosable pecuniary interests, and a better understanding of the regulations around such interests and dispensations, and thereby increased

clarity and confidence both for members and the general public that the Corporation is taking decisions on them in a consistent way. Your Committee is asked to consider and comment on the draft documents set out in the report and to approve the further consideration of the policy and guidance and application form at the informal meeting of the Court in November.

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