

DISPENSATION APPLICATIONS

Report of the Head of Law and Governance

1. Purpose of the Report

The purpose of this report is to request the Committee to consider the granting of dispensations to the following Members of the Council:

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| Councillor D Allan | Councillor F Miller |
| Councillor E Ball | Councillor G Miller |
| Councillor R A Bell | Councillor M Mordey |
| Councillor J Blackburn | Councillor N J Padgett |
| Councillor S Bonallie | Councillor J S Porthouse |
| Councillor B Curran | Councillor D Richardson |
| Councillor A Emerson | Councillor K M Rolph |
| Councillor D Errington | Councillor B Scaplehorn |
| Councillor M P Essl | Councillor J Scott |
| Councillor J Fletcher | Councillor C Shattock |
| Councillor S Foster | Councillor P Smith |
| Councillor J Gallagher | Councillor M Speding |
| Councillor E Gibson | Councillor R D Tate |
| Councillor P Gibson | Councillor H Trueman |
| Councillor R Heron | Councillor P Walker |
| Councillor I W Kay | Councillor D Waller |
| Councillor J Kelly | Councillor P Watson |
| Councillor D MacKnight | Councillor S Watson |
| Councillor T Martin | Councillor N Wright |

2. Background

The Council agenda for the meeting on the 7th December includes a Notice of Motion which reads as follows:

This Council understands and recognises the valuable role played by Trades Unions in ensuring effective industrial relations and reaffirms the principle of providing reasonable support to Trades Unions including time off for stewards for this purpose.

However, this Council believes that given the current state of the public finances and the ability of Trades Unions to raise their own funds through membership fees, taxpayer subsidy of full-time Trade Union officials should now be brought to an end.

More than half of the Council Members have included on the register of interests, reference to their membership of a trade union and/or to a union having made a payment to them in respect of their election or any expenses incurred by them in carrying out their duties.

Such Members therefore have an interest to declare in respect of the Notice of Motion as it relates to a body on their register of interests.

Members must also consider whether a member of the public, with knowledge of the relevant facts, would reasonably regard their interest as being so significant that it is likely to prejudice their judgement of the public interest. If that is the case, and the matter relates to a regulatory matter (e.g. a licensing application) or affects the financial position of the Member or the body through whom they have the interest, it amounts to a prejudicial interest.

In this case, it is considered that a member of the public could reasonably consider the interest of such Members to be so significant as to amount to a prejudicial interest.

A Standards Committee can grant a dispensation to a Member:

- where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting OR
- where the number of members are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

The Members who are named in paragraph 1 above have requested a dispensation from the Standards Committee as, unless dispensations are granted, more than 50% of those otherwise entitled to vote would be prohibited from doing so and the business of the Council would be impeded.

The granting of dispensations would enable the motion to be more fully debated.

3. In considering whether to grant a dispensation, Standards for England advise that the committee will need to balance the prejudicial interest of the member seeking the dispensation to vote on an item of business against the potential effect on the outcome of the vote if the member is unable to do so. Ultimately it is for the Committee to decide what criteria it will apply when considering a request. However Standards for England does suggest that the considerations for dealing with dispensation requests include the following:

- (i) Is the nature of the Member's interest such that allowing them to participate would not damage public confidence in the conduct of the Authority's business?
- (ii) Is the interest common to the Member and a significant proportion of the general public?
- (iii) Is the participation of the Member in the business that the interest relates to justified by the Member's particular role or expertise?
- (iv) Is the business that the interest relates to about a voluntary organisation or a public body which is to be considered by an Overview and Scrutiny Committee? And is the Member's interest not a financial one?

4. Recommendation

The Committee is invited to consider granting a dispensation to each of the Members detailed in paragraph 1 above, to enable them to participate fully in the debate on the Notice of Motion before Council on 7th December and to vote thereon.

5. Background Papers

The Code of Conduct for Members and Co-opted Members.
The Standards Committee (Further Provisions) (England) Regulations 2009.