

MEMBER GENERAL DISPENSATION 2022-2026

Amanda Julian – Corporate Director (Law & Governance) and Monitoring Officer

Date: 21 February 2022

Responsible Director: Amanda Julian – Corporate Director (Law & Governance) and Monitoring Officer

Decision taken To grant a general dispensation for a four-year period ending in February 2026 to all Members who may have a disclosable pecuniary interest in any business of the authority where that business relates to the functions of the authority in respect of:

- i. Housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- ii. An allowance, payment or indemnity given to Members;
- iii. Any ceremonial honour given to Members; and
- iv. Setting council tax or a precept under the Local Government Finance Act 1992.

Authorisation

This decision has been taken under:
Localism Act 2011 section 33(1) the general authority.

The Monitoring Officer may issue dispensations to any member in respect of statutory and non-statutory disclosable interests.


Background Information

Blanket general dispensation

Members may have a disclosable pecuniary interest in any business of the authority where that business relates to the functions of the authority in respect of:

- i. Housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- ii. An allowance, payment or indemnity given to Members;
- iii. Any ceremonial honour given to Members; and
- iv. Setting council tax or a precept under the Local Government Finance Act 1992.

A general dispensation should be granted to allow all Members to speak and/or vote with regards to the above. A general dispensation regarding the above under s33 of the Localism Act 2011. Dispensations under this section may not exceed four years.

	<p>The Disclosable Pecuniary Interest Regulations issued by the Government in June 2012 do not contain an express exemption for setting Council Tax or parish precepts under the Local Government Finance Act 1992. Guidance issued by DCLG in September 2013 (Openness and Transparency on personal interests) states that the DCLG view is that Members do not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support because this is a decision affecting the generality of the public in the area rather than Members as individuals. Nonetheless the Monitoring Officer considers it prudent for the sake of completeness to include Council Tax in the General Dispensation.</p> <p>The dispensation for Council Tax relates to a Member's DPI and does not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote if they are 2 months or more in arrears with their Council Tax when voting on setting the Council's budget.</p> <p>This is consistent with the previous national statutory code of conduct in which these items were specifically excluded from the definition of a prejudicial interest, and is also consistent with the general approach being taken by the majority of other councils.</p>
Alternative	The alternative is not to adopt provide a general dispensation and then the Council would risk breaching its statutory duties if sufficient members were unable to take part in decision making.
Supporting documentation	The Localism Act 2011 and associated regulations.
Officer signature	
Date	21 02 2022
<i>Once signed please pass to Democratic Services for publication</i>	