

Standards Committee

15 February 2013



Granting of Dispensations in connection with approval of the Council's Budget and Council Tax

Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To inform the Committee of dispensations granted to members in connection with the forthcoming Council meeting which will approve a budget and set Council tax for 2013/14.

Background

2. The Members Code of Conduct which was replaced in July 2012 used to contain an express provision permitting all Councillors to participate in setting Council tax and precepts despite the fact that they might be regarded as having an interest as residents of County Durham. When Parliament passed the Localism Act 2011 it introduced new criminal offences for Councillors who participated in decision making on matters where they had a discloseable pecuniary interest. Parliament chose not to repeat the exceptions for participating in regular business such as Council tax setting where Councillors would be regarded as having no greater interest than any other resident who was liable to pay the tax.
3. The Association of County Secretaries and Solicitors advised its members that they should consider the need for the issue of dispensations to Councillors when setting the budget and council tax/precepts. Such decisions could be regarded as falling within the definition of a discloseable pecuniary interest because of the potential financial impact on the individual Councillor. It was therefore decided that Councillors should be alerted to this risk and they were advised to take the precaution of applying for a dispensation. At the time of dispatch of this report 110 requests for a dispensation had been received and granted under section 33 (2) (a) of the Localism Act 2011 on the grounds that without the dispensation the number of persons prohibited from participating in the business would be so great as to impede the transaction of the business.

Recommendations

4. The Standards Committee is requested to note the action taken by the Monitoring Officer under the delegated powers granted by Council.

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Appendix 1: Implications

Finance: N/A

Staffing: N/A

Risk: The invitation to apply for dispensations was issued as a precaution to avoid any risk of challenge to the decision making or any allegation of breach of code of conduct against individual Councillors.

Equality and Diversity/Public Sector Equality Duty: N/A

Accommodation: N/A

Crime and Disorder: N/A

Human Rights: N/A

Consultation: N/A

Procurement: N/A

Disability Discrimination Act: N/A

Legal Implications: All referred to within the report.