

Date of Meeting 9 January 2025

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Exemption applied: None

Review date for release N/A

Applications for Dispensations

Report summary:

To consider applications for dispensations from Members of this Council to enable them to take part in matters relating to devolution and/or local government reorganisation. The Committee considered these applications informally on 9th January 2024 and invited the Monitoring Officer to present them to the Committee's meeting on 16th January so that the decisions taken by the Monitoring Officer on 9th January, following consultation with the Committee, could be formally ratified.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Standards Committee:-

1. Approve the granting of dispensations to the dual-hatted County and District Council members, outlined in this report to enable them to discuss and vote on any matter relating to devolution or local government reorganisation in Devon. Such dispensations to take effect from 9th January 2025.
2. Approve the granting of dispensations to District Council members who are employed by or are a spouse/partner of an employee of another District or County Council in Devon to enable them to discuss and vote on any matter relating to devolution or local government re-organisation in Devon. Such dispensations to take effect from 9th January 2025.
3. That the dispensations are approved on the basis that granting the dispensations is in the interests of persons living in the authority's area.
4. That the dispensations are granted until the next District Council elections.
5. Following consultation with the Chair as required by the constitution, the Committee supports the Monitoring Officer having made the initial decision in accordance with the urgency powers set out in the officer Scheme of Delegation.

Reason for recommendation:

To enable members of Council who are dual hatted members and/or members employed by another Devon District or County Council (or their spouse/partner) to be involved in the very important debate regarding devolution and Local Government Re-organisation in Devon which will have significant impacts for the residents that those members serve.

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Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Communications and Democracy
- ☐ Economy
- ☐ Finance and Assets
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; Given that Members are elected to act in the public interest and the interests arise due to their connection with another public body rather than in relation to their own personal interests and in relation to employees, TUPE would apply in any event, the risk of granting the dispensation is considered to be low.

Links to background information None

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ A supported and engaged community
- ☐ Carbon neutrality and ecological recovery
- ☐ Resilient economy that supports local business
- ☒ Financially secure and improving quality of services

Report in full

1. In May 2022, the Council adopted a Member Code of Conduct based on the LGA Model Code of Conduct. The Code requires the registration of pecuniary interests and 'Other Registerable Interests' which are prescribed. In terms of declaring interests, a member has to declare and leave a meeting during the discussion and vote (unless there is a dispensation) where they have a disclosable pecuniary interest or where something directly relates to the finances or well-being of one of their Other Registerable Interests or where something affects the finances or well-being of one of their Other Registerable Interests and it is affected more than most and a reasonable person would think their judgment would be clouded.
2. The Government has recently issued a White paper that makes proposals in relation to devolution and local government reorganisation which impacts upon Devon. The Council has several members who are either dual-hatted members of Devon County Council or who are employed by another District in Devon or the County Council or a partner/spouse of someone so affected.
3. The following dual-hatted members have applied to the Monitoring Officer for dispensations to enable them to take part in the discussions and debate. They are seeking dispensations in relation any matter relating to devolution or local government reorganisation in Devon, for a period up until the next election, to enable them to represent the views of their residents:-

- a. Cllr Jess Bailey
 - b. Cllr Stuart Hughes
 - c. Cllr Marcus Hartnell
 - d. Cllr Iain Chubb
4. The following members who are either employees of another district or county council in Devon or a spouse/partner of such an employee have also applied to the Monitoring Officer for dispensations to enable them to take part in the discussions and debate. They are seeking dispensations in relation any matter relating to devolution or local government reorganisation in Devon, for a period up until the next election, to enable them to represent the views of their residents:-
 - a. Cllr Matt Hall
 - b. Cllr Anne Hall – no application yet received
 - c. Cllr Sarah Chamberlain – no application yet received
5. Both the dual-hatted members and the employees or their spouse/partner have been elected to this Council to represent the views of their constituents and as the biggest local government issue affecting Devon at the current time, if they are excluded from being involved in the discussion and vote, then they are being denied the opportunity to represent the views of those constituents.
6. On this basis, it is considered appropriate to grant dispensations to enable them to be involved in the discussion and vote in matters affecting another local authority in Devon.
7. There are five categories of dispensation, three of which can be granted by the Standards Committee and two by the Monitoring Officer (MO). These are detailed below;
 - (a) considers that without the dispensation the number of persons prohibited [...] from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (MO),
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business (MO),
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area (Standards),
 - (d) if it is an authority [...] operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited [...] from participating in any particular business to be transacted by the authority's executive (Standards), or
 - (e) considers that it is otherwise appropriate to grant a dispensation (Standards).
8. (a) and (b) are not relevant as the small number of members applying for dispensations will not lead to the Council becoming inquorate or the political balance being significantly affected. That leaves (c) and (e) and in light of the fact that this is likely to be the biggest local government issue affecting residents in Devon, it is considered justifiable to say that it is in the interests of persons living in the Council's area for those members to take part and therefore (c) is justified.
9. The dispensations must be for a specified term and the members have asked for them to be granted up until the next election.

10. Due to the need for the Members to have dispensations in place for the Council meeting on 9 January 2024, the Chair of the Standards Committee called an informal meeting of the Committee on the morning of the 9th January to indicate to the Monitoring Officer whether they were minded to grant dispensations. This was to enable the Monitoring Officer to proceed, in agreement with the Chair of the Committee, to use urgency powers in Paragraph 3.12 of the Officer Scheme of Delegation, to grant the dispensation applications applied for. The informal Standards Committee were unanimous in their wish to grant dispensations and requested that the Monitoring Officer bring a report to the Committee on 16th January so that the views of the Committee could be formally ratified.
11. Members are invited to consider the dispensation applications and decide whether or not to approve retrospectively the granting of dispensations to the members outlined in the report.

Financial implications:

There are no financial implications directly arising from this report.

Legal implications:

The legal implications are set out in the body of the report.