

Constitution Committee

Date: 10 June 2024

Agenda Item:

Title of Report	Arrangements for granting dispensations for a member to be able to participate in meetings where they have a disclosable pecuniary interest
Purpose of Report	To approve changes to the Scheme of Delegation to make provision for dispensations to be granted under delegated authority.
Recommendations	That the committee approves and recommends to Council the addition of the delegation set out in paragraph 6 of this report to the Council's Scheme of Delegation (Part 3, Section 5 of the Constitution).
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1. The legal requirements for Councillors to register Disclosable Pecuniary Interests are set out in the Localism Act 2011. These requirements are enshrined in the Gloucestershire Code of Members' Conduct, as adopted by the Council in November 2022, and supplemented with further requirements for the registration and declaration of Other Interests.
2. Under normal circumstances, a member is prohibited from participating in and voting on matters in which they have a Disclosable Pecuniary Interest or Other Interest. However, section 33 of the Localism Act empowers a local authority, on receipt of a written request, to grant dispensations for up to four years for a member to be able to participate in or vote at meetings where they have an interest. Dispensations can be granted when the authority:
 - Considers that without the dispensation, the number of persons prohibited from participating would be so great as to impede the transaction of that business;
 - Considers that without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to later the likely outcome of any vote relating to it;
 - Considers that granting the dispensation is in the interest of the persons living in the authority's area;
 - Considers that without the dispensation, each member of the executive would be prohibited from participating in the business to be transacted by that executive;
 - Considers that it is otherwise appropriate to grant a dispensation.
3. Under Gloucestershire County Council's Constitution, the power to grant such dispensations rests with Audit & Governance Committee. However, no such dispensation has been sought or granted since the legislation was enacted in 2012. While such provisions should only be used exceptionally, there have been occasions recently when it might have been appropriate, but when the timing of meetings would have made it impractical to seek a decision of the Audit and Governance Committee.
4. The Constitution Committee is therefore asked to consider whether provision should be made within the Council's Scheme of Delegation for the Monitoring Officer to grant such a dispensation. That would allow greater flexibility on those occasions when it would be impractical for the committee to meet to consider such a request. In order to maintain transparency and appropriate safeguards, it is proposed that such a decision must be taken in consultation with the chair and group leads of Audit and Governance Committee.
5. Audit & Governance Committee was consulted at its meeting on 25 April and, subject to the requirement to consult with group leads, supported the proposal.

6. Constitution Committee is asked to consider adding the following delegation to the Council's Scheme of Delegation (Part 3, Section 5 of the constitution).

Decision Category Number	Function, duty or power to be delegated	Appropriate Officer	Consultation under paragraph 5.4
MO4	To exercise the functions of the Audit & Governance Committee under section 7(ii) of its terms of reference	Monitoring Officer	Lead members of the Audit & Governance Committee

7. For reference, Section 7(ii) of Audit & Governance Committee's Terms of Reference is as follows:

To grant dispensations to County Councillors and co-opted Members related to interests specified in the Code of Conduct for Members following written requests to the proper officer (Chief Executive) by a Member or Co-opted Member under section 33 of the Localism Act 2011, when the Council:

- *Considers that without the dispensation, the number of persons prohibited by section 31(4) 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;*
- *Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be upset as to alter the likely outcome of any vote relating to the business;*
- *Considers that granting the dispensation is in the interests of persons living in the authority's area;*
- *Considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or*
- *Considers that it is otherwise appropriate to grant a dispensation.*

ENDS