

<b>MEETING</b>	<b>AUDIT AND GOVERNANCE COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2013</b>
<b>TITLE OF REPORT:</b>	<b>DISPENSATIONS</b>
<b>REPORT BY:</b>	<b>HEAD OF GOVERNANCE / MONITORING OFFICER</b>

## 1. Classification

Open.

## 2. Key Decision

This is not a key decision.

## 3. Wards Affected

County-wide.

## 4. Purpose

To approve a request, supported by the Monitoring Officer, to grant all members of the Council a dispensation to allow them to take part in meetings of the Council which will consider the budget for 2013/14 and set Council Tax for the same period.

## 5. Recommendation

**That a dispensation be granted to all Members of the Council to allow them to participate in the decision on the setting of the Budget and Council Tax at the Council Meetings to be held on 18 February and 8 March 2013.**

## 6. Key Points Summary

- The Council has by law to set a Council Tax level.
- The Committee is authorised to grant dispensations to Members who have a disclosable pecuniary interest.

## 7. Alternative Options

- 7.1 If the Committee refuses to grant a dispensation to all Members, Council would not be able to set the Council Tax or determine a budget for 2013/2014 and would therefore be in

breach of its statutory duty.

## **8. Reasons for Recommendations**

8.1 To allow the Council to set the Council Tax and determine a budget for 2013/2014.

## **9. Introduction and Background**

9.1 Section 33 of the Localism Act allows the Council to grant a dispensation to elected Members allowing them to participate and vote on a matter being considered at a meeting in which they have a disclosable interest.

9.2 Council agreed, at its meeting on 20 July 2012 to delegate the granting of dispensations to the Audit and Governance Committee.

9.3 The Monitoring Officer has advised that under the provisions of the Localism Act 2011 Members are required to disclose a pecuniary interest where it relates to a beneficial interest in land or a licence to occupy land. Since liability for Council Tax flows from such interest, members may find themselves unable to participate and vote. This would create a major impediment setting the Council Tax and budget because most elected members are affected in this way.

9.4 In these circumstances it is appropriate for the Committee to issue a block dispensation to all Members of the Council which would allow them to participate in the decision on the setting of the Budget and Council Tax at the Council meetings to be held on 18 February and 8 March 2013.

9.5 Without the dispensation, the number of persons prohibited by section 31(4) of the Localism Act from participating in the terms relating to the budget and Council Tax setting would be so great a proportion of the meeting transacting the business as to impede consideration of the business. Without the dispensation the representation of different political groups on the Council considering this matter would be so upset as to alter the likely outcome of any vote relating to the business.

## **10. Key Considerations**

10.1 As set out above.

## **11. Community Impact**

11.1 As set out above.

## **12. Equality and Human Rights**

12.1 N/A

## **13. Financial Implications**

13.1 If the dispensations are not granted the Council would not be able to approve a budget or set its Council Tax.

## **14. Legal Implications**

14.1 The proposals in the report comply with the requirements of the Localism Act 2011.

## **15. Risk Management**

15.1 If Council failed to be able to set a Council Tax level and agree a budget, it would be in breach of its legal duty.

## **16. Consultees**

16.1 Not appropriate.

## **17. Appendices**

17.1 None.

## **18. Background Papers**

18.1 None.