

STANDARDS COMMITTEE

Request for Dispensations under the Localism Act 2011 18 January 2018

Report of the Monitoring Officer

PURPOSE OF REPORT

This report requests a decision on granting a general dispensation to all members of Council, with disclosable pecuniary interests, to allow them to fully participate and vote in any decisions about Council Tax discounts on empty properties

This report is public

RECOMMENDATIONS

- (1) That the committee grants dispensations to all councillors under section 33 of the Localism Act.**
- (2) That the dispensations under recommendation 1 continue for a maximum of four years, or until the Constitution is amended to include the dispensation.**

1.0 Introduction

- 1.1 The Chief Officer (Resources) presented a report to the Council meeting on 20 December 2017 entitled "Review of Council Tax Charging Policy for Empty Homes". The recommendations in the report potentially affected the financial interests on those councillors who are landlords of privately rented properties. The report's recommendations concerned council tax discounts for empty properties. Prior to the meeting, the Monitoring Officer had written to all councillors advising that those who were landlords would potentially have a disclosable pecuniary interest under section 31 of the Localism Act 2011 and the Council's Code of Conduct. She advised that those councillors affected should declare the interest at the start of the meeting and not participate or vote on the item. A number of councillors individually declared an interest. In addition, the whole Labour Group declared an "Other Interest" under section 8(1) of the Code of Conduct, as members of the Labour Party. The Labour Party owns and rents out a residential property above the Constituency office. As a result, the meeting was not quorate for the item on the agenda and therefore the item was adjourned to the Council meeting on 31 January 2018.
- 1.2 Section 33 of the Localism Act allows the Council to grant dispensations to people with interests in order to allow them to fully participate. The grounds for such dispensations are limited, but s33 states the following grounds, which

are appropriate:

(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

(a) 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

(c) considers that granting the dispensation is in the interests of persons living in the authority's area, and

(e) considers that it is otherwise appropriate to grant a dispensation.

1.3 Dispensations can only continue for a maximum of four years.

2.0 Proposal Details

2.1 That the Committee grants the dispensations to all councillors to enable them to fully participate in the next Council meeting – and any other meetings – where the report will be discussed, as set out in recommendations 1 and 2 above.

3.0 Details of Consultation

3.1 The proposal to seek this dispensation was explained at the Council meeting on 20 December.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Grant the dispensations	Option 2: Do not grant the dispensations
Advantages	Allows all councillors to fully participate in the Council meeting and any other meetings when the issue is discussed.	None
Disadvantages	None	Impedes the Council's ability to deal with the issue and is therefore not in the best interests of people living in the area.
Risks	There may be some slight risk of perceptions of conflict of interest because some Councillors are landlords. However, this risk is minimised by the fact that the councillors must still declare and be open about their interests at the beginning of any meetings where	Members of Council cannot take a decision on this important issue, which affects people living in the area.

	the matter is discussed.	
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5.0 Conclusion

5.1 It is recommended that the Committee agrees to grant the dispensations.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):</p> <p>No implications</p>	
<p>LEGAL IMPLICATIONS</p> <p>The legal implications are set out in the body of the report</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>No implications.</p>	
<p>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:</p> <p>No implications.</p>	
<p>SECTION 151 OFFICER'S COMMENT</p> <p>The s151 Officer has been consulted and has no further comments.</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>The Monitoring Officer is the author of this report</p>	
<p>BACKGROUND PAPERS</p> <p>None</p>	<p>Contact Officer: Estelle Culligan, Chief Officer Legal and Governance Telephone: 01524 582918 E-mail: eculligan@lancaster.gov.uk</p>