

North Tyneside Council Report to Standards Sub-Committee Date: 19 December 2018

ITEM 3

Title: Dispensations –
Appointments to
Outside Bodies

Report Author: Stephen Ballantyne, Lawyer Specialist – (Tel: 643 5329)
Governance and Employment

Wards affected: All

1.1 Purpose:

To determine requests for dispensations from Members received in relation to their appointment to outside bodies by the Authority.

1.2 Recommendation(s):

The Sub-Committee is recommended to determine the requests for dispensation.

1.3 Information

- 1.3.1 At the beginning of each Municipal Year Members of the Council are appointed to various outside bodies by the Authority. These appointments are Registerable Personal Interests under the Authority's Code of Conduct for Members.
- 1.3.2 Those interests may be in relation to any item of business considered at an Authority meeting (including specifically in connection with an Authority budget setting meeting) mean that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied requiring the Member to leave the meeting.
- 1.3.3 The Localism Act 2011 introduced a more generous regime of dispensations, to that which existed under the previous arrangements, for Members to speak and vote where they have an interest that is such that it prevents them from participating in an item of business.
- 1.3.4 Members may be given a dispensation either to speak but not vote, or to speak and vote, on several grounds, including that it would be in the interests of local people to allow a dispensation, or even that it is simply "appropriate to grant a dispensation".
- 1.3.5 Dispensations last for either 4 years or the date when the Member ceases to be the Authority's representative on the outside body, whichever is earlier.
- 1.3.6 Members have applied to seek dispensation from the requirements of the Code of Conduct, under Section 33(2)(e) of the Localism Act 2011 to enable them to speak and vote on any item of business to be considered at any Authority meeting in relation to the outside body to which they have been appointed. The letters from the Members seeking dispensation are attached at Appendix 1.

1.3.7 Officers in Law and Governance have reviewed the dispensation applications received as compared to dispensations previously granted by the Sub-Committee. A number of Members' appointments to outside bodies have remained the same as the previous year(s). Where there have been no changes to the appointments to outside bodies and a dispensation has been previously granted (and remains in existence for the rest of this municipal year), there is no need for the dispensation to be renewed. In these circumstances Members will be advised by the Head of Law and Governance that their existing dispensation remains in operation and does not require renewal.

1.3.8 A dispensation can be granted in the following circumstances –

- (1) So many Members of the decision-making body have interests that require them not to take part in a matter that it would “impede the transaction of the business”. Effectively this means the decision-making body would be inquorate as a result;
- (2) Without a dispensation, no member of the Cabinet would be able to participate on the matter;
- (3) Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (4) the Council considers that a dispensation is in the interests of persons living in its area; and
- (5) the Council considers that it is otherwise appropriate to grant a dispensation.

1.3.9 The Sub-Committee should note that the Code of Conduct for Members includes pre-existing dispensations in relation to the matters listed below.

1.3.10 The pre-existing dispensations contained in the Code of Conduct for Members are:

- Housing
- School meals or transport
- Statutory sick pay
- An allowance, payment or indemnity given to Members
- Any ceremonial honour given to Members and
- Setting the Council Tax or precept.

1.3.11 An on-line training package in relation to the requirements of the Code of Conduct and dispensations, accessed by the Learning Pool, has been developed and has been available to all Members since early January 2013.

1.3.12 As detailed above, the application for dispensation relates to the appointment by the Authority of the Member to an outside body. The Standards Sub-Committee has previously granted dispensations in these circumstances using grounds (4) and (5) detailed above in paragraph 1.3.8.

1.3.13 In these circumstances it would therefore be appropriate to grant the dispensations requested.

1.4 Appendices:

Appendix 1– Applications for dispensation.

1.5 Contact officers:

Stephen Ballantyne, Lawyer Specialist: Governance
and Employment

(0191) 643 5329

1.6 Background information:

None.