

STANDARDS COMMITTEE

10 February 2014

DISPENSATION REQUEST – COUNCILLOR J BERRY

REPORT OF CHIEF OPERATING OFFICER

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RECENT REFERENCES:

ST92 – Dispensations - 28 January 2013

EXECUTIVE SUMMARY:

Cllr Janet Berry requested the Monitoring Officer to grant her a dispensation to speak and vote in the Council meeting held on 8 January 2014 regarding the Community Strategy item, because she is employed part time by the Winnall Community Association as its Community Officer (such employment would be a Disclosable Pecuniary Interest under the Code of Conduct and require her to leave the meeting).

Following consultation with the Chairman of this Committee, the Monitoring Officer granted a temporary dispensation for that meeting only, on the grounds that the political balance of the Council could be affected.

The Winnall Community Association receives both annual and ad hoc grants from the City Council, plus there is also the more general involvement arising from consideration of the Winnall area eg as part of the deliberations on the Council's Community Strategy. As such, issues are likely to arise again during the forthcoming budget discussions and in the future.

Therefore, Cllr Berry has requested that the Standards Committee grant her a permanent dispensation in respect of discussions about community issues in Winnall, including making any representations which include views from the Association.

Cllr Berry understands that when any grant to the Association arises as a specific item of business (whether at Council, Winchester Town Forum or any other meeting), any dispensation will not cover that situation and she must declare a Disclosable Pecuniary Interest and leave the room immediately for the duration of the item.

RECOMMENDATION:

That the Committee determines the request from Councillor J Berry for a dispensation for the remainder of her current term of office, in respect of discussions about community issues in Winnall, including making any representations which include views from the Winnall Community Association.

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DETAIL:

1 Introduction

- 1.1 The details of Cllr Berry's request are set out in the Executive Summary.
- 1.2 Dispensations can be granted to allow a Member to participate and vote on a decision when:
 - (a) in the case of a disclosable pecuniary interest, it would otherwise be a criminal offence or
 - (b) in respect of a personal and prejudicial interest, it would otherwise be a breach of the Code of Conduct.
- 1.3 The categories for seeking a dispensation in relation to disclosable pecuniary interests are as follows:-
 - 1) the number of Councillors affected is so great a proportion of the Council that it would impede business.
 - 2) it would upset the political balance of the Council to such an extent as to alter the likely outcome of the meeting.
 - 3) the dispensation would be in the interests of persons living in the area.
 - 4) each Member of the Council's Cabinet would be prevented from participating in any particular business before Cabinet,
 - 5) it is otherwise appropriate to grant a dispensation.

The Act does not specifically provide the mechanism for the consideration of personal and prejudicial interests under local codes – but using the same criteria would be a reasonable approach.

2 Comment

- 2.1 The reason for which the temporary dispensation above was granted (upset political balance at a meeting) cannot be used to grant a permanent dispensation in all cases. It could be relevant for meetings of Council and the Winchester Town Forum, as Cllr Berry is a member of both bodies.
- 2.2 Therefore, the Committee will also need to consider whether the circumstances of the case satisfy either categories 3) or 5) in para 1.3 above, particularly in relation to her attending Cabinet or other bodies where she is not a member, but where she may wish to attend and make representations.
- 2.3 If minded to grant the dispensation, the proposed wording could be:-

‘Councillor Janet Berry is granted a permanent dispensation, for the remainder of her term office as a City Councillor, to allow her to speak and vote on all matters which arise at meetings of the Council related to the Winnall Community Association (where she is employed as a part time Community Officer). However, when any possible grant to the Association or a related body arises as a specific item of business at any meeting of the Council, the dispensation will not cover that situation and she must declare a Disclosable Pecuniary Interest and leave the room immediately for the duration of the item.’

OTHER CONSIDERATIONS:

3 COMMUNITY STRATEGY AND PORTFOLIO PLAN (RELEVANCE TO):

An Efficient and Effective Council.

4 RESOURCE IMPLICATIONS:

None directly.

5 RISK MANAGEMENT ISSUES

None provided the Committee is satisfied that the request for a permanent dispensation is justified under the regulations.

6 BACKGROUND DOCUMENTS:

None

7 APPENDICES:

None