



Report of:	Meeting	Date
The Monitoring Officer, Mary Grimshaw	Standards Committee	16 March 2023

Review of Councillors' Code of Conduct and Complaints Process

1. Purpose of report

- 1.1** To agree a dispensation under section 33 of the Localism Act 2011, for all councillors to participate and vote on matters relating to the council's Localised Council Tax Support Scheme (LCTS).

2. Outcomes

- 2.1** All councillors will be able to participate and vote on matters relating to the council's LCTS.

3. Recommendations

- 3.1** That a dispensation is granted to all councillors to participate and vote on the setting of the council's LCTS for the purposes of the Local Government Finance Act 2012, on the grounds that it is in the interests of persons living in the Borough for as many members as possible to be able to debate and decide on this issue.
- 3.2** That the Monitoring Officer in consultation with the Chair of the Standards Committee have delegated power to grant dispensations, when it is not expedient to wait until the next scheduled Standards Committee meeting.

4. Background

- 4.1** The council's Code of Conduct states that where a matter arises at a meeting which directly relates to a member's financial interest or well-being or a financial interest or well-being of a relative or close associate, a member must disclose the interest and must not take part in any discussion or vote on the matter and must not remain in the room unless a dispensation has been granted.
- 4.2** A question was raised before the Council considered the council's LCTS on 26 January 2023, whether a councillor in receipt of council tax support

would be required to declare an interest. Legal advice confirmed that it would be reasonable to say, that it related directly to their finances more than to the generality of the population and therefore a councillor should not take part without a dispensation. However there was insufficient time to schedule a Standards meeting to grant a dispensation.

4.2 The Localism Act 2011 makes provision for councils to grant dispensations to councillors if it is considered that:

- a) Without the dispensation the numbers of persons prohibited 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.
- b) Without the dispensation the representation of different political groups on the body transacting any particular business would so upset as to alter the likely outcome of any vote relating to the business.
- c) Granting the dispensation is in the interests of persons living in the authority's area.
- d) Without the dispensation each member of the Cabinet would be prohibited from participating in any particular business to be transacted by the authority's Cabinet.
- e) Or it is otherwise appropriate to grant a dispensation.

4.3 Any grant of dispensation must specify how long it lasts for, up to a maximum of four years.

5. Key issues and proposals

5.1 The Council's Constitution requires that any dispensations have to be agreed by the Standards Committee on the grounds that they meet one or more of the criteria set out above. Given that the failure to disclose this interest at a relevant meeting, could result in a breach of the Council's Code of Conduct, the Monitoring Officer considers it is appropriate for the Committee to grant a dispensation to enable all members to participate in the decision to approve the Council's LCTS until 15 March 2027. A number of other councils have granted similar dispensations.

5.2 The restrictions on councillors taking part in decisions where they are in arrears on Council Tax (Local Government Finance Act 1992 s106) cannot be dispensed with under the legislation and remain in force.

Financial and legal implications	
Finance	None.
Legal	The Localism Act enables the council to consider granting dispensations if they meet one or more of the criteria set out above.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection
None	-	-

List of appendices

None.