

Report for:	Standards Committee
Date of Meeting:	3 February 2025
Subject:	Applications for Dispensations
Cabinet Member:	Cllr L Taylor - Leader
Responsible Officer:	Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)
Exempt:	There are no exemptions within the documents
Wards Affected:	All
Enclosures:	None

Section 1 – Summary and Recommendation(s)

To consider applications for dispensations from Members of this Council to enable them to take part in matters relating to devolution and/or local government reorganisation.

Recommendation(s):

- 1 Approve the granting of dispensations to the dual-hatted County and District Council members, outlined in this report to enable them to discuss and vote on any matter relating to devolution or local government reorganisation in Devon. Such dispensations to take effect immediately.
- 2 Approve the granting of dispensations to District Council members who are employed by or are a spouse/partner of an employee of another District or County Council in Devon to enable them to discuss and vote on any matter relating to devolution or local government re-organisation in Devon. Such dispensations to take effect immediately.
- 3 That the dispensations are approved on the basis that granting the dispensations is in the interests of persons living in the authority's area.
- 4 That the dispensations are granted until the next District Council elections, or until such time as the District Council ceases to exist, whichever event comes first.

Section 2 – Report

1.0 Introduction

- 1.1 MDDCs Code of Conduct came into effect on February 2016 and was reviewed in October 2021. It applies to you only when acting in your capacity either as a Councillor or Co-opted (voting) Member of the Council or its Committees and Sub-committees.

In the case of interests other than DPIs (which include but are not limited to Other Registrable Interests (ORIs)), if you are present at any meeting and you are aware that you have a Personal Interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered disclose the nature of the interest to the meeting (or, if it is a Sensitive Interest as described in paragraph 9 of the Code, disclose merely the fact that it is a personal interest).

In deciding whether it is appropriate for you to still participate in the discussion or voting on the matter, you should note that in accordance with paragraph 2.5(a) of this Code, you “must not use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.”

- 1.2 The Government has recently issued a White paper that makes proposals in relation to devolution and local government reorganisation which impacts upon Devon. The Council has members who are either dual-hatted members of Devon County Council or who are employed by another District in Devon or the County Council or a partner/spouse of someone so affected.
- 1.3 Such dual-hatted members would have to apply to the Monitoring Officer for dispensations ahead of each and every meeting over the coming years to enable them to take part in the discussions and debate. They have therefore sought dispensation in relation to any matter relating to devolution or local government reorganisation in Devon, for a period up until the next election, to enable them to represent the views of their residents.
- 1.4 In addition, members who are either employees of another District or County Council in Devon or a spouse/partner of such an employee may also need to apply to the Monitoring Officer for dispensations to enable them to take part in the discussions and debate. In this instance, they too would be seeking dispensations in relation any matter relating to devolution or local government reorganisation in Devon, for a period up until the next election, to enable them to represent the views of their residents.
- 1.5 On the basis of the above, it is considered appropriate to grant dispensations to enable them to be involved in the discussion and vote in matters that may

potentially affect another local authority in Devon alongside those being considered as impacting on Mid Devon and its residents.

- 1.6 There are five categories of dispensation, three of which can be granted by the Standards Committee and two by the Monitoring Officer (MO). These are detailed below:

Monitoring Officers delegation:

To grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where without the dispensation:

(a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or

(b) considers that without the dispensation each Member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.

The Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, the Committee considers that:

(a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or

(b) granting the dispensation is in the interests of persons living in the District, or

(c) it is otherwise appropriate to grant the dispensation

Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

Members are invited to consider the dispensation applications and decide whether or not to approve the granting of dispensations to those members outlined in the report.

Financial Implications None

Legal Implications None

Risk Assessment No risks have been identified

Impact on Climate Change None

Equalities Impact Assessment None directly arising from this report

Relationship to Corporate Plan

Our values and priorities – equally important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leburne

Agreed by the Monitoring Officer

Date: 27 January 2025

Chief Officer: Stephen Walford

Agreed by or on behalf of Chief Executive

Date: 28 January 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)

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Background Information: