

DISPENSATIONS

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1. Purpose

1.1 To place before the Standards Committee a further report with respect to the granting of dispensations by the Monitoring Officer

2. Recommendations

2.1 That the Standards Committee delegate the function of granting dispensations to the Monitoring Officer on the basis that;

- a) The Monitoring Officer has regard to all relevant circumstances
- b) The matter to be considered is, in the opinion of the Monitoring Officer, urgent
- c) The dispensation will only be granted for one meeting (on a specified date)
- d) The dispensation is granted on the grounds that the Monitoring Officer considers that;
 - a. 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 (ground 'a' below)
 - b. Without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive (ground 'd' below)
- e) That where the Monitoring Officer has used his delegated powers to grant a dispensation a report on the use of the power be prepared and submitted to the next meeting of the Standards Committee.

3. Issues and Choices

- 3.1 S33 of the Localism Act 2011 gives Milton Keynes Council the power to grant dispensations for up to four years and on specified grounds, these being where the authority, after having regard to all relevant circumstances considers;
- a. 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
 - b. That without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business
 - c. That granting the dispensation is in the interest of persons living in the authority's area
 - d. that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive
 - e. That it is otherwise appropriate to grant the dispensation
- 3.2 The Council has delegated the function of granting dispensations in respect section 31(4) of the Localism Act 2011 to the Standards Committee.
- 3.3 The effect of a dispensation is to allow a Member who would otherwise have a Disclosable Pecuniary Interest to take part in the discussion and the vote on the matter.
- 3.4 As the current law gives no general dispensations (as were provided for in the 2007 statutory Code of Conduct) the last meeting of the Standards Committee received a report setting out the recommended general dispensations to be granted to all Members of the Council.
- 3.5 The report further suggested that the Monitoring Officer be given powers to grant dispensations not covered by the general dispensations in situations where the matter to be considered was urgent and no application for a dispensation had been made prior to the meeting.
- 3.6 The Standards Committee suggested that this decision be deferred to the next meeting of the Standards Committee, on the basis that there were concerns about how wide the powers delegated to the Monitoring Officer were.
- 3.7 This report suggests limitations on the delegated powers given to the Monitoring Officer in that;
- i. The period that a dispensation can be granted for be limited to one meeting (on a specified date)

- ii. That the grounds on which the Monitoring Officer is able to grant a dispensation are limited to instances where the prohibition under s31 (4) would mean that the business to be transacted would be impeded (grounds a and d above).

3.8 As before it is recommended that the dispensations are then only granted where the Monitoring Officer considers that the matter to be considered is urgent and that the Monitoring Officer report back to the Standards Committee on the use of the power.