

**DISPENSATIONS UPDATE**

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**1. Purpose**

1.1 To place before the Standards Committee a further report with respect to dispensations.

**2. Recommendations**

2.1 That the Standards Committee note the report and the attached letter.

**3. Issues**

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 At the Standards Committee meeting on 30 August 2012 the Standards Committee, on legal advice, granted a number of dispensations for all members and for four years, including a dispensation with regard to setting the Council Tax. These dispensations mirrored the statutory exemptions under the 2007 Statutory Code.
- 3.4 A letter sent by Brandon Lewis MP is attached, and states the government's view on this matter, which appears to suggest that those matters that apply to the generality of the population, and under which Councillors have no unique position, are not subject to the law on disclosable pecuniary interests.
- 3.5 The legal officers welcome this view as helpful, however we would remind members that there is no statement which suggests this within the legislation and as yet there is no case law in respect of this. It is advised that the dispensation remains in place until the law is tested on this matter.