

DISPENSATIONS FOR MEMBERS – COUNCIL TAX

EXECUTIVE MEMBER: Councillor Elaine Woodburn
LEAD OFFICER & REPORT AUTHOR Tim Capper, Democratic Services Manager and Monitoring Officer

Why has this report come to the Audit and Governance Committee?

To ask Audit and Governance Committee to agree dispensations for all Councillors who have a Disclosable Pecuniary Interest arising from beneficial interests in land or property in the Borough to enable those Members to take part in discussions and voting on setting the Council Tax.

Recommendations:

The Audit and Governance Committee are recommended to grant dispensations under Section 33 of the Localism Act 2011 to all Members of the Council who have a Disclosable Pecuniary Interest in land or property in the Borough, to enable those Members to participate in discussions and voting on setting the Council Tax in meetings of the Council, Executive and Committees until 7 May 2015.

1 Introduction

1.1 The Localism Act 2011 requires members of local authorities with Disclosable Pecuniary Interests (DPI's) in seven prescribed categories to record those interests in a register kept by the Monitoring Officer.

1.2 Section 31 of the Act requires that members with DPI's cannot participate in discussions or voting in a meeting when a matter in which the member has a DPI is being considered. Under a local convention in Cumbria, Monitoring Officers have advised Members that, in the interests of transparency and clarity, they should also leave the room whilst matters in which they have DPI's are being considered in meetings.

2 Council Tax

2.1 Since almost all members of the Council have registered DPI's arising from beneficial interests in land or property in the Borough, those Members would be potentially affected by discussions and voting in Council meetings on setting the Council Tax, as all those Members will be directly affected, personally and financially, by Council decisions on Council Tax. Without some remedial measures being taken, all those Members would be required to refrain from participating in those discussions and voting, and would be advised in addition to leave the room.

2.2 Unlike the preceding regime for registration and declaration of Members' interests under the Local Government Act 2000, the Localism Act 2011 does not provide for any general exemptions from the requirements for non-participation in meetings for matters likely to affect large numbers of Members across most local authorities, for example setting of Council Tax and discussions on members' allowances. This means that the only mechanism for enabling Members affected by such interests to take part is to grant them a dispensation under Section 33 of the Act to participate in the discussions and/or voting. A scenario whereby such a large number of Members are affected by a disability to participate that the effective transaction of the Business of the Council is impeded, is one of the grounds for granting a dispensation under Section 33.

3 Proposals

3.1 It is therefore recommended that all Members who have a Disclosable Pecuniary Interest in land or property in the Borough, are granted a dispensation to enable those Members to participate in discussions and voting on setting the Council Tax in meetings of the Council, Executive and Committees until 7 May 2015.

4 Conclusion

4.1 The proposals set out in this report address an issue potentially affecting large numbers of Members who would otherwise be unable to participate in meetings discussing and voting on setting of Council Tax.

Consultees: Chief Executive; Section 151 Officer

Monitoring Officer comments: Included in report

S151 Officer comments: No further comment

EIA comments: No groups are advantageously or disadvantageously affected by the proposals in the report.

Appendices – None