



AUDIT & GOVERNANCE COMMITTEE
12 February 2013

REPORT OF THE MONITORING OFFICER

DISPENSATION FOR MEMBERS TO ENABLE THEM TO PARTICIPATE IN THE COUNCIL BUDGET MEETING

SUMMARY:

The Committee is being asked to grant dispensations to all members to enable them to fully participate in the Council's budget meeting.

RECOMMENDATION:

That all County Councilors' are granted a dispensation to enable them to participate in and vote at the Council budget meeting on 12 February 2013

BACKGROUND:

1. In accordance with the Localism Act 2011 and the Council's Constitution, Council members are not permitted to speak or vote on any matter being dealt with at a meeting when they have a disclosable pecuniary interest, and are required to leave the room when the matter is being discussed. Members, their spouses or partners owning or renting a property in Surrey and paying Council tax may have a disclosable pecuniary interest in any decision to agree the budget including the Council tax precept. Under the previous statutory code of conduct, decisions regarding setting the Council tax precept were excluded from the scope of the regime, but no similar provisions were made under the Localism Act 2011
2. Given the importance of all members being able to fully participate in the meeting dealing with the Council budget, the Committee is asked to grant dispensations to members who would otherwise not be able to take part as a result of these particular disclosable pecuniary interests. There are a number of statutory and locally agreed criteria that can be applied when granting a dispensation. The monitoring officer considers that one of the statutory criteria is particularly pertinent here, namely that the granting of the dispensation to all members is in the interests of people living in the Council's area. Alternatively the Committee can in any event exercise its own discretion to consider that it would be otherwise appropriate to grant a dispensation
3. Ordinarily an application for a dispensation is made individually by a member on written request to the monitoring officer, and the matter is then put to the Committee to determine. However, given that this potentially affects significant numbers of members, the monitoring officer has written to all members indicating that she has taken the liberty of making this application for general dispensation on their behalf unless they advise her otherwise. The Committee will be advised of

any members who have specifically requested that they do not wish a dispensation to be made for them.

4. It is fair to say that there have been different interpretations of these provisions in different authorities, but given that a breach of these requirements would potentially be a criminal offence and as there is a process available to avoid any doubt, the monitoring officer has preferred to advise that the issue is managed in this way
5. Dispensations can be made for one meeting or on an ongoing basis for up to four years. It is recommended that this dispensation applies to the Council budget meeting for 2013 and given that elections are taking place this year the matter can be addressed again next year if necessary to do so

CONCLUSION:

It is in the public interest for all members of the Council to be able to participate in the discussions and decision relating to the Council's budget. As a result of any property interest they or their spouse or partner hold in Surrey and the fact that they are Council tax payers as a result, some members may have a disclosable pecuniary interest which would preclude them from dealing with this matter. The law enables dispensations to be made for members on the basis that it is in the interests of people living in the authority's area. To ensure that all the residents of Surrey can be properly represented in this debate and decision, it is recommended that the dispensations are made as requested.

WHAT HAPPENS NEXT:

If the dispensation is granted, all County Councillors will be able to fully participate in the Council budget meeting.

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Sources/background papers: N/A
