

North Tyneside Council

Report to Standards Sub-Committee

Date: 17 February 2022

**Title: Dispensations –
Appointments to
Outside Bodies**

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Wards affected: All

1.1 Purpose:

To determine requests for dispensations received from Members in relation to their appointment by the Authority to outside bodies.

1.2 Recommendation(s):

The Sub-Committee is recommended to:

- i. determine the requests for dispensation set out in Appendix 1 to the report.
- ii. grant authority to the Director of Law and Governance to agree any further written requests from Members for a dispensation that relates to a registerable interest by virtue of their appointment by the Authority to an outside body during the Municipal Year for 2021-22.

1.3 Information

- 1.3.1 At the beginning of each Municipal Year Members of the Council are appointed to various outside bodies by the Authority. These appointments are Registerable Personal Interests under the Authority's Code of Conduct for Members.
- 1.3.2 Those interests may be in relation to any item of business considered at an Authority meeting (including specifically in connection with an Authority budget setting meeting) and may mean that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied requiring the Member to leave the meeting.
- 1.3.3 The Localism Act 2011 introduced a more generous regime of dispensations to that which existed under the previous arrangements for Members to speak and vote where Members have an interest that is such that it prevents them from participating in an item of business.
- 1.3.4 Members may be given a dispensation either to speak but not vote, or to speak and vote, on several grounds, including that it would be in the interests of local people to allow a dispensation, or even that it is simply "appropriate to grant a dispensation".
- 1.3.5 Dispensations last for either 4 years or the date when the Member ceases to be the Authority's representative on the outside body, whichever is earlier.

- 1.3.6 Members have applied to seek dispensation from the requirements of the Code of Conduct, under Section 33(2)(e) of the Localism Act 2011 to enable them to speak and vote on any item of business to be considered at any Authority meeting in relation to the outside body to which they have been appointed. The letters from Members seeking dispensation are attached at Appendix 1.
- 1.3.7 A dispensation can be granted in the following circumstances –
- (1) So many Members of the decision-making body have interests that require them not to take part in a matter that it would “impede the transaction of the business”. Effectively this means the decision-making body would be inquorate as a result;
 - (2) Without a dispensation, no member of the Cabinet would be able to participate on the matter;
 - (3) Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - (4) the Authority considers that a dispensation is in the interests of persons living in its area; and
 - (5) the Authority considers that it is otherwise appropriate to grant a dispensation.
- 1.3.8 The Sub-Committee should note that the Code of Conduct for Members includes pre-existing dispensations in relation to the matters listed below.
- 1.3.9 The pre-existing dispensations contained in the Code of Conduct for Members are:
- Housing
 - School meals or transport
 - Statutory sick pay
 - An allowance, payment or indemnity given to Members
 - Any ceremonial honour given to Members and
 - Setting the Council Tax or precept.
- 1.3.10 An on-line training package in relation to the requirements of the Code of Conduct and dispensations, accessed by the Learning Pool, has been developed and has been available to all Members since early January 2013.
- 1.3.11 As detailed above, the application for dispensation relates to the appointment by the Authority of the Member to an outside body. The Standards Sub-Committee has previously granted dispensations in these circumstances using grounds (4) and (5) detailed above in paragraph 1.3.7.
- 1.3.12 In these circumstances it would therefore be appropriate to grant the dispensations requested.

1.4 Appendices:

Appendix 1– Applications for dispensation.

1.5 Contact officers:

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Joanne Holmes, Democratic Services

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1.6 Background information:

Localism Act 2011