



REPORT of MONITORING OFFICER

to
COUNCIL
3 NOVEMBER 2022

DELEGATION OF POWER TO GIVE DISPENSATIONS RELATING TO CODE OF CONDUCT INTERESTS

1. PURPOSE OF THE REPORT

- 1.1 To recommend a change to the Scheme of Delegation and Terms of Reference for the Joint Standards Committee (JSC) to speed up the process of granting dispensations required by Members relating to the Code of Conduct and to aid more objective decision making.

2. RECOMMENDATIONS

- (i) That the Officer Scheme of Delegation is amended to delegate a power to the Monitoring Officer in consultation with the Independent Person to grant dispensations relating to the effects of declaring interests under the Members Code of Conduct and to refer matters to the Joint Standards Committee at the discretion of the Monitoring Officer;
- (ii) That the Terms of Reference of the Joint Standards Committee be amended, as follows:

From:

16 Granting dispensations to elected and co-opted Members in respect of Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests.

To:

16 Granting dispensations relating to the effects of declaring interests under the Members Code of Conduct when a request for a dispensation is referred by the Monitoring Officer.

3. SUMMARY OF KEY ISSUES

- 3.1 Presently JSC alone has the delegated power to grant dispensations relating to the effects of declaring interests under the Code of Conduct. The declaration of some interests results in the Member needing to leave the debating chamber so that s/he is unable to debate or vote on the agenda item. Often requests are made for dispensations when many Members have the same interest which would prevent transaction of business. The only way business can be transacted is if dispensations are granted to the affected Members.
- 3.2 There are times when dispensations are requested at short notice giving little or no time to convene the Committee in accordance with the requirements of legislation so

that five clear working days' notice is given to the convening of the Committee. This could result in the deferral of the agenda item or many Members not being permitted to participate in the decision-making and so prejudice the democratic process.

- 3.3 There is also the issue that some Members of the JSC could be granting dispensations in their own favour which could give the impression of a self-serving decision. This would especially be the case where dispensations are sought by the majority or all Members. If the Monitoring Officer, in consultation with the Independent Person, makes the decision to grant then this gives an impression of objectivity to the decision-making.

4. CONCLUSION

- 4.1 In the interests of speed and objectivity it is believed that the recommendation is in the best interests of democracy.

5. IMPACT ON STRATEGIC THEMES

- 5.1 None.

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** –None.
- (v) **Impact on Resources (human)** – Saving on convening a committee meeting in most cases.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

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