

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 12th JULY 2022
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: DISPENSATIONS

Purpose of the Report

1. To ask Members to extend the benefit of one of the existing dispensations to new members of the Fire Authority to enable them to take part in debates and votes upon the approval of the Members' Allowance Scheme (and any changes and/or additions to it).

Recommended that:

- [1] The dispensation granted to Fire Authority Members on 29th January 2020 be extended to benefit the new Members of the Fire Authority that have requested it, thereby allowing them to take part in the debates and votes on the approval of the Members' Allowance scheme (and any changes and/or additions to it).

Background

2. Dispensations were granted by the Governance and Constitution Committee on 29th January 2020 to all Members of the Fire Authority. The dispensations relate to the setting of the Council Tax precept and the approval of the Members' Allowance Scheme (and any changes and/or additions to it) and are effective until January 2024.

Information

3. Members will recall that the Local Government Association issued guidance to accompany the Model Councillor Code of Conduct. The Guidance includes a couple of paragraphs that deal with setting the Council Tax, or precept. These are set out below:

The LGA is clear that you do not have a DPI simply if you are voting to set the Council Tax or precept. Guidance issued by the Government in 2013 made clear that 'any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.'

The Council Tax and precept are charges on all relevant properties in the area and do not directly relate to any single property in such a way as to give rise to a DPI. Members are therefore fully entitled to vote on the matter (subject to rules about Council tax arrears).

4. The above guidance effectively makes the existing dispensation relating to the Council Tax precept redundant.
5. The other dispensation concerned with Members' allowances, remains relevant and the following paragraphs deal with the potential extension of the benefit of the dispensation to those new Members that have requested it.
6. In considering whether to grant dispensations Members are required to consider the provisions in Section 33 of the Localism Act 2011 (the Act). A copy of the section is attached as Appendix 1 to this report.
7. Section 33(1) states that there must be a written request from a Member to the proper officer (taken to be the Monitoring Officer). The names of the new Members that have confirmed that they wish to take advantage of the dispensations will be stated at the meeting.
8. Section 33(2) states that a dispensation can only be granted by an Authority if, after having had regard to all relevant circumstances, it is satisfied that one of the reasons described is applicable. Members previously accepted that they were satisfied that at least one of the reasons listed applied to the approval of (changes/additions to) the Members' Allowance Scheme when granting the dispensation. An extract from an earlier report is attached as Appendix 2 to this report to remind Members of the relevant matters.

Financial Implications

9. There are no financial implications arising from this report.

Legal Implications

10. The legal implications are covered in the body of the report.

Equality and Diversity and Environmental Implications

11. There are no equality and diversity or environmental implications arising from this report.

CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD

TEL [01606] 868804

BACKGROUND PAPERS: NONE