

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2023
REPORT OF: DIRECTOR OF GOVERNANCE
AUTHOR: ANDREW LEADBETTER

SUBJECT: DISPENSATION

Purpose of Report

1. To consider the granting of a fresh dispensation that will enable Members to having a Disclosable Pecuniary Interest to take part in debates and votes upon the approval of the Members' Allowances Scheme (and any changes and/or additions to it).

Recommended: That

- [1] a dispensation be granted to all Members of Cheshire Fire Authority, that have requested it, to enable them to take part in debates and votes concerning the approval of the Members' Allowances Scheme (and any changes and/or additions to it), such dispensation to be effective from 30th January 2024 for four years.

Background

2. The Localism Act 2011 (the Act) states that dispensations must specify the period for which they have effect, which may not exceed four years. Dispensations were last granted to some Members of the Authority for four years on 29th January 2020. As this period is due to expire later this municipal year it would seem appropriate to review the position with a view to granting a dispensation for another four year period.
3. The dispensations granted on 29th January 2020 included the setting of Council Tax Precept as well as the approval of the Members' Allowances Scheme (and any changes and/or additions to it). However, the Local Government Association issued guidance to accompany the Model Council Code of Conduct which essentially made the existing dispensation relating to the Council Tax precept redundant.

Information

4. In deciding whether to grant a dispensation Members need to consider Section 33 of the Act. A copy of the section is attached as Appendix 1 to this report.
5. Section 33(1) states that there must be a written request from a Member to the proper officer (taken to be the Monitoring Officer) for a dispensation from the restrictions contained in Section 31(4) of the Act (which prohibits participation and voting). All Members have been contacted to establish whether they wish to benefit from the proposed dispensation. A list of those Members that have responded will be provided at the meeting.
6. 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 in the Act is applicable.

Members' Allowances Scheme

7. All Members receive an allowance and would appear to have a Statutory Disclosable Interest in the approval of the Members' Allowances Scheme (and any changes and/or additions to it). On disclosing such an interest, if no dispensation existed, a Member would be unable to remain in the meeting and have no opportunity to take part in the debate, or vote.
8. As all Members would need to make such a disclosure when the Members' Allowances Scheme is to be determined, the transacting of business would be impeded (Section 33(2)(a))
9. Accordingly, it would appear to be appropriate to grant a fresh dispensation to those Members that have requested it.

Period of Dispensation

10. The Act states that the dispensation must specify the period for which it has effect, which may not exceed four years. It would seem sensible for the dispensation to be granted for the longest period possible as the situation described above is unlikely to change.

Financial Implications

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

Legal Implications

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

Equality and Diversity Implications

13. There are no equality and diversity implications arising from this report.

Environmental Implications

14. There are no environmental implications arising from this report.

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BACKGROUND PAPERS: NONE