

COUNCILLOR CONDUCT COMMITTEE

22 JANUARY 2020

REQUEST FOR DISPENSATION

Report from/Author: Perry Holmes, Monitoring Officer

Summary

This report informs the Committee of a dispensation request that has been received by the Monitoring Officer for a Non-Voting Co-optee of the Children and Young People Overview and Scrutiny Committee

1. Budget and Policy Framework

- 1.1 Upholding high standards of conduct are a matter for the Councillor Conduct Committee.
- 1.2 The Councillor Conduct Committee's terms of reference allow for the granting of dispensations to Councillors and co-optees to allow participation in debate and/or voting on any item in which they have a disclosable pecuniary interest or other significant interest.

2. Background

- 2.1 The Council's Code of Conduct includes provisions for the granting of dispensations.
- 2.2 The relevant sections read as follows:

8. *Disclosable Pecuniary Interests ("DPs")*

- 8.1 *"DPI" means those disclosable pecuniary interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Schedule One to (the Member's Code of Conduct).*
- 8.2 *You will have a DPI in a matter being considered at a Council meeting where your DPI is closely aligned to the business of the Council agenda item and where the interest is:*
 - i) *your interest, or;*

- ii) *an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.*

11. Participation in Meetings or Decision Making when you have a DPI.

11.1 *Unless a dispensation has been granted, if you are present at a meeting and you have a DPI in a matter to be considered you must:*

- a) *not take part in any discussion of the matter*
- b) *not take part in any vote on the matter*
- c) *leave the meeting room (including the public gallery).*

13.4 *Where you are discharging a function of the authority (acting alone) and you have a DPI in any matter to be dealt with or being dealt with by you in the course of discharging that function you must not take any steps or further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with by someone else).*

14. Dispensations

14.1 *Where you have a Disclosable Pecuniary Interest or other significant interest you may still be able to participate and/or vote at a meeting if you have obtained a dispensation from the Councillor Conduct Committee. A dispensation request form is attached to the Code (Appendix 1).*

14.2 *There are 5 circumstances in respect of which a dispensation may be granted, namely:*

- (a) *that so many members of the decision-making body have disclosable pecuniary interests or OSIs in a matter that it would impede the transaction of the business;*
- (b) *that, 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;*
- (c) *that the dispensation is in the interests of persons living in Medway;*
- (d) *that without a dispensation, no member of the Cabinet would be able to participate in this matter, or*
- (e) *that it is otherwise appropriate to grant a dispensation.*

2.3 Geoffrey Matthews is a non-voting co-optee of the Children and Young People Overview and Scrutiny Committee, holding the position on the Committee designated for a Teacher. He is employed by a Medway school.

- 2.4 Geoffrey wrote to the Monitoring Officer on 11 November 2019 requesting a dispensation, which is set out at Appendix 1 to this report.

3. Current position

- 3.1 Geoffrey Matthews (Assistant Principal at Strood Academy) is employed at a Medway School and therefore his interests in Strood Academy, which is run by the Leigh Academies Trust, is a Disclosable Pecuniary Interest.
- 3.2 Each year, the Children and Young People Overview and Scrutiny Committee consider an annual report on performance across Medway schools and within that report, performance details of every school in Medway is provided, including the relevant school relating to Geoffrey Matthew's employment.
- 3.3 The decision whether to grant dispensations on request is a matter for this Committee.

4. Advice and Analysis

- 4.1 Preventing Geoffrey Matthews from speaking at the Children and Young People Overview and Scrutiny Committee meetings on the annual schools performance report seems counter-intuitive as the purpose of him being part of the Committee is to share his expertise and experiences in his professional role.
- 4.2 Geoffrey Matthews requested a dispensation to be put in place so that he could participate in the annual school's performance report, a dispensation that is in line with those that have been granted to other school staff that sit on the Committee, namely Fay Cordingley (Church of England Diocese representative) and Nicola Forrest (Headteacher).
- 4.3 As Geoffrey Matthews has been appointed to the Children and Young People Overview and Scrutiny Committee for a two year term, it is recommended that a dispensation be granted for Geoffrey Matthews for two years only, thus enabling him to participate in debate on the annual schools performance report at Children and Young People Overview and Scrutiny Committee meetings in which he has a Disclosable Pecuniary Interest in relation to his employment by the Leigh Academies Trust at Strood Academy.

5. Risk management

- 5.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk
Reputation	The public will not understand why representatives on committees are not allowed to report on the performance of the organisation they represent at meetings of the Medway Health and Wellbeing Board and the Children and Young People Overview and Scrutiny Committee.	Granting the dispensation

6. Financial and Legal Implications

- 6.1 This report contains no specific financial implications.
- 6.2 The legal implications are contained in the body of the report.

7. Recommendations

- 7.1 The Committee is recommended to grant a dispensation to Geoffrey Matthews for two years for the reasons set out in paragraphs 4.1 – 4.3 of the report to allow participation in debate on the annual schools performance report at Children and Young People Overview and Scrutiny Committee meetings in which he has a Disclosable Pecuniary Interest in relation to his employment by Leigh Academies Trust at Strood Academy.

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Appendices:

Appendix 1 – Requests for Dispensation

Background Papers:

None