

COUNCILLOR CONDUCT COMMITTEE

20 JANUARY 2021

REQUEST FOR DISPENSATION

Report from/author: Perry Holmes, Monitoring Officer

Summary

This report requests the Committee to consider granting a dispensation to 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 ("DPIs")*

- 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).*

11.2 *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.*

3. Current position

3.1. Carl Guerin-Hassett is the Principapl of the Hundred of Hood Academy and therefore, as he is employed at the school, his interest 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 Carl Guerin-Hassett'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 Carl Guerin-Hassett 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. Carl Guerin-Hassett has requested a dispensation to be put in place so that he can participate in the annual school's performance report which is considered by the Children and Young People Overview and Scrutiny Committee annually.
- 4.3. The Monitoring Officer would therefore advise the Committee to consider granting a dispensation under paragraph 14.2 (e) "that it is otherwise appropriate to grant a dispensation." This will enable more informed scrutiny by the Children and Young People Overview and Scrutiny Committee, of school performance in Medway and for the Committee to gain from the professional expertise that Carl Guerin-Hassett brings as a Committee Member.

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. Using the following table this section should therefore consider any significant risks arising from your report.

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

6. Financial and legal implications

- 6.1. This report has 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 Carl Guerin-Hassett for two years for the reasons set out in paragraphs 4.1 – 4.3 of the report to allow participation in debate and/or to vote on the annual schools performance report on at Children and Young People Overview and Scrutiny Committee meetings in which he has a Disclosable Pecuniary Interest in relation to his employment at Hundred of Hoo Academy.

Lead officer contact

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Appendices

Appendix 1 – Request for dispensation

Background papers

None