

COUNCIL

21 APRIL 2022

CHANGE TO THE EMPLOYEE SCHEME OF DELEGATIONS

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Summary

At its meeting on 16 February 2022, the Councillor Conduct Committee (the Committee) considered three applications for dispensations and noted that all such applications were required to be considered by the Committee. At the Monitoring Officer's request, the Committee agreed to recommend Council to delegate such decision making to the Monitoring Officer, retaining the decision making to the Committee where he was not minded to grant the request.

1. Budget and policy framework

1.1. The approval of changes to the Constitution, including amendments to the Employee Scheme of Delegations, are matters for determination by the Council.

2. Background

2.1. The Council's Code of Conduct includes provisions for the granting of dispensations, which if granted, allows members to participate in meetings where they would otherwise be prevented.

2.2. Dispensations can be granted in the following circumstances::

14.2 ...

- (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. Advice and analysis

- 3.1. At its meeting on 16 February 2022, the Committee considered three dispensation requests from co-optees to the Children and Young People Overview and Scrutiny Committee. The Committee granted the dispensations and noted that the Monitoring Officer could only grant dispensations himself “where the timing of a request would make it impractical to convene a meeting of the Committee” as opposed to on non-contentious applications.
- 3.2. The Committee was requested and agreed to recommend to Council that the current delegation be revised to enable the Monitoring Officer to grant dispensations and to only refer such requests to the Committee when the Monitoring Officer was not minded to grant such a request.
- 3.3. This would enable a more efficient response and would avoid the need for a meeting of the Committee to be convened routinely to consider and determine non contentious requests.
- 3.4. The Councillor Conduct Committee recommended that the Employee Delegation Scheme be amended to allow the Monitoring Officer:

“To consider and determine any requests for dispensations from Medway Members and voting and non-voting co-opted Members ~~in cases where the timing of a request would make it impractical to convene a meeting of the Committee~~ and to only refer requests for dispensations to the Councillor Conduct Committee for determination where the Monitoring Officer is minded to not grant a dispensation”.

4. Risk management

Risk	Description	Action to avoid or mitigate risk
Failure to amend the delegations	Leaving the delegations in the current form will mean that any requests for dispensations will need to be referred to the Councillor Conduct Committee for determination. This will prevent the process and determination of dispensation requests from becoming more efficient and timely.	Amend the delegations.

5. Financial implications

- 5.1. There are no financial implications arising from this report.

6. Legal implications

6.1. The legal implications are set out within the report.

7. Recommendations

7.1. That the Council agrees that the delegation set out at paragraph 6.20 of the Employee Delegation Scheme, within the Council's constitution, be reworded as follows:

"To consider and determine any requests for dispensations from Medway Members and voting and non-voting co-opted Members in cases where the timing of a request would make it impractical to convene a meeting of the Committee and to only refer requests for dispensations to the Councillor Conduct Committee for determination where the Monitoring Officer is minded to not grant a dispensation".

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Appendices

None

Background papers

None