



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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Name and date of Committee	<b>COUNCIL – 18 JANUARY 2023</b>
Report Number	<b>AGENDA ITEM NO. 13</b>
Subject	<b>DISPENSATIONS</b>
Wards affected	None directly
Accountable member	Cllr Andy Graham, Leader of the Council Email: <a href="mailto:Andy.Graham@westoxon.gov.uk">Andy.Graham@westoxon.gov.uk</a>
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Summary/Purpose	To approve a number of general dispensations to councillors under the Localism Act 2011 for a period of four years.
Annexes	None
Recommendation(s)	<i>That Council resolves to approve, under Section 33 of the Localism Act 2022, the general dispensations listed at paragraph 2.1, for all elected members and co-opted members of West Oxfordshire District Council, until 17 January 2027.</i>
Corporate priorities	Modern Council Services and Sustainable Finance: Delivering excellent modern services whilst ensuring the financial sustainability of the Council
Key Decision	NO
Exempt	NO
Consultees/ Consultation	N/A

## **1. BACKGROUND**

- 1.1** The Localism Act 2011 prevents elected members from participating in any business of the Council where they have a Disclosable Pecuniary Interest (DPI) unless they have sought a dispensation under Section 33 of the Act. Applications must be made in writing and dispensations may be sought for a period of up to four years. Dispensations may be sought where the Council, having considered all relevant circumstances, considers that:
- a) So many Members of the decision making body have a disclosable pecuniary as to impede the business that may be transacted;
  - b) Without a dispensation the representation of different political groups on the body would be so upset as to alter the outcome of any vote;
  - c) The dispensation is in the interests of persons living in the area;
  - d) No Member of the Cabinet would be able to participate on the matter without a dispensation;
  - e) It is otherwise appropriate to grant a dispensation.
- 1.2** When granting dispensations the Council must specify the period for which it has effect, which may not exceed four years.
- 1.3** The Council's Constitution (Part 4: Officer Scheme of Delegation) delegates authority to the Monitoring Officer to grant dispensations to individual members to speak only or to speak and vote on matters where they have a DPI, and to grant dispensations in respect of conflicts of interest declared by a Cabinet member making a decision, or declared by a Cabinet member consulted by a member or officer taking such a decision.

## **2. GENERAL DISPENSATIONS**

- 2.1** It is proposed that general dispensations to speak and vote on the following items are granted to all elected and co-opted members of West Oxfordshire District Council for the period up to and including 17 January 2027:
- Determining an allowance (including special responsibility allowances), travelling expense, payment or indemnity given to members;
  - Housing: where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the member (their spouse or partner);
  - Universal Credit and Housing Benefit: where the member (or spouse or partner) receives Universal Credit or Housing Benefit;
  - Any Ceremonial Honours given to members;
  - Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation); and
  - Setting a Local Council Tax Reduction Scheme or local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation).

### **3. COUNCIL TAX**

- 3.1** Guidance issued by the Government Department for Communities and Local Government (DCLG) in 2012 (updated in 2013) expressed the view that a member was not required to seek and be granted a dispensation in order to take part in the business of setting the Council Tax or a local Council Tax support scheme because these are decisions affecting the generality of the public in the area rather than a member as an individual.
- 3.2** As the DCLG guidance is not statutory and has not been tested in court the Monitoring Officer considers it prudent to include Council Tax in the list of general dispensations at paragraph 2.1.
- 3.3** The dispensation for Council Tax relates to a member's DPI and does not affect a member's obligation under the Local Government Finance Act 1992 (Section 106) to declare and not vote if they are two months or more in arrears with their Council Tax when voting on the Council Tax or the Council's budget.

### **4. CONCLUSIONS**

- 4.1** Council is recommended to agree the general dispensations listed in paragraph 2.1.

### **5. FINANCIAL IMPLICATIONS**

- 5.1** There are no financial implications for the Council arising from the recommendation in this report.

### **6. LEGAL IMPLICATIONS**

- 6.1** The legal implications arising from Section 33 of the Localism Act 2011 are set out in the body of the report.

### **7. RISK ASSESSMENT**

- 7.1** Not putting in place the recommended general dispensations would mean that every elected and co-opted member would need to apply for a personal dispensation when the relevant matters arose. This would not be an efficient use of the Council's resources or in the public interest.

### **8. EQUALITIES IMPACT**

- 8.1** There are no equalities impacts arising from this report and the recommendation would not have differential impacts on groups with protected characteristics.

**9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

9.1 There are no climate and ecological emergencies implications arising from this report.

**10. ALTERNATIVE OPTIONS**

10.1 An alternative option would be to rely on the DCLG guidance in respect of Council Tax but this is not recommended for the reasons given in paragraph 3.2.

**11. BACKGROUND PAPERS**

11.1 There are no background papers.

(END)