

Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 15 June 2023

Report Title

Standards and Ethics Committee – Consideration of Granting of a Dispensation re Housing matters

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

This report is in relation to the Standards Committee considering the granting of dispensations to enable members of the Council who have Council tenancies to participate and vote on Council business related to Housing.

Recommendations

That the Committee:

1. Resolves that it is appropriate for any Members of the Council who are tenants of Rotherham Borough Council to be granted a dispensation pursuant to section 33(2) (e) of the Localism Act to allow them to participate and to vote on matters in relation to housing (provided that those functions do not relate particularly to the tenancy or lease of the Council Member concerned). Such requests should be submitted in writing to the Monitoring Officer

List of Appendices Included

None

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Standards and Ethics Committee - Consideration of Granting of a Dispensation re Housing matters

1. Background

1.1 The Localism Act and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced “Disclosable Pecuniary Interests” and new rules on the grant of dispensations to allow Council Members to take part in decisions or vote on matters in which they have a Disclosable Pecuniary interest (“DPI”).

1.2 Where a Member has a DPI, they cannot speak and/or vote on a matter in which they have such an interest, unless they have obtained a dispensation in accordance with the requirements of section 33 of the Localism Act.

1.3 The grounds for the grant of a dispensation under section 33(2) of the Localism Act are, if, after having regard to all relevant circumstances, the Council considers that:

- (a) Without the dispensation the number of Members prohibited from participating in or voting on any particular business would be so great a proportion of the body transacting the business as to impede the transaction of that business.
- (b) Without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- (c) The grant of the dispensation would be in the interests of the inhabitants of Rotherham.
- (d) Without the dispensation every Member of the Executive would have a DPI prohibiting them from participating/voting in any particular business to be transacted by the Executive.
- (e) It is otherwise appropriate to grant the dispensation.

1.2 Bearing in mind the number of Members who are tenants it is likely that paragraph (b) above would apply in relation to the transaction of some Council business and therefore the granting of a dispensation in the circumstances set out within the report would be appropriate.

1.3 In order to obtain a dispensation on any of the five grounds set out under section 33 of the Localism Act, a Member must make a written request to

the Council's Monitoring Officer. Any grant of a dispensation must specify how long it lasts for, up to a maximum period of four years.

- 1.4 For the sake of completeness, prior to the Introduction of the Localism Act 2011 the national model Code of Conduct for Members specifically stated that Members would not have a prejudicial interest in certain circumstances that potentially affected the majority or a large number of Members. These general exemptions included an interest in any business of the Council which related to housing, where the Member was a tenant of Rotherham Borough Council. (provided that, those functions did not relate particularly to the Member's own tenancy or lease

2. Key Issues

- 2.1 The Committee is asked to consider whether it would be appropriate to grant a dispensation to any Members who are Tenants of the Council and who submit a written request for the grant of a dispensation pursuant to section 33(2) (e) of the Localism Act, to allow them to participate and to vote on matters in relation to housing (provided that those functions do not relate particularly to the tenancy or lease of the Council Member concerned).

3. Options considered and recommended proposal

- 3.1 The options for the Committee are to either grant or refuse to grant the dispensation and the recommendation is set out above.

4. Consultation on proposal

- 4.1 None

5. Timetable and Accountability for Implementing this Decision

The dispensation would available to members immediately following the granting of such by the Committee.

6. Financial and Procurement Advice and Implications

- 6.1 None

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. The granting of Dispensations is delegated to the Standards and Ethics Committee within the Councils Constitution and specifically within the Standards and Ethics Terms of Reference.

8. Human Resources Advice and Implications

None

9. Implications for Children and Young People and Vulnerable Adults

None

10. Equalities and Human Rights Advice and Implications

None

11. Implications for Partners

None

12. Risks and Mitigation

None

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

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