

Agenda Item No:	<b>5</b>	
Committee:	<b>Conduct Committee</b>	
Date:	<b>7 February 2017</b>	
Report Title:	<b>Dispensations for Council Tax Matters</b>	

## 1 Purpose / Summary

To renew the arrangements for the granting of dispensations for the setting of Council Tax and approval of schemes for related Benefits and Exemptions.

## 2 Key issues

- Members of the Council must declare Disclosable Pecuniary Interests (DPI) in any matter which affects one of their registered interests; once declared Members must not debate or vote on the item and must leave the room.
- Failure to declare a DPI is a criminal offence.
- The Council has the capacity to grant dispensations in respect of DPI's which would enable Members who are granted such a dispensation to speak and or vote on a relevant matter.
- The Council has an obligation to set the Council Tax and associated benefits and exemptions each year. Without the granting of relevant dispensations the Council would not be quorate to make decisions in relation to Council Tax matters and therefore the Council would fail in its statutory duties.

## 3 Recommendations

- For Conduct Committee to renew the dispensation in relation to the setting of the Council Tax, agreeing the Local Council Tax Support scheme and agreeing any Council Tax Exemptions or Reliefs.
- For Conduct Committee to give the authority to the Monitoring Officer and Deputy Monitoring Officers to grant the relevant dispensations to enable Members to speak and vote on Council Tax matters. The Dispensations will be for the duration of a Councillors current term of office.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	
<b>Report Originator(s)</b>	Carol Pilson, Monitoring Officer
<b>Contact Officer(s)</b>	Carol Pilson, Monitoring Officer
<b>Background Paper(s)</b>	

## **1. Interaction with Disclosable Pecuniary Interests**

- 1.1** The Council has a statutory duty to set the Council Tax and Local Council Tax Support Scheme and associated exemptions and reliefs by way of a resolution at Full Council each year.
- 1.2** All Councillors who live in a property in the District have the capacity to be affected by these decisions.
- 1.3** The ownership of Land within the District is one of the prescribed Disclosable Pecuniary Interests which must be registered by any Councillor. This includes land owned by a Spouse, Civil Partner or Person whom they live with as a Spouse or Civil Partner.
- 1.4** Where at any meeting there is a matter in which a Member has a relevant Disclosable Pecuniary Interest they must not participate in the debate or vote on the matter and must leave the room. Should any Member fail to abide with this they commit a criminal offence.
- 1.5** Any Councillor who occupies or owns a residential property; or has a Spouse, Civil Partner, or Person whom they live with as a Spouse or Civil Partner who does so there is a liability to pay Council Tax. Therefore in any debate as to the setting of the Council Tax they have a linked interest, and accordingly hold a DPI and cannot take part in the relevant meeting.
- 1.6** Where a Councillor or their Spouse, Civil Partner, or Person whom they live with as a Spouse or Civil Partner is subject to the Local Council Tax Support Scheme the determination of the scheme may have a material impact on their eligibility and accordingly the Councillor would have a DPI and cannot take part in the relevant meeting.
- 1.7** Where a Councillor or their Spouse, Civil Partner, or Person whom they live with as a Spouse or Civil Partner own a residential property which is potentially subject to one of the Council Tax discounts and or exemptions (for example a rental property which takes advantage of empty property discount during void periods) they would have a DPI and cannot take part in the relevant meeting.

## **2. Dispensations in respect of Disclosable Pecuniary Interests**

- 2.1** Under section 33 of the Localism Act 2011 the Council can grant dispensations to Members in respect of DPI's, this function has been delegated to the Conduct Committee.
- 2.2** Dispensations can be granted by the Conduct Committee on one of the following grounds:
- considers that without the dispensation the number of Members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
  - considers that 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,
  - considers that granting the dispensation is in the interests of persons living in the authority's area, or
  - considers that it is otherwise appropriate to grant a dispensation.

**2.3** It is considered that the Council is unlikely to be quorate to set the Council Tax without dispensations being granted to members.

**2.4** While it is not considered that there would be an impact on the quorum of the Council in respect of either the Local Council Tax Support scheme or the Discounts and Exemptions it is considered appropriate to enable members to consider whether restricting Members' rights to speak is in the interests of the residents of the authority.

**2.5** Requests for dispensations must be made by the individual member in writing to the Monitoring Officer. All current Members have requested these dispensations.

### **3. Recommendations**

- For Conduct Committee to renew the Dispensation in relation to the setting of the Council Tax, agreeing the Local Council Tax Support scheme and agreeing any Council Tax Exemptions or Reliefs.
- For Conduct Committee to give the authority to the Monitoring Officer and Deputy Monitoring Officer to grant the relevant dispensations to enable Members to speak and vote on Council Tax matters. The Dispensations will be for the duration of a Councillors current term of office.