

South Lakeland District Council
STANDARDS COMMITTEE
17 APRIL 2018
REVIEW OF DISPENSATIONS RE PUBLIC
PARTICIPATION

PORTFOLIO:	Not applicable
REPORT FROM:	Debbie Storr - Director of Policy and Resources (Monitoring Officer)
REPORT AUTHOR:	Debbie Storr – Director of Policy and Resources (Monitoring Officer)
WARDS:	All wards
FORWARD PLAN:	Not applicable

1.0 EXPECTED OUTCOME

- 1.1 That the use of dispensations is reviewed which enables Members to utilise the General Public Participation and Public Participation at Planning Committee Schemes and that the dispensations continue for a further 4 year period.

2.0 RECOMMENDATION

- 2.1 That the continuation of the existing dispensations for a period of 4 years be approved as detailed in the report.

3.0 BACKGROUND AND PROPOSALS

- 3.1 Prior to the introduction of the Localism Act 2011 there was provision for Members who had what under the Code of Conduct at that time what was referred to as a “prejudicial interest” to utilise the Public Participation Scheme. Under the new arrangements no such provision was made and the Standards Committee considered the issue locally as part of its overview review of the Council’s Standards arrangements.
- 3.2 Under section 33 of the Localism Act 2011 dispensations may be granted in certain circumstances, which include where it is considered necessary in the interests of persons living in the authority’s areas, or where the council considers that it is otherwise appropriate to grant a dispensation where a member has a disclosable pecuniary interest in a matter.
- 3.3 In April 2016 the Standards Committee was asked to approve a dispensation for Members and Co-opted members to enable them to utilise the General Public Participation scheme, for a period of 2 years, the period of 2 years to enable the effect of the dispensation to be assessed. At the same meeting a 2 year dispensation was also approved for similar proposals in relation to the Public Participation scheme applicable to Planning Committee with an associated bi-annual review. The dispensation has been combined for the purposes of this report and is as follows:

Councillor /Co-optee	Dispensation
All current Members of South Lakeland District Council and Co-optees on Overview and Scrutiny Committee and Lake Administration Committee	In circumstances when a member has a Disclosable Pecuniary Interest in relation to an agenda item, to make representations under the General Public Participation Scheme and Public Participation at Planning Committee Scheme. Such dispensation does not apply to the remainder of the agenda item and upon completing his/her address the member will be required to leave the chamber for the remainder of the agenda item.

- 3.4 The Standards Committee also considered those Members who due to private or ward activities had to declare bias and predetermination and agreed that it should follow that members caught by the rules of bias and pre-determination should be able to use the General Public Participation and Public Participation at Planning Committee Schemes in the same way as Members who have a Disclosable Pecuniary interest in an agenda item.
- 3.5 Following approval by Council in May 2016 provisions were set out in the Constitution and General Public Participation and Public Participation at Planning Committee Schemes detailing the dispensations and indicating that a Member who would have to otherwise leave the chamber due to a disclosable pecuniary interest or bias and pre-determination may utilise the relevant scheme in the same way.
- 3.6 Since the dispensations were introduced there is evidence of them having been used at Planning Committee which has enabled Members to put forward representations where they would not have been able to do so without dispensation.
- 3.7 Standards Committee is asked to consider the review of the use of dispensations and if they consider it appropriate to continue them for a further period of 4 years, which is the maximum period which a dispensation may take effect.

4.0 CONSULTATION

- 4.1 Members have been consulted on the review of dispensations and were asked to complete a short feedback form on the use of dispensations. Whilst only a small number of responses were received, the majority of those responses were generally in favour of retaining the dispensations.

5.0 ALTERNATIVE OPTIONS

- 5.1 Not to continue with the dispensations. This is not recommended as the proposals within this report enable Members who would be excluded from the public participation process, to make representations.

6.0 LINKS TO COUNCIL PRIORITIES

- 6.1 The proposals in this report are relevant to the following Council values:-

Excellence

Seeking continuous improvement in what we do, ensuring that our actions address the needs of South Lakeland; and

Open and Transparent

Being courteous, efficient and transparent in our dealings with the public.

7.0 IMPLICATIONS

7.1 Financial and Resources

7.1.1 The recommendations in this report do not have any financial implications.

7.2 Human Resources

7.2.1 The recommendations in this report do not have any staffing implications.

7.3 Legal

7.3.1 The Localism Act 2011 sets out criteria which can be applied in considering dispensations and the following are relevant to this case:-

(1) That it is considered that the granting of the dispensation is in the interests of the persons living in the authority's area; or

(2) That it is considered that it is otherwise appropriate to grant a dispensation.

7.3.2 There is no legal requirement to have Public Participation schemes. It is considered desirable however to have similar treatment of Members with bias and pre-determination as compared to members with a Disclosable Pecuniary Interest in terms of eligibility for the public participation scheme.

7.4 Social, Economic and Environmental

Have you completed and Health, Social, Economic and Environmental Impact Assessment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If you have not completed an Impact Assessment, please explain your reasons.	This proposal has no significant social, economic or environmental impacts.	

7.5 Equality and Diversity

7.5.1

Have you completed an Equality Impact Analysis?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If you have not completed an Equality Impact Analysis, please explain your reasons.	The recommendations in this report do not in themselves have any significant implications for Equality and Diversity and therefore no Equality and Diversity Impact Assessment is considered necessary.	

7.6 Risk

Risk	Consequence	Controls required
That not to permit participation as identified in the report is perceived as being unduly restrictive	Members and their constituents are aggrieved at the restrictions on Members' ability to utilise the General Public Participation Scheme and Public Participation at Planning Scheme	Implementation of the proposals set out within this report.

CONTACT OFFICERS

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APPENDICES ATTACHED TO THIS REPORT

None

BACKGROUND DOCUMENTS AVAILABLE

[Existing General Public Participation Scheme and Public Participation at Planning Committee Scheme](#)

[Constitution - page 87](#)

TRACKING INFORMATION

Assistant Director	Portfolio Holder	Solicitor to the Council	SMT	Scrutiny Committee
	N/A	2.2.18	1.3.18	N/A
Standards Committee	Council	Section 151 Officer	Monitoring Officer	Leader
17.4.18	N/A		author	
Human Resource Services Manager				
N/a				