

APPLICATION FOR DISPENSATION

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 or vote on matters in which they have a Disclosable Pecuniary Interest (“DPI”).

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. 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 without the dispensation the number of Members prohibited from participating/voting in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.

Power has been delegated to the Monitoring Officer the power to grant dispensations. In order to obtain a dispensation a Member must make a written request to the Council’s Monitoring Officer.

Previously, the old “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 setting Council Tax or a precept under the Local Government finance Act 1992. The new arrangements on DPIs introduced by the Localism Act do not reproduce any of the “general exemptions”.

All Members are likely to have a pecuniary interest in relation to the setting of the Council Tax through their ownership/occupation of property in Tameside in common with any resident of the Borough or indeed anyone who stands as a councillor. In the Monitoring Officer’s opinion, the transaction of business relating to these matters would be impeded unless a dispensation was granted. In these circumstances, the Monitoring Officer is minded in the exercise of her delegation to grant dispensations to allow members to participate in and vote on the setting of the Council Tax or a precept (and matters directly related to such decisions including the budget calculations). Accordingly in the interests of protecting individual elected members and the council in the absence of an indemnity or statutory guidance, Members are advised to complete the request for a dispensation at the meeting which will be granted by the Monitoring Officer.

Members Name:	Councillor		
Decision Making Body:	Tameside MBC		
Matter to be considered:	Setting the Tameside MBC budget and matters directly related to such decisions, including budget calculations.		
Nature of Member’s Interest:	Beneficial interest in property in Tameside, namely residence.		
Ground for Application :	Section 33(2) (a) of the Localism Act 2011 – 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.		
Reason(s) for the application:	Under the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, where a Member of the Council has a Disclosable Pecuniary Interest (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. Most or all of the Council are likely to have a DPI in relation to setting the Council budget and matters directly related to such decisions, including budget calculations through their ownership / occupation of property in Tameside.		
Signature of Member:		Dated	