

## **GUIDANCE ON APPLYING FOR AND DETERMINATION OF REQUESTS FOR DISPENSATIONS**

*[NB: This Guidance Note does not form part of the Constitution or the Members' Code of Conduct but is reproduced here for convenient reference].*

The Council's Monitoring Officer is authorised by the Council (Procedures Committee Minute 57(a)(ii)(c)/17 April 2012) to determine requests from Members for dispensations, where it is appropriate in the circumstances, following consultation with the Chair of the Standards Committee.

The general dispensation (over) has been granted to allow Members of the Council and co-opted Members of Committees during the life of this Council (2013/17) to speak and vote in any debate on the setting of the Council Tax or Precept by virtue of being a resident of or a land or property owner in the administrative County of Devon or by being a parent or guardian of a child in a school on any matter relating to school meals and school transport or in relation to the setting of any allowances, generally.

Under s33 of the Localism Act a dispensation may be also granted to one or more Members where:

- over half the Council, Cabinet or a Committee would be prevented from taking part in any discussion, or
- the representation of political groups (i.e. the political balance) of a meeting would be upset so as to impede or affect the likely outcome of the transaction or vote upon a particular item of business, or
- where the number of members affected would mean the meeting was inquorate, or
- all members of the Cabinet or a Cabinet Committee would be excluded, or
- where it was in the interests of the inhabitants of the area for Members to take part (so as to represent their constituents views), or
- where member of the Cabinet may have a conflict of interest over and above any personal interest they are already required to declare under the Code of Conduct, that would be incompatible with their general duty to take decisions in accordance with the general principles of decision-making set out in the County Council's Constitution (Article 13) and in the public interest, as set out in the guidance on conflicts of interest at paragraph 12 of the Cabinet Procedure Rules at Part 4 of the Constitution.

**If a Member believes they may have an interest or a conflict of interest as described above then they are advised to consult the Monitoring Officer - with a view to determining whether or not an interest should be disclosed and, if so, whether a Dispensation is required and may be granted to enable them to continue to speak and vote at the meeting or determine the matter.**





## DISPENSATION FOR MEMBERS & CO-OPTED MEMBERS OF DEVON COUNTY COUNCIL - 2021/2025

In accordance with Part 3 of the County Council's Constitution (Responsibility for Functions - Scheme of Delegation) I hereby declare that, for the period 6<sup>th</sup> May 2021 to the date of the ordinary County Council elections in 2025, all Members and Co-opted Members of the County Council shall not be regarded as having a disclosable pecuniary interest as defined in the Council's Code of Conduct and have been granted a dispensation to permit them to speak and vote at meetings of the County Council, its Cabinet or any Committee, Sub-Committee, Joint Committee or Working Party thereof if the matter relates to any of the following functions of the County Council, namely:

- if a Member or Co-opted Member is a parent or guardian or carer of a child in full-time education, on any matter relating to **school meals or school transport** unless it relates specifically to the school a Member's child attends;
- If a Member or Co-opted Member is an approved **foster parent**, providing placements for the Council's Children in Care unless it relates specifically to a placement with that Member.
- any **allowance, travelling expenses, payment or indemnity** for Members or Co-opted Members of the Council;
- If a Member or Co-opted Member is a Member of another public authority (or their spouse or partner) and who have a Disclosable Pecuniary Interest only by virtue of the fact they or their spouse / partner **receives an allowance from that other Authority**:
  - where the issue is a matter of dispute between the County Council and the other authority, and the matter would affect the financial position of that other authority, the County Councillor may speak on the matter provided s/he immediately withdraws from the meeting room; and
  - in relation to other matters affecting that other authority, the Councillor may speak and vote.
- if you are receiving or eligible to receive **statutory sick pay**, under Part X1 of the Social Security and Benefits Act 1992, as amended;
  - if a Member or Co-opted Member is in receipt of a **pension** unless it relates specifically to that Member's entitlements or payments;

- any **ceremonial honour** to be given to Members;
- the **setting of the Council Tax or Precept** or fees and charges arising therefrom by virtue, for example, of any of the above and as a consequence of a Member being a land, business or property owner in the administrative County of Devon;
- if any Member or Co-opted Member is a land, business, property owner or leasee in the administrative County of Devon, unless the matter relates directly to that land, business or property;
- if a Member is a representative of the County Council on an outside body or any County Council **wholly owned, controlled or joint local authority company or Joint Venture Partnership** on any matter relating thereto unless it relates to any personal remuneration or involvement therein.

*Jan E Shadbolt*  
(Proper Officer of the Council of the County of Devon)  
Dated this 3 December 2021

*[NB: The Council's Monitoring Officer is authorised, following consultation with the Chair of the Standards Committee, to determine requests from Members for dispensations where it is appropriate in the circumstances of the case or where, for instance, a significant number of members would be prevented from participating in any item of business or the representation of political groups would be upset so as to impede or affect the likely outcome of the transaction or vote upon that item of business or where it would be in the interests of the inhabitants of the area].*



MEMBERS' CODE OF CONDUCT  
GENERAL NOTICE OF REGISTERABLE INTERESTS  
(YEAR)

being a Member/Co-opted Member of Devon County Council, give notice below of those interests which I am required to declare under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and Devon County Council's Code of Conduct:

I understand that in so doing I must declare any interest of my spouse or civil partner or of any person with whom I am living as a husband or wife and also, in relation to categories 3 - 6, and so far as you are aware of any or relevant person, as defined in the Council's Code of Conduct.

NB: You do not need to differentiate your interests from those of your spouse or civil partner nor do you need to put in their names. For the purpose of this declaration their interest is regarded as your interest.

1. Employment, Office, Trade, Profession or Vocation

Please give details of (i) every employment, job, trade, business or vocation you have, for which you receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. 'Accountant' or 'Farmer' and (ii) the name of any employer or body, firm or company which you own or in which you have any beneficial interest.

Description of employment, job, vocation, trade or business.

*(if you rent property or land then please declare that you are a private landlord)*

Name of Employer, body, firm or company by which you are employed or in which you are a partner or a Director (remunerated) in which you have a beneficial interest

2. Sponsorship

Please give details of any person or body (other than the County Council) who has made any payment to you in respect of your election or any expenses you have incurred in carrying out your duties as a County Councillor.

### 3. Securities: Interests in Companies

Please give details of body which has a place of business or owns land in the County Council's area and in which you have a beneficial interest (a shareholding) of more than £25,000 (nominal value) or more than 1/100<sup>th</sup> of the total share issue of that body (whichever is the lower) or if there is more than one class of share, the total nominal value of shares in any class of that body of more than 1/100<sup>th</sup> of the total shares of that class

*Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.*

### 4. Contracts: for Goods, Works or Services with the Council

Please give details of any current, existing contracts for goods, works or services between the County Council and you or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest, as referred to at 3 above.

### 5. Landholdings and Licenses in the Area

Please give the address or other description (sufficient to identify the location) of any land or property in the County Council's area in which you have a beneficial interest, indicating whether you are the owner, lessee or tenant, including land in which you may have a licence, alone or with others, to occupy for a period of one month or longer.

You must include the land and house you live in and for example any allotments you own or use.

6. Corporate Tenancies: Land leased from Devon County Council

Please give the address or other description (sufficient to identify the location) of any land leased or licensed from the County Council by a you or any body firm or company by which you are employed or which you own or in which you have a beneficial interest (specified at 3 above).

7. Membership of Other Bodies

Please give details of your membership of, or any position of general control or management, of any bodies in the categories listed below.

Any Body or Organisation to which you have been appointed or nominated by the County Council as its representative.

Any other body exercising functions of a public nature  
*(e.g. District or Parish Council; Health, Police, National Park or Fire Authority or Quasi Autonomous Non-Governmental Body)*

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Do you receive an allowance from each of these bodies (yes / no)

Any body directed to charitable purposes  
*(e.g., an Industrial and Provident Society or any Charitable Body such as the Rotary Club, Freemasons or similar body)*



Any unpaid Directorships	
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Any Organisation / Body whose principle purpose is to influence public opinion or policy <u>or any other body</u> which, in your view, might create a conflict of interest in carrying out their duties as a County Councillor. <i>(e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group (e.g. National Trust; RSPB: Greenpeace)</i>	
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**DECLARATION**

I recognise that if I fail to comply with the Code of Conduct for Members of Devon County Council or:

- (i) omit any information that should be included in this Notice;
- (ii) give false or misleading information; or
- (iii) do not tell the County Council of any changes to this Notice or new interests I acquire,

that may be a criminal offence and/or the matter may be referred to the Council's Standards Committee for investigation.

Signed.....

**FOR OFFICE USE ONLY**

Received.....Update  
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