

NON EXEMPT

HAVANT BOROUGH COUNCIL

GOVERNANCE AUDIT AND FINANCE BOARD

12 December 2018

**DISPENSATION FOR COUNCILLORS TO DETERMINE THE SETTING OF
THE COUNCIL TAX PRECEPT AND COUNCILLOR ALLOWANCES**
Report by the Monitoring Officer

FOR RECOMMENDATION TO COUNCIL

Portfolio: Portfolio Holder for People and Communications
Cllr Bowerman

Executive Director: Gill Kneller

Key Decision: No

1.0 Purpose of Report

1.1. This report is submitted to the Governance Audit and Finance Board seeking a recommendation to Council to grant of a Dispensation to all Councillors to enable them to determine the Council Tax base and Councillors Allowances

2.0 Recommendation

RECOMMENDED that the Governance, Audit and Finance Board recommends to full Council that:

- (1) a Dispensation granted to all members of the Council to enable them to:
 - (a) consider and determine the Council Tax Base each year; and
 - (b) consider and determine Councillors' Allowances.
- (2) the Dispensation to take effect on expiry of the current Dispensation on 1 June 2019 and to remain in place until 31 May 2023.

3.0 Executive Summary

3.1. The Standards regime was radically overhauled culminating in the Localism Act 2011. Section 31(4) of the Localism Act 2011 prohibits a Councillor from participating or voting on any matter where they

have a Disclosable Pecuniary Interest. The determination of the Council Tax Base and the setting of Councillors' Allowances qualify as Disclosable Pecuniary Interests. Prior to the introduction of the 2011 Act, all Councillors had an automatic Dispensation when making decisions on Council policy such as setting the Council Tax and Councillors allowances which affects individual Councillors.

- 3.2. The 2011 Act remains silent on this point, therefore, in accordance with Section 33(2) of the Localism Act 2011, the Council may grant a blanket Dispensation to all its members for a maximum period of four years. The current Dispensation will expire on 31 May 2019.

4.0 Additional Budgetary Implications

- 4.1. None

5.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s

- 5.1. N/A

6.0 Options considered and reasons for the recommendation

- 6.1. N/A

7.0 Resource Implications

- 7.1. Financial Implications - None
7.2. Human Resources Implications - None
7.3. Other Resource Implications - None

8.0 Legal Implications

- 8.1. Failure to grant a Dispensation will impact on the Council's ability to set its Council Tax Base and future Councillors' allowances.

9.0 Risks

- 9.1. See 8.1 above.

10.0 Consultation

- 10.1. N/A

11.0 Communication

- 11.1. N/A

12.0 Appendices:

None

13.0 Background Papers:

None

Agreed and signed off by:

Monitoring Officer: 16 October 2018

S151 Officer: 22 October 2018

Portfolio Holder: 22 October 2018

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