

NON-EXEMPT

HAVANT BOROUGH COUNCIL

Governance & Audit Committee

02 December 2015

DISPENSATION FOR COUNCILLORS TO DETERMINE THE SETTING OF THE COUNCIL TAX PRECEPT AND COUNCILLOR ALLOWANCES

Report By Monitoring Officer

FOR RECOMMENDATION TO COUNCIL

Cabinet Lead: Cllr Wilson

Key Decision: N/A

1.0 Purpose of Report

- 1.1 To consider granting dispensation to all Councillors to enable them to determine the Council Tax base and Councillors Allowances.

2.0 Recommendation

That: the Committee recommend to Council that it grant dispensation to all Councillors to enable them to:

- (i) consider and determine the Council Tax base each year.
- (ii) consider and determine Councillors Allowances each year.

These dispensations to expire on 31 May 2019.

3.0 Summary

- 3.1 To grant dispensation to all Councillors to enable them to determine the Council Tax base and Councillors Allowances.

4.0 Subject of Report

- 4.1 The Standards regime was radically overhauled culminating in the introduction of 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 Councillor Allowances qualify as Disclosable Pecuniary Interests. Prior to the introduction to the 2011

Act all Councillors had an automatic dispensation when making decisions on Council policy such as setting Council Tax and Councillors allowances which affects individual Councillors.

- 4.2 The 2011 Act remains silent on this point therefore, in accordance with Section 33 (2) (d) of the Localism Act 2011 Council may grant a blanket dispensation to all its members for a maximum period of four years. A previous dispensation was granted but this expired on the 30 May 2015.
- 4.3 In order that the dispensation is granted for the correct period it is recommended that a dispensation is granted until 31 May 2019.

5.0 Implications

- 5.1 Resources: None
- 5.2 Legal: Failure to grant the dispensation will impact on the Council ability to set its Council Tax base and future Councillor Allowances.
- 5.3 Strategy: To protect the financial sustainability of the Council.
- 5.4 Risks: None
- 5.5 Communications: None
- 5.6 For the Community: Financial sustainability of the Council.

6.0 Consultation

Legal Services:
Executive Head of Governance & Logistics:
Cabinet Lead – Cllr Wilson

Appendices: None

Background Papers: None

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