

27TH MAY 2021

**GRANTING DISPENSATION FROM PROVISIONS OF
THE CODE OF CONDUCT FOR MEMBERS**

SUMMARY:

This Committee has the power to grant dispensations to Members from requirements relating to declarations of interests and the consequences of those declarations set out in the Code of Conduct. This Report seeks Dispensations from such requirements for those Members who have been appointed by the Council to be in a position of management or control of the Rushmoor Development Partnership (RDP) and Rushmoor Homes Limited (RHL) to enable those Members affected to take part in decision-making on any matter directly relating to those bodies or affecting the financial position of those bodies.

RECOMMENDATION:

1. That the Committee grant the dispensations for those Members who have been appointed by the Council to be in a position of management or control of the RDP and RHL to enable those Members affected to take part in decision-making on any matter directly relating to those bodies or affecting the financial position of those bodies.

1. INTRODUCTION

- 1.1 The Council is required to publish a Members' Code of Conduct that sets out the standards of behaviour expected of Members in undertaking their role and this includes a requirement for declarations of interests in relation to decision-making. The Council has recently adopted a new Code of Conduct which, for the purposes of providing better levels transparency in decision-making, extends the class of interests that must be declared. Such declarations as set out below would, save for any dispensation of the applications of that part of the Code, prevent a Member taking part in decision-making directly affecting those interests, and potentially prevents a Member from taking part in any decision-making which affects the financial position of the body.
- 1.2 From time to time the Council appoints members to the position of management or control of other bodies operating within the Borough or touching the interests or residents and organisations within the Borough. This includes bodies that the Council has itself established to deliver its objectives and deliver better outcomes for the residents of the Borough.

- 1.3 This Committee's role includes the grant of dispensations to Members from the requirements relating to interests set out in the Code.

2. DECLARABLE INTERESTS UNDER THE CODE OF CONDUCT

- 2.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. The new Code of Conduct in Appendix B sets out the requirement to declare both 'Disclosable Pecuniary Interests' (as described in Table 1) which are prescribed by Regulations¹ and 'Other Registrable Interests' (as described in Table 2).
- 2.2 Table 2 explains that Members have a personal interest in any business of the Council where it relates to or is likely to affect:
- A) any body of which you are in general control or management and to which you are nominated or appointed by your authority
 - B) any body exercising functions of a public nature; any body directed to charitable purpose or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).
- 2.3 Where the matter for decision *directly relates* to the interests described the member *cannot* take part in the decision making *unless* they have been granted a dispensation. Where the matter for decision *affects* the financial interest of the bodies set out in Table 2 an interest must be disclosed and applying the test set out in Appendix B of the Code the Member *may* be prevented from taking part *unless* they have been granted a dispensation.
- 2.4 The registration of interests means that the public, local authority employees and fellow councillors know which interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects Members by allowing them to demonstrate openness and a willingness to be held accountable. It is clearly important that the public know about any interest that might have to be disclosed councillors when making or taking part in decisions.

3. COUNCIL BODIES

- 3.1 The Council has established a wholly owned Housing Company, Rushmoor Homes Limited (RHL) to deliver good quality market rent housing within the Borough for residents. The Council is in partnership with Hill Investment Partnership Limited within the Rushmoor Development Partnership (RDP) to deliver major regeneration for the towns of Farnborough and Aldershot. The Council has appointed members of the Council including the Executive to positions of management or control of these bodies.

¹ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

- 3.2 As such those Members will have a personal interest in any matters directly relating to these council bodies and potentially an interest where the financial interests of those bodies are affected.

4. DISPENSATION

- 4.1 It is submitted that for the proper conduct of Council business it is not appropriate or proportionate for the Members appointed by the Council to the control and management of the RDP and RHL to be prevented from taking part in the decision making relating to those bodies. This is on the basis that these bodies have been set up by the Council to deliver its objectives and to deliver positive outcomes for residents of the borough. The aims of the bodies align to the aims of the Council in that regard. Furthermore, if the Members of the executive were to be barred from taking part the Executive would not be quorate. It is therefore imperative that these Dispensations be granted.
- 4.2 This Committee is authorised to grant dispensations to the class of Members described.

5. CONCLUSION

- 5.1 It is recommended that the dispensations be granted.**

BACKGROUND DOCUMENTS:

Rushmoor Borough Council – Code of Conduct for Councillors

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