

## Approval of the Authority's Standing Orders

### Officers' Recommendation

**That the Standing Orders are approved with the officers' recommended changes as set out in this paper**

### Background

The Authority's Standing Orders should be reviewed annually, normally at the Annual General meeting.

The current version (V1.6 – April 2024) reflect changes agreed by the Authority on 21<sup>st</sup> March 2024. The Standing Orders have not been amended since that time and are published on the Authority's website.

The changes agreed in March 2024 reflect a decision to provide more detail on what actions should be taken by Members that declare a pecuniary interest in a matter to be discussed and voted on at an Authority meeting.

The agreed change in the Standing Orders formally noted that Members with pecuniary interests in a matter could participate in the discussions but not take part in any vote. Some Members felt that Members declaring a pecuniary interest should not participate in the discussions and should leave the room whilst the matter was discussed by other Members. It was agreed that the Chief Officer should explore the matter further and engage with Devon County Council's Democratic Services.

### General Dispensation

Section 31(4) of the Localism Act 2011 set out that;

*(4) The member or co-opted member may not—*

*(a) participate, or participate further, in any discussion of the matter at the meeting, or*

*(b) participate in any vote, or further vote, taken on the matter at the meeting, but this is subject to section 33.*

Sections 33(1) & (2) of the Localism Act 2011 sets out that;

*(1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.*

*(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—*

*(a) considers that without the dispensation the number of persons prohibited by section 31(4) 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,*

*(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,*

*(c) considers that granting the dispensation is in the interests of persons living in the authority's area,*

*(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or*

*(e) considers that it is otherwise appropriate to grant a dispensation.*

DCC Democratic Services noted that one of the most common uses of the dispensation to elected members is when council tax is debated, and levels agreed. Most Elected Members will be directly affected by that decision but wish to discuss the matter on behalf of their constituents.

General Members that are appointed to the Authority contribute to the decision making by sharing their knowledge and expertise with other Members. Some Members derive some or all their income from fishing or associated with fishing and are likely on occasion to have pecuniary interests.

General Members receive MMO's terms and conditions on their appointment. Included in the terms and conditions are the relevant point;

*Where interests are such that a decision to be made by the committee would directly or indirectly affect an interest of you as an appointee (or that of a business or other body in which you have an interest or that you represent), you may only participate in that decision to the extent permitted by the relevant IFCA Code of Conduct. It is recommended that you refer to the IFCA Code of Conduct for further guidance.*

## **Recommendation**

Section 33(1) of the Localism Act 2011 makes reference to the proper officer. In the case of the Authority, the proper officer would be the Chief Officer acting in their capacity as Clerk to the Authority.

A Member with a pecuniary interest in an agenda item that wished to participate in the discussions and potentially vote would be required to seek a dispensation from the Chief Officer to do so. A dispensation request would need to be received prior to the start of the meeting.

The Chief Officer would confirm their decision whether to grant a dispensation in writing to the Member with the pecuniary interest prior to the meeting. The decision-making record would be kept for reference.

Officers recommend that the Standing Orders are amended to read as follows:

**All Authority Members or Members of a Sub-Committee, who are present at a meeting of the Authority or of the relevant Sub-Committee will be entitled to participate in the debate and vote, unless they have declared a pecuniary interest under the Members' Code of Conduct.**

**If a Member believes that they have a pecuniary interest in a matter to be discussed at a meeting, they shall contact the Chief Officer before the meeting if they wish to apply for a dispensation to participate in the discussions and to vote.**

**The Chief Officer will confirm whether a dispensation has been granted and whether the dispensation is limited to only participating in the discussion at the beginning of the Authority meeting.**

**Any Member that has declared a pecuniary interest and has not received a dispensation will be requested by the Chair to leave the meeting or before a vote takes place if only a limited dispensation has been granted.**

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

### **Background Papers**

- D&S IFCA Standing Orders – Version 1.6 – April 2024
- Authority meeting minutes 21<sup>st</sup> March 2024

**End.**