



Standards Committee

Members of the **Standards Committee** of **Gravesham Borough Council** are summoned to attend a meeting to be held Virtually - www.youtube.com/graveshamtv on **Tuesday, 8 December 2020 at 7.30 pm** when the business specified in the following agenda is proposed to be transacted. Details on how Members can attend the meeting will be sent separately.

In response to COVID-19, the Government has legislated to permit remote attendance by Elected Members at formal meetings. This is conditional on other Elected Members and the public being able to hear those participating in the meeting. This meeting will be streamed live and can be watched via Gravesham Borough Council's YouTube Channel:-

www.youtube.com/graveshamtv

S Walsh
Service Manager (Communities)

Agenda

Part A

Items likely to be considered in Public

1. Apologies for absence
2. To sign the minutes of the previous meeting (Pages 3 - 10)
3. To declare any interests members may have in the items contained on this agenda. When declaring an interest a member must state what their interest is.
4. To consider whether any items in Part A of the agenda should be considered in private or those in Part B in public
5. Request for Dispensation - Cllr Jenny Wallace (Pages 11 - 18)
6. Request for Dispensation - Cllr Christina Rolles (Pages 19 - 26)

7. Any other business which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency

8. Exclusion

To move, if required, that pursuant to Section 100A (4) of the Local Government Act 1972 that the public be excluded from any items included in Part B of the agenda because it is likely in view of the nature of business to be transacted that if members of the public are present during those items, there would be disclosure to them of exempt information as defined in Part 1 of Schedule 12A of the Act.

Part B

Items likely to be considered in private

None.

Members

Cllr John Caller (Chair)

Cllr Lyn Milner (Vice-Chair)

Councillors: Emma Elliott
 Gary Harding
 Diane Marsh
 Emma Morley
 Gurbax Singh
 Lauren Sullivan
 Denise Tiran

Substitutes: To be notified

Standards Committee

Thursday, 30 July 2020

7:30pm

Present:

Cllr John Caller (Chair)
Cllr Lyn Milner (Vice-Chair)

Cllrs: Emma Elliott
Gary Harding
Les Hoskins
Emma Morley
Gurbax Singh
Lauren Sullivan
Denise Tiran

Jan Guyler Head of Legal Services
Ben Clarke Committee & Scrutiny Assistant (Minutes)

7. Apologies for absence

An apology of absence was received from Cllr Diane Marsh; Cllr Les Hoskins substituted.

8. To sign the minutes of the previous meeting

The minutes of the meeting on Thursday, 01 August 2019 were signed by the Chair.

9. Declarations of Interest

The minutes of the meeting on Thursday, 01 August 2019 were signed by the Chair.

10. Review of Ethical Standards Report

The Committee were provided with a report that updated them on the Council's response to the best practice recommendations made by the Committee on Standards in Public Life following its review of ethical standards in local government, which was published in January 2019.

The Head of Legal Services drew Members attention to Appendix Five to the report which listed the Council's proposed response to the fifteen best practice recommendations from the Committee on Standards in Public Life.

The Head of Legal Services outlined each proposed response to the Committee and Members gave their comments:

1. Response to Recommendation 1 – **Approved**
2. Response to Recommendation 2 – **Approved**

3. Response to Recommendation 3 – **Approved**4. Response to Recommendation 4 – **Approved**5. Response to Recommendation 5 – **Approved subject to the following:**

Members agreed to the £50 value limit for recording any gifts and hospitality but the Chair advised that the value limit would be reviewed again following the results of the consultation and amended to £25 if necessary.

6. Response to Recommendation 6 – **Approved subject to the following:**

A typographical error, a second use of the word 'or', was noted on page 163 and the Head of Services agreed to amend it.

7. Response to Recommendation 7 – **Approved subject to the following:**

The Head of Legal Services added that the interviews for the recruitment of two Independent Persons concluded this week; thirteen applications were received.

In response to a question on the key criteria for an Independent Person, the Head of Legal Services advised that the Panel looked for an applicant who had an interest in maintaining high standards, had experience in dealing with complaints, legal experience, a high level of communication skills, a high level of reading and report writing. The desired applicants were qualified lawyers or barristers but that was not essential.

Some concern was noted by a Member in difficulty finding a completely independent person in the Legal profession.

8. Response to Recommendation 8 – **Approved;**

Concern was raised by a Member with regards to Question Four in Appendix Seven as he felt that the Independent Person would have too much power in terms of deciding if no further action was needed to be taken with a complaint from a Member. The Head of Legal Services assured Members that it was still the decision of the Standards Committee if a complaint received from a Member was deemed serious enough to warrant an investigation

9. Response to Recommendation 9 – **Approved**10. Response to Recommendation 10 – **Approved**11. Response to Recommendation 11 – **Approved**12. Response to Recommendation 12 – **Approved subject to the following:**

The Head of Legal Services advised that the proposed response had a typographical error which she would amend; it should read 'Since April **2017**'

13. Response to Recommendation 13 – **Approved**

14. Response to Recommendation 14 – **Approved**

15. Response to Recommendation 15 – **Approved subject to the following:**

Cllr Lyn Milner asked that congratulations be noted for the Head of Legal Services for her work on the documents submitted to the Committee; Cllr Milner was particularly pleased to see that Parish Councils had been actively engaged with during the process.

It was **resolved** that the Committee:

- Recommended the proposed changes to the Code, as demonstrated as tracked changes at Appendix 6 to the report, to Full Council
- Approved the changes to the procedure for dealing with Member Conduct complaints, as demonstrated as tracked changes at Appendix 7 to the report
- Agreed to review the Member Code of Conduct on an annual basis and make recommendations to full Council as necessary, and that where possible when substantial changes are proposed, the views of the public, community organisations and neighbouring authorities are sought
- Agreed that decision notices relating to the outcome of formal investigations be produced and published, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision- maker, and any sanction applied and that these be kept on the website for a period of 12 months, subject to that when the outcome of a hearing is a Committee finding of no breach, the subject member is given the option as to whether the decision notice includes their names or whether it remains anonymous and does not provide information that could identify the subject member
- Agreed that the Monitoring Officer request the 6 parish councils in Gravesham to formally acknowledge the expectation that formal complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances and confirm their commitment to adhere to this in relation to any future complaints of this nature
- Agreed that the Monitoring Officer ask all alternative delivery models set up by the local authority to publish board agendas, minutes and annual reports
- Noted all other responses set out in the table at Appendix 5 where no specific or additional action is required.

11. Recruitment to Statutory Post of Independent Person x2

The Committee were updated on the need to recruit to the statutory post of Independent Person x2 and the outcome of the recruitment process.

The Head of Legal Services stated that all local authorities were required under Section 28 (7) of the Localism Act 2011 to appoint at least one Independent Person. Since the introduction of The Local Authorities (Standing Orders) (England) Regulations 2015, it was

amended so that a local authority had to include at least two independent persons to a panel hearing the dismissal of a senior officer.

Gravesham Borough Council already had one Independent Person who was appointed in 2016; amendments were made to the process for considering complaints in 2019, which included the provision to recruit to the IP role for a new 4 year term commencing on 13 October 2020.

The Head of Legal Services advised that thirteen applications were received and eight of them were shortlisted for interviews which were concluded this week.

It was **resolved** that the Committee:

- Noted the need to recruit to the statutory Independent Person post and the outcome of the recruitment process.

12. Delegation to the Monitoring Officer to consider and determine requests for dispensations from Members

The Head of Legal Services sought agreement from the Committee to recommend to Council that a delegation be made to the Monitoring Officer to consider and determine any requests for dispensation from Gravesham Members and co-opted Members.

The Head of Legal Services assured the Committee that the delegation was not a blanket authority for the Monitoring Officer and it was envisaged that the delegation would be used very rarely and only in urgent situations where a particular issue arose and it was not practical to convene a Standards Committee in time. It will remain the case that the majority of requests for dispensations will be considered by the Standards Committee and only a small minority of requests would be considered and determined by the Monitoring Officer in genuine emergencies.

The Head of Legal Services advised that all decisions that were delegated to the Monitoring Officer would be reported back to the Standards Committee and Members would be fully updated.

It was **resolved** that the Committee:

- Recommended to Council that a delegation be made to the Monitoring Officer to consider and determine any requests for dispensations from Gravesham Members and co-opted Members in cases where the timing of a request would make it impractical to convene a meeting of the Standards Committee.

13. Response to LGA's Consultation on Model Code of Conduct

The Committee were provided with a draft response from the Monitoring Officer to a consultation on a model code of conduct for Councillors prepared by the Local Government Association for comments/suggested amendments.

The Head of Legal Services drew Members attention to Appendix Two to the report which highlighted the Monitoring Officers comments in red on the LGA's Model Member Code of Conduct Consultation Draft.

The Head of Legal Services informed Members that the comments made by the Monitoring Officer were all draft suggestions to assist the Committee in formulating a response to the consultation and their comments/amendments were requested.

It was explained to the Committee that the deadline for the consultation was the 17 August 2020 and the Monitoring Officer would submit a response on behalf of the Council; the public consultation mainly targeted local authority Heads of Legal, Monitoring Officers, Council Leaders and members of the public. The Head of Legal Services explained that adoption of the LGA Code of Conduct was voluntary but the LGA were hopeful that many local authorities would adopt it so that there was consistency across the country.

The Head of Legal Services went through each draft comment from the Monitoring Officer, at Appendix Two, and the Committee approved all of the comments for the consultation response subject to the following amendments:

- The third bullet point ‘treat all persons with civility’ should be included in the Model Code of Conduct:

A lengthy discussion was had by the Committee on the draft comment from the Monitoring Officer recommending that ‘treat all persons with civility’ be removed from the Model Code of Conduct. Members of the Committee felt strongly that ‘civility’ was an important factor in the conduct of Members but there was some discussion around using different words such as integrity and honesty. Upon conclusion of the discussion, it was agreed that ‘treat all persons with civility’ should be kept in the Model Code of Conduct but if any problems arose by adopting this in the future such as a significant increase in petty complaints due to the differing perception of “civility” then the line would be revisited and reviewed again. In response to a question regarding similarity with Medway’s Code of Conduct, the Head of Legal Services explained that Gravesham and Medway’s Code of Conducts were similar but they did not need to be identical; however Medway Council still underwent the same process as Gravesham.

- It was agreed that the additional paragraphs for the below sections of the LGA Model Code of Conduct would not be included in Gravesham Codes of Conduct as that extra level of detail was deemed not necessary and it would make Gravesham’s Code of Conduct too text heavy and the response to the Consultation would reflect this:
 - 4. Impartiality of Officers of the Council
 - 5 & 6. Confidentiality and Access to Information
 - 7. Disrepute
 - 8. Your Position
 - 9. Use of Council Resources and Facilities
 - 10. Interests
- With regards to gifts and hospitality, it was agreed that GBC’s Code of Conduct was amended to the thresholds of £50 and £100 to reflect the CSPL recommendations in January 2019. However, if the outcome of the consultation for the LGA Model of Conduct was confirmed to have reduced the threshold further to £25 for a single or series of gifts then it would be reflected in Gravesham’s Code of Conduct. In the response to the consultation the Committee would agree to the suggested threshold of £25.

- The outcome of the consultation will be awaited before making a decision regarding creating a right of appeal

The Head of Legal Services drew Members attention to Appendix Four to the report which held a questionnaire from the LGA to the Monitoring Officer regarding Gravesham's Code of Conduct.

The Head of Legal Services advised that the answers were in draft form and the actual answers to the questions would be submitted online; Members feedback on the answers was requested to complete the response:

- Question 1 & 1A – **Approved**
- Question 2 – **Approved**
- Question 3 – **Approved subject to the following:**

Concern was raised by a Member over the phrase 'personal tense' as it was not grammatically correct. The Head of Legal Service responded that it was the standard form received from the LGA but she promised to try and amend the wording.

- Question 4 – **Approved subject to the following:**

The Head of Legal Services advised that the answer to the first obligation 'Treating other councillors and members of the public with civility' would be amended to agree with that proposal 'to a great extent'.

It was pointed out by a Member that obligation twelve advised that the value limit for registering a gift or hospitality with the Monitoring Officer was £25 but it had been agreed earlier in the meeting to keep the value limit at £50.

The Chair agreed and asked that the Head of Legal Service ensured obligation twelve was amended before submission.

- Question 5 - **Approved subject to the following:**

The Head of Legal Services advised that the amendment regarding 'Civility' would be added to the question.

- Question 6 – **Approved**
- Question 7 – **Approved subject to the following:**

It was agreed that the Head of Legal Services would amend the answer to question seven to 'To a great extent'.

- Question 7a – **Approved subject to the following:**

Due to the previous discussion on 'Civility' it was agreed that the wording of the answer would be completely removed by the Head of Legal Services and left blank.

- Question 8 & 8A – **Approved**
- Question 9 & 9A – **Approved**
- Question 10, 10A & 10B – **Approved**
- Question 11 – **Approved subject to the following:**

The Head of Legal Services agreed to amend the answer to question 11 to 'To a great extent'.

- Question 11a – **Approved subject to the following:**

The Head of Legal Services agreed to delete the answer to question 11a.

- Question 12 & 12A – **Approved**
- Question 13 & 13A – **Approved**
- Question 14 & 14A – **Approved**
- Question 15 – **Approved**
- Question 16 & 16A – **Approved**
- Question 17 – **Approved**

The Head of Legal Services concluded the discussion and advised that a document was circulated via email earlier in the day which summarised a webinar meeting that the Head of Legal Services attended to discuss the LGA's Model Code of Conduct.

The Chair and The Head of Legal Services thanked Members of the Committee for their feedback on the draft response to the LGA's consultation Model Code of Conduct.

Close of meeting

The meeting ended at 20:39pm.

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Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Standards Committee
Date: 8 December 2020
Reporting officer: Perry Holmes, Monitoring Officer
Subject: Request for Dispensation

Purpose and summary of report:

This report informs the Committee of a dispensation request that has been received by the Monitoring Officer for a dispensation in relation to Waterside Parents' Centre at all Committees including Full Council.

Recommendations:

1. To grant a dispensation to Councillor Jenny Wallace for 4 years for the reasons set out in paragraph 4 of the report to allow participation in debate and any vote taken on any item relating to Waterside Parents' Centre at all Committee meetings including Full Council and Cabinet in which she has an Other Significant Interest by virtue of being a Trustee of the Centre.

1. Budget and Policy Framework

- 1.1 Upholding high standards of conduct are a matter for the Standards Committee.
- 1.2 The Standards Committee's terms of reference allow for the granting of dispensations to Councillors and co-opted Members to allow participation in debate and/or voting on any item in which they have a disclosable pecuniary interest or other significant interest.

2. The Members' Code of Conduct and Dispensations

- 2.1 The Council's Members' Code of Conduct (Annex 3.1) includes provisions for the granting of dispensations.
- 2.2 The relevant sections read as follows:
 - 2.2.1 Disclosable Pecuniary Interest & Other Significant Interests (page 6)

“Disclosable Pecuniary Interest” means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:

- (a) Your interest; or
- (b) An interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

“Other Significant Interest” means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) May reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:
 - i. Other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - ii. (in other cases) other council tax payers, ratepayers or inhabitants of the Authority’s area; or
- (b) Relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

2.2.2 Declaring Interests and Participation in Meetings (Page 8)

5 (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:

- (a) Disclose the interest; and
- (b) Explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to paragraph 6 below); and unless you have been granted a dispensation or are acting under paragraph 5(4); and
- (c) Not participate in any discussion of, or vote taken on, the matter at the Meeting; and
- (d) Withdraw from the Meeting room in accordance with the Authority’s Procedure Rules whenever it becomes apparent that the business is being considered; and
- (e) Not seek improperly to influence a decision about that business.

5 (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must;

- (a) Notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
- (b) Not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
- (c) Not seek improperly to influence a decision about the matter.

5(4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

- (a) Not participate in any discussion of, or vote taken on, the matter at the Meeting; and
- (b) Withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

2.2.3 Dispensations

8(1) The Standards Committee, or any sub-committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:

- (a) without the dispensation the number of persons prohibited 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; or
- (b) 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 or any vote relating to the business; or
- (c) granting the dispensation is in the interests of persons living in the Authority's area; or
- (d) Without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or

(e) It is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

3. Current Position

- 3.1 Councillor Jenny Wallace is an Elected Member and Cabinet Member of Gravesham Borough Council.
- 3.2 Councillor Jenny Wallace wrote to the Monitoring Officer on 25 September 2020 requesting a dispensation, a copy of the request is set out in Appendix 2 to this report.
- 3.3 Councillor Jenny Wallace is a Trustee of Waterside Parents' Centre which is therefore an Other Significant Interest.

4. Advice and Analysis

- 4.1 If a dispensation is not granted to Councillor Jenny Wallace in relation to Waterside Parents' Centre for all Committees, including Council and Cabinet, she would be required to declare an OSI and leave each and every Meeting when any item relating to the Centre appeared on the Agenda of that Meeting which would curtail Councillor Jenny Wallace in fulfilling her role as a GBC Councillor due to her role as Trustee of the Waterside Parents' Centre.
- 4.2 The recommendation at paragraph 1 of this report suggests that dispensation should be granted in respect of specific Other Significant Interests only in relation to one named Councillor. Should any Disclosable Pecuniary Interests or Other Significant Interests arise in future for the named Councillor they will need to seek a separate dispensation or ensure that they do not speak or vote on a relevant matter and leave the room for that agenda item.
- 4.3 For those reasons the Monitoring Officer would advise the Committee to consider granting a dispensation under paragraph 8(1) "it is otherwise appropriate to grant a dispensation."
- 4.4 The decision whether to grant dispensation on request is a matter for this Committee.

5. BACKGROUND PAPERS

- 5.1 None.

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	The legal implications are contained in the body of the report.
Finance and Value for Money	There are no specific financial implications.
Risk Assessment	The granting of a dispensation in these circumstances poses a low risk given the duty upon the Councillor to comply with the Council's Members' Code of Conduct.
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data ? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk . N/A
Equality Impact Assessment	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
Corporate Plan	People, Place and Progress
Climate Change	No impact.
Crime and Disorder	No impact.
Digital and website implications	No impact.
Safeguarding children and vulnerable adults	No impact.

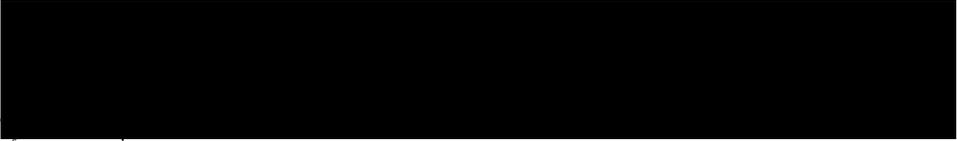
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Gravesham Borough Council Dispensation Request Form

Please give full details of the following in support of your application for a dispensation.

If you need any help completing this form please contact the Monitoring Officer.

Your name	Cllr Jenny Wallace
Decision-making body in respect of which you require a dispensation	All Committees including Full Council and Cabinet
Details of your membership of that body	Elected Member and Cabinet Member
The business for which you require a dispensation (refer to agenda item number if appropriate)	Waterside Parents' Centre
Details of your interest in that business	Trustee
Date of meeting or time period (up to 4 years) for which dispensation is sought	Four years
Dispensation requested to participate in any discussion of that business	Yes
Dispensation requested to participate in any vote taken on that business	Yes

Signed. 

Dated...25 September 2020.....

Please send your completed form to:

Perry Holmes
 Monitoring Officer
 Medway Council
 Gun Wharf
 Dock Road
 Chatham
 Email: perry.holmes@medway.gov.uk

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Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Standards Committee
Date: 8 December 2020
Reporting officer: Perry Holmes, Monitoring Officer
Subject: Request for Dispensation

Purpose and summary of report:

This report informs the Committee of a dispensation request that has been received by the Monitoring Officer for a dispensation in relation to Rosherville Limited at all Committees including Full Council.

Recommendations:

1. To grant a dispensation to Councillor Christina Rolles for 4 years for the reasons set out in paragraph 4 of the report to allow participation in debate and any vote taken on any item relating to Rosherville Limited at all Committee meetings including Full Council in which she has an Other Significant Interest by virtue of being married to Councillor Lenny Rolles who is a Director and Chair of Rosherville Limited.

1. Budget and Policy Framework

- 1.1 Upholding high standards of conduct are a matter for the Standards Committee.
- 1.2 The Standards Committee's terms of reference allow for the granting of dispensations to Councillors and co-opted Members to allow participation in debate and/or voting on any item in which they have a disclosable pecuniary interest or other significant interest.

2. The Members' Code of Conduct and Dispensations

- 2.1 The Council's Members' Code of Conduct (Annex 3.1) includes provisions for the granting of dispensations.
- 2.2 The relevant sections read as follows:
 - 2.2.1 Disclosable Pecuniary Interest & Other Significant Interests (page 6)

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- (a) Your interest; or
- (b) An interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

“Other Significant Interest” means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) May reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:
 - i. Other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - ii. (in other cases) other council tax payers, ratepayers or inhabitants of the Authority’s area; or
- (b) Relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

2.2.2 Declaring Interests and Participation in Meetings (Page 8)

5 (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:

- (a) Disclose the interest; and
- (b) Explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to paragraph 6 below); and unless you have been granted a dispensation or are acting under paragraph 5(4); and
- (c) Not participate in any discussion of, or vote taken on, the matter at the Meeting; and
- (d) Withdraw from the Meeting room in accordance with the Authority’s Procedure Rules whenever it becomes apparent that the business is being considered; and
- (e) Not seek improperly to influence a decision about that business.

5 (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must;

- (a) Notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
- (b) Not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
- (c) Not seek improperly to influence a decision about the matter.

5(4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

- (a) Not participate in any discussion of, or vote taken on, the matter at the Meeting; and
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2.2.3 Dispensations

8(1) The Standards Committee, or any sub-committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:

- (a) without the dispensation the number of persons prohibited 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; or
- (b) 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 or any vote relating to the business; or
- (c) granting the dispensation is in the interests of persons living in the Authority's area; or
- (d) Without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or

(e) It is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

3. Current Position

- 3.1 Councillor Christina Rolles is a Member of Gravesham Borough Council.
- 3.2 Councillor Christina Rolles wrote to the Monitoring Officer on 18 November 2020 requesting a dispensation, a copy of the request is set out in Appendix 2 to this report.
- 3.3 Councillor Christina Rolles is married to Councillor Lenny Rolles who is a Director and Chair of Rosherville Limited, which is a Gravesham Borough Council trading company (LATCo) and is therefore an Other Significant Interest for both Councillors. The Directors of Rosherville Limited are not paid for the work they carry out in the Council Companies so there is no question that they have a Disclosable Pecuniary Interest in any agenda items about these companies.

4. Advice and Analysis

- 4.1 If a dispensation is not granted to Councillor Christina Rolles in relation to Rosherville Limited for all Committees, including Council, she would be required to declare an OSI and leave each and every Meeting when any item relating to Rosherville appeared on the Agenda of that Meeting which would significantly curtail Councillor Christina Rolles in fulfilling her role as a GBC Councillor due to the appointment of her husband to the role of Director and Chair of Rosherville Limited by the Council.
- 4.2 The recommendation at paragraph 1 of this report suggests that dispensation should be granted in respect of specific Other Significant Interests only in relation to one named Councillor. Should any Disclosable Pecuniary Interests or Other Significant Interests arise in future for the named Councillor they will need to seek a separate dispensation or ensure that they do not speak or vote on a relevant matter and leave the room for that agenda item.
- 4.3 For those reasons the Monitoring Officer would advise the Committee to consider granting a dispensation under paragraph 8(1) "it is otherwise appropriate to grant a dispensation."
- 4.4 The decision whether to grant dispensation on request is a matter for this Committee.

5. BACKGROUND PAPERS

- 5.1 None.

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	The legal implications are contained in the body of the report.
Finance and Value for Money	There are no specific financial implications.
Risk Assessment	The granting of a dispensation in these circumstances poses a low risk given the duty upon the Councillor to comply with the Council's Members' Code of Conduct.
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data ? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk . N/A
Equality Impact Assessment	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
Corporate Plan	People, Place and Progress
Climate Change	No impact.
Crime and Disorder	No impact.
Digital and website implications	No impact.
Safeguarding children and vulnerable adults	No impact.

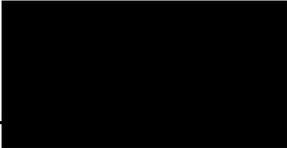
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Gravesham Borough Council Dispensation Request Form

Please give full details of the following in support of your application for a dispensation.

If you need any help completing this form please contact the [Monitoring Officer](#).

Your name	Cllr Christina Rolles
Decision-making body in respect of which you require a dispensation	All Committees including Full Council
Details of your membership of that body	Council Member
The business for which you require a dispensation (refer to agenda item number if appropriate)	Rosherville Limited
Details of your interest in that business	Married to Director and Chair (Lenny Rolles)
Date of meeting or time period (up to 4 years) for which dispensation is sought	Up to 4 years
Dispensation requested to participate in any discussion of that business	Yes
Dispensation requested to participate in any vote taken on that business	Yes

Signed. 

Dated 18/11/20.....

Please send your completed form to:

Perry Holmes
 Monitoring Officer
 Medway Council
 Gun Wharf
 Dock Road
 Chatham

Email: perry.holmes@medway.gov.uk

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