

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Council

Date: 6 October 2020

Reporting officer: Jan Guyler, Head of Shared Legal Service

Subject: Delegation to the Monitoring Officer to consider and determine requests for dispensations from Members

Purpose and summary of report:

To seek a delegation from Council to the Monitoring Officer to consider and determine any requests for dispensation from Gravesham Members and co-opted Members.

Recommendations:

1. 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.

1. Current delegations

- 1.1 The Council has delegated powers to the Standards Committee at Annex 1.2 (paragraph 3(a)) "to grant dispensations to Councillor and co-opted Members from requirements relating to interests set out in the Member Code of Conduct in Annex 3.2 to this Constitution".
- 1.2 Other local authorities who have created a LATCo, similar to GBC, have found it helpful to have provision for a delegation from Council and the Standards Committee to the Monitoring Officer to consider and determine any requests for dispensations from Members where time does not allow the council to convene a Committee.
- 1.3 This is not a blanket authority for the Monitoring Officer and it is envisaged that this will be used very rarely and only in urgent situations where a particular issue arises and it is 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 MO in genuine emergencies.
- 1.4 It is therefore recommended that this delegation be provided for within GBC's Constitution to enable urgent decisions to be made where necessary. The suggested changes are set out in track changes in Annex 1.13 – Functions Delegated to Officers of the Council attached as Appendix 2.

2. Background papers

2.1 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	Local Authorities have a duty to regularly review and update their Constitution.
Finance and Value for Money	There are no financial implications.
Risk Assessment	The risk of not providing the delegation is low but to proceed would bring efficiencies and avoid the risk of Members having to leave a meeting where an interest needs to be declared if a dispensation cannot be obtained in time.
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>
	<p>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.</p>
	<p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p>
	<p>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</p>
Equality Impact Assessment	<p>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</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p>
	<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	N/A
Crime and Disorder	N/A
Digital and website implications	N/A
Safeguarding children and vulnerable adults	N/A