

Request for Members' Dispensation	
STANDARDS COMMITTEE 16 September 2019	CLASSIFICATION: OPEN
WARD(S) AFFECTED ALL WARDS	
Suki Binjal Director of Legal & Governance	

1. SUMMARY

- 1.1 The Localism Act 2011 requires all local authorities to adopt a Code of Conduct for its elected Members and voting co-optees.
- 1.2 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 requires all Members to complete a declaration of interests form on their election to office, and for voting co-optees to complete a form on their appointment to office.

2. RECOMMENDATION

- i. That Standards Committee agree a dispensation for any member of the Council belonging to the Local Government Pension Scheme (LGPS) either in a contributing, or in receipt capacity, for the LB Hackney, or any other Local Authority Pension Scheme, when they are in attendance at any Council meetings where matters pertaining to the Local Government Pension Scheme are being considered/discussed; and

- ii. That the dispensation if granted, will remain in place until the first meeting of the Standards Committee or any committee which has the functions of the Standards Committee, following the commencement of the newly elected administration in May 2022.

3. REASONS FOR THE DECISION/BACKGROUND

- 3.1 As part of the formal consideration of business of the various bodies of the Council, the matter of the Local Government Pension scheme (LGPS) is periodically considered/discussed e.g at Full Council, Audit Committee, Pensions Committee, and the Pensions Board.
- 3.2 It is noted that a number of elected members may be contributing in their elected member capacity to the London Borough of Hackney Pension Scheme, or are in receipt of a pension from the London Borough of Hackney (as a result of previously contributing to the scheme and had reached pensionable age). An elected Member may also currently be contributing to the LGPS at another Local Authority as an employee, or in receipt of a pension from another Local Authority where they were formerly an employee.
- 3.3 In accordance with the Council's Members Code Conduct as detailed in Part 5 of the constitution, the declarations of interests' rules require a Member to declare as a disclosable non-pecuniary interest, any contribution to or being in receipt of an LGPS pension. It is also a requirement of each Member to declare such interests on their individual Register of Interests form (ROI).
- 3.4 Consequently as the various bodies of the Council would require such declarations to be made each time pensions issues are discussed, it is felt that as this declaration has already been detailed in individual Members ROI's it is not necessary to then have to disclose such interests on each occasion and therefore it is appropriate to seek a Member wide dispensation to not have to make such declarations with immediate effect. The dispensation will remain in place until the first meeting of the Standards Committee or any committee which has the functions of the Standards Committee in 2022.
- 3.5 Under the Localism Act 2011 all Councils are required to promote high ethical standards in public office. Members and co-optees complete the ROI forms when they take office and all members are reminded quarterly to review their ROI form content. Part of the ROI form details the requirement to declare membership of the LGPS.

4. COMMENTS OF GROUP DIRECTOR FINANCE AND CORPORATE RESOURCES

- 4.1 This report seeks the Committee's consent to a dispensation for the remainder of the municipal administrative term. There are no financial implications in this.

5. COMMENTS OF THE DIRECTOR OF LEGAL & GOVERNANCE

- 5.1 All Members and voting Co-optees are required under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to complete a declaration of interests form.

- 5.2 Under the Council's Constitution - Part 5 – Code of Conduct - Section 14 sets out the rules regarding dispensations as follows:

14.1 A Member or co-optee may submit a written request for dispensation relieving them from the restrictions on a participation in and on a disclosable pecuniary interest.

14.2 Dispensation may be granted if:

(a) the number of persons prohibited from participating in the meeting would be so great a proportion as to impede the transaction of the business

(b) without the dispensation the balance of political groups on the committee would be affected and affect the outcome of any

(c) granting dispensation is in the interests of residents

(d) each member of the executive would be prohibited from participating in any particular business to be transacted by the executive

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

Applications under sections 14.2(a)(b) and (d) above shall be made to the Monitoring Officer. All other applications shall go to Standards Committee.

- 5.3 A dispensation to not have to declare membership of and contribution to or receipt of a pension from a LGPS (which is recorded on the Register of Interest Form published on the web), is such a dispensation that can be determined by the Standards Committee as advised by the Monitoring Officer.

- 5.4 Accordingly the Monitoring Officer is asking the Standards Committee to grant a blanket dispensation for the term of office (until May 2022) for all

Members that would be affected under the provision of the dispensation in accordance with rule 14.2 (e) above.

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