

**To the Chair and Members of the
AUDIT COMMITTEE**

REPORT ON URGENT ACTION TAKEN TO GRANT A DISPENSATION

EXECUTIVE SUMMARY

1. To report urgent action taken by the Assistant Director of Legal & Democratic Services in consultation with the Chair of the Audit Committee in relation to the granting of a dispensation to a Councillor.

RECOMMENDATIONS

2. The Committee is asked to note the content of this report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. On occasions it is necessary for officers to take urgent action on behalf of the Council to ensure it can effectively discharge its functions. Reporting this urgent action back to the relevant Committee supports openness and transparency ensuring citizens have a greater understanding and confidence in the Council's governance arrangements.

BACKGROUND

4. Standing Order 36 of the Council's Constitution allows the Chief Executive, Directors or Assistant Directors to take action in matters of urgency in consultation with the Chair or Vice-chair of an appropriate Committee.
5. In January 2015, Councillor Fred Gee applied to call-in a Cabinet decision to introduce a selective licensing scheme in Hexthorpe. Councillor Gee was the leader of the call-in group and was considered central to the presentation of the call-in group's arguments. Councillor Gee has property holdings in Hexthorpe and as such has a Disclosable Pecuniary Interest, and in accordance with the Council's Code of Conduct and Constitution, would be required to declare his interest and take no further part in the call-in meeting. Following an approach by Councillor Gee, the Assistant Director of Legal & Democratic Services agreed that it would be appropriate in the circumstances and would promote good and robust decision making if Councillor Gee was able to take part in the entirety of the meeting and lead the Call-in group.
6. Council has delegated to Audit Committee the authority to grant dispensations to Councillors in respect of their interests on occasions

where “the Council considers that it is otherwise appropriate to grant a dispensation”. Given the timescales prior to the Call-in meeting, it was not possible to convene a meeting of the Audit Committee and so the decision was taken by the Assistant Director of Legal & Democratic Services. The Chair of the Council’s Audit Committee agreed with the view of the Assistant Director of Legal & Democratic Services that the circumstances warranted an urgent decision and, accordingly the dispensation was granted to Councillor Gee.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

7. Council Procedure Rule 36.3 states that any action taken under Council Procedure Rule 36 “shall report such action to the first available meeting of the appropriate Committee or sub committee”.

RISKS AND ASSUMPTIONS

8. There are no identified risks associated with this report.

LEGAL IMPLICATIONS

9. On 18th May 2012 the Council delegated to the Council’s former Standards Committee the power to grant dispensations to Councillors in respect of their interests on occasions where “the Council considers that it is otherwise appropriate to grant a dispensation”. This power was transferred to the Audit Committee in June 2014 when the Standards Committee was disbanded. Such dispensations are consistent with the law as set out at S33 of the Localism act 2011.

FINANCIAL IMPLICATIONS

10. There are no specific financial implications associated with this report.

EQUALITY IMPLICATIONS

11. There are no specific equality implications associated with this report.

BACKGROUND PAPERS

12. Report to OSMC 23rd January 2015 - Call In Of The Following Executive Decision: Recommendations For Implementing A Selective Licensing Scheme For Private Sector Landlords In Hexthorpe Following Consultation.

REPORT AUTHOR

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