

Mike Kelly FCIOB MCIM
Chief Executive

Our Ref JMh/hq
Your Ref
Date 4 February 2013
Please ask for Jayne Hammond
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Chief Executive's Department
Jayne Hammond LLB (Hons) Solicitor
Assistant Director
Legal & Democratic Services

Dear Member

Dispensation to allow Members to participate and vote on setting the budget (and matters directly related to such decisions, including budget calculations)

I am writing to you as the Monitoring Officer to advise you of the new rules introduced by the Localism Act 2011, on the grant of dispensations to allow Members to take part or vote on matters in which they have a "Disclosable Pecuniary Interest" (DPI).

Where a Member has a DPI, they cannot speak and/or vote on a matter in which they have such an interest, unless they have obtained a dispensation in accordance with the requirements of Section 33 of the Localism Act. The grounds on which a dispensation can be granted include where the Council considers that "without the dispensation the number of Members prohibited from participating/voting in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business". The power to grant a dispensation on these grounds has been delegated by the Council to me, in my capacity as the Monitoring Officer.

Previously, the old "national" Code of Conduct for Members specifically stated that Members would not have a prejudicial interest in certain circumstances that potentially affected the majority of Members. These "general exemptions" included an interest in any business of the Council which related to "setting Council Tax or a precept under the Local Government finance Act 1992".

The new arrangements on DPIs introduced by the Localism Act do not reproduce any of the "general exemptions" that were included in the previous Code. Most or all Members are likely to have a DPI in relation to setting the Council budget through their ownership/occupation of property in the Borough. It is, therefore, my opinion that the transaction of business relating to setting the budget would be impeded unless a dispensation is granted to Members.

As there is a requirement that there should be a written request by a Member concerned before a dispensation is granted, if you consider that you will require a dispensation in relation to setting the budget, I would be grateful if you could advise me by e-mail on the attached form via your Group Leader, or directly.



Electronic service of legal
documents accepted only at:
E-mail: legal.services@bury.gov.uk
Fax: 0161 253 5119

Town Hall
Knowsley Street
Bury BL9 0SW
www.bury.gov.uk

30 January 2013

I attach for background information a copy of my report to Bury Council's Standards Committee on 7 February 2013, which provides further detail about the new rules introduced by the Localism Act 2011 on the grant of dispensations. If you have any queries in relation to this matter, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Hammond'.

Jayne M Hammond
Assistant Director Legal & Democratic Services/Monitoring Officer