

ISLE OF WIGHT COUNCIL DECISION RECORD

DELEGATED DECISION BY OFFICER – SIGNED RECORD

(Part 3 of The Openness of Local Government Bodies Regulations 2014)

DISPENSATION GRANTED - SECTION 33 (2) OF THE LOCALISM ACT 2011

MEMBERS' ALLOWANCE SCHEME AND ASSOCIATED MATTERS

Date of Decision: 12 January 2022

Record of Decision:

That, under section 33 (2) of the Localism Act 2011 and under all other enabling powers, full dispensation is granted for a period of four years from 12 January 2022 (inclusive) to each and every councillor of the Isle of Wight Council to remain in the meeting room and to speak and to vote on any report (including recommendations) of the Independent Remuneration Panel relating to any members' allowance scheme proposed for the Isle of Wight Council, and to remain in the meeting room and to speak and to vote on whether or not to make and approve (with or without any amendments) any members' allowance scheme (including payments and allowances), notwithstanding the existence of any disclosable pecuniary interest(s). For the avoidance of any doubt, this dispensation is intended to be wide and covers any item of business relating to a members' allowance scheme and includes remaining, speaking and voting on any indexation provision linked to local authority staff pay, at national level or otherwise.

Reasons for Decision:

- That 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 (section 33(2)(a) of the Localism Act 2011).
- That without the dispensation the representation of the different political groups on the body transacting any particular business would be so upset so as to alter the likely outcome of any vote relating to the business (section 33(2)(b) of the Localism Act 2011).
- That the dispensation is in the interests of persons living in the authority's area (section 33(2)(c) of the Localism Act 2011).

As the delegated officer for granting dispensations under section 33(2) of the Localism Act 2011 (see page 98 of the Council's Constitution), I am of the opinion that it is prudent to exercise my powers for the above reasons even though it is arguable that councillors may not have disclosable pecuniary interests on the basis that they do not hold public office for profit or gain but to act solely in the public interest, and that regulation 10 (1) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) places a statutory duty on the Isle of Wight Council to make a members' allowance scheme, and that under regulation 2(7) of the Local Authorities (Functions and Responsibilities) (England) Regulations

2000 (as amended) this statutory obligation cannot be delegated and so the decision is required by law in any event to be made by councillors at full council.

Details of alternative options, if any, considered and rejected: None as councillors are required by law to make a members' allowance scheme and to have regard to any report from the Independent Remuneration Panel. Councillors have no power to delegate such decisions under section 101 of the Local Government Act 1972 as that power has been excluded by law. Councillors are acting under statutory authority and duty.

Name and post of decision-maker: Christopher Potter, Monitoring Officer

Signed:

A handwritten signature in black ink, appearing to read 'C. Potter', written in a cursive style.

C.Potter