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25 September 2023

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **GOVERNANCE COMMITTEE** on Thursday 28 September 2023 at 6.00 pm, the following report that was unavailable when the agenda was printed.

11 **REQUEST FOR DISPENSATIONS UNDER THE CODE OF CONDUCT** (Pages 2 - 4)

Appendix 1 – Additional request for dispensation.

Yours sincerely

Chief Executive

Dover District Council

Request for dispensation to relieve from restrictions on participating in discussions and in voting.

Section 33 Localism Act 2011 and paragraph 8 of the Kent Code of Conduct for Members

I, DANIEL FRIEND, a Dover District Councillor request that the Council grant me a dispensation under paragraph 8 of the Kent Model Code of Conduct for Members,

from 28/09/2023 until 22/05/2024

relieving me as a Dover District Councillor with a Disclosable Pecuniary Interest / Other Significant Interest* from both of the restrictions on participating in discussions and voting on the following matter:

Dover District Council's Garden waste collection service.

The dispensation is requested for the following reasons:

Under Dover District Council's Constitution, "Other Significant Interest" is defined on p.291 as: "An interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which: "(a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of: (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area; or "(b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person; and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest."

(*) Delete as appropriate.

Under the Kent Code of Conduct for Members, dispensation can be granted on a number of grounds, including where: “b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; “c) granting the dispensation is in the interest of persons living in the Authority’s area; or, “e) it is otherwise appropriate to grant a dispensation.” Dover District Council’s Constitution makes provision for the Monitoring Officer to consider and grant dispensations related to Disclosable Pecuniary Interests, but for reasons unknown these provisions do not extend to the less serious category of Other Significant Interests. As such, the Governance Committee is the only body that can grant a dispensation on OSIs. Proposed changes to the Council’s garden waste collection service were approved by Cabinet on 4th September 2023, and subsequently included on the agenda for the Overview and Scrutiny Committee on 11th September 2023. At the Cabinet meeting, half (3) of the Executive declared an OSI by virtue of being garden waste service subscribers and withdrew from the meeting. This meant Cabinet was only just quorate. At the Overview and Scrutiny Committee meeting, 2 Labour group members and 3 of the 4 Conservative group members declared an OSI for the same reason – with the only remaining Conservative member taking the Chair for consideration of that particular item while a total of 5 members (half the Committee) withdrew. The result of such a large number of OSI declarations was that the number of members scrutinising the garden waste proposals at both Cabinet and Overview and Scrutiny were half the full complement of Committee members. Arguably this reduced the extent to which the proposals were properly scrutinised – and particularly by opposition members at the Overview and Scrutiny Committee. At neither meeting was a consultation period requested to be added, despite it being specifically decided to run a “consultation with existing users of the service” when this topic was considered by Cabinet in December 2022. No discussion was had at all, at either meeting, of the proposals to increase charges for the service while reducing the maximum capacity, nor consideration of how the charging regime in Dover compares to other districts and boroughs in Kent which have significantly higher take up and income from their versions of the service.

I am requesting a dispensation under Paragraph 8 of the Kent Code of Conduct for Members as I believe that: 1. It is in the interests of all Dover district residents to design our garden waste collection arrangements to provide a high quality service and generate as much revenue as is reasonably practicable to supplement the Council’s budget. 2. I do not believe that a member of the public with a reasonable knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice my judgement of the public interest. 3. Without the dispensation, the representation of different political groups will be so upset as to alter the likely outcome of any vote relating to the business. This would be the case at both Overview and Scrutiny Committee meetings and Council. 4. Granting this dispensation will allow me, and other ward members, to represent the

views of residents at any relevant meetings – and so granting the dispensation is in the interest of persons living in the Authority’s area. 5. It is appropriate to grant a dispensation because it is in the interest of all residents that Cabinet decisions are scrutinised to the greatest extent reasonably practicable, to ensure the best possible outcomes for our community and its inhabitants. 6. If a dispensation is not granted to members who request one on this OSI, it will result in a significant number of members needing to withdraw from consideration of both the Fees and Charges report at Cabinet and Overview and Scrutiny, as well as members needing to withdraw from consideration of the Budget and MTFP. I do not believe that members of the public would consider that to be reasonable.

Signed: Daniel Friend

Name: Daniel Friend

Date: 22/09/2023

Date received by Monitoring Officer: _____