

<b>Subject:</b>	Dispensations		<b>Status:</b>	For Publication	
<b>Report to:</b>	Council		<b>Date:</b>	11 <sup>th</sup> December 2024	
<b>Report of:</b>	Monitoring Officer		<b>Lead Member:</b>	Environment and Corporate Services	
<b>Key Decision:</b>	No - reserved for Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
<b>Equality Impact Assessment:</b>		Required:	No	Attached:	No
<b>Biodiversity Impact Assessment:</b>		Required:	No	Attached:	No
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## 1. RECOMMENDATION

- 1.1 To agree to update the Council's Constitution in relation to the granting of a general dispensation to all members of the Council for a period of 4 years from 14<sup>th</sup> December 2024.

## 2. EXECUTIVE SUMMARY

- To amend the Constitution regarding the granting of a dispensation for a 4 year period.
- The decision will facilitate the annual setting of the Council's budget and Council Tax.

## 3. BACKGROUND

- 3.1 The Council's Monitoring Officer is able to grant dispensations. This includes general dispensations relating to the setting of the Council's Budget and Council Tax.
- 3.2 Dispensations can only be granted for a maximum period of 4 years.

## 4. DETAILS

- 4.1 A general dispensation was granted to all members of the Council for a period of 4 years from 14<sup>th</sup> December 2020 and is currently due for review.
- 4.2 It is recommended that a general dispensation be given for a further 4 year period as detailed at 4.3. This will enable each member to participate in any discussion relating to the setting of the Council's budget and participate in the vote taken on the setting of the Council Tax.
- 4.3 The following changes are recommended to Part 3 – pages 65-66:

6.6 The Monitoring Officer is able to grant dispensations:

This includes general dispensations relating to:

- a) any allowance payment or indemnity granted to a member.
- b) setting the Council Tax or a precept under the Local Government Finance Act 1992.

(A general dispensation has been granted to all members of the Council for the period of four years from ~~14<sup>th</sup> December 2020~~ 14<sup>th</sup> December 2024).

- 4.4 The Governance Working Group were consulted on this Constitution change at the meeting on 4<sup>th</sup> September 2024, where they recommended Council approval.

## 5. RISK

All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.
- Monitoring risks and reviewing systems of controls.
- Councillors being unable to participate in any discussion relating to the setting of the Council's budget.
- Councillors being unable to participate in the vote taken on the setting of the Council Tax.

## 6. FINANCE

There are no immediate financial implications arising from the report.

## 7. LEGAL

There are no immediate legal considerations attached to the recommendation in this report, other than the considerations as detailed in section 5.

## 8. POLICY AND EQUALITIES IMPLICATIONS

There are no equalities or HR implications.

## 9. REASON FOR DECISION

9.1 To enable councillors to participate in any discussion and vote taken in relation to the Council's budget and the setting of Council Tax.

9.2 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers	
Document	Place of Inspection
The Constitution of the Council	<a href="#">Constitution   Rossendale Borough Council</a>