

**North East Derbyshire District Council**

**Standards Committee**

**1st October 2025**

**Request for dispensations**

**Report of the Assistant Director of Governance and Monitoring Officer**

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer.

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer.

---

**PURPOSE / SUMMARY**

For Members to consider and determine 2 applications for dispensations from 2 Councillors who are also Derbyshire County Council Councillors in relation to participation and voting on Local Government Reorganisation (LGR) where they have Disclosable Pecuniary Interests as a result of also being Councillors at Derbyshire County Council.

---

**RECOMMENDATIONS**

1. That Committee considers granting a general dispensation until 31 March 2028 to Cllr Reed and Cllr Dale to enable them to participate and vote in the decision relating to local government reorganisation where they would otherwise have a Disclosable Pecuniary Interest because they are also County Councillors.

**IMPLICATIONS**

---

**Finance and Risk:** Yes ☐ No ☒

**Details:**

On Behalf of the Section 151 Officer

---

**Legal (including Data Protection):** Yes ☒ No ☐

**Details:** As in the report.

On Behalf of the Solicitor to the Council

---

**Staffing:**    **Yes** ☐        **No** ☒

**Details:**

On behalf of the Head of Paid Service

---

## **DECISION INFORMATION**

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Not applicable
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details: Standards Committee.

<b>Links to Council Plan priorities;</b> <ul style="list-style-type: none"> <li>A great place that cares for the environment</li> <li>A great place to live well</li> <li>A great place to work</li> <li>A great place to access good public services</li> </ul>
All

## REPORT DETAILS

### 1 Background (reasons for bringing the report)

- 1.1 By virtue of the Localism Act 2011 and the Council's Code of Conduct for Members, all elected members are required to declare to the Monitoring Officer their Disclosable Pecuniary Interests (DPIs), which are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Section 31 of the 2011 Act, provides that where a member is present at a meeting and has a DPI in any matter to be considered (and they are aware of the interest), they cannot participate in any discussion of the matter at the meeting or vote on the matter at the meeting. The Council's Constitution requires that the Councillor leave the Chamber.
- 1.2 A member would commit a criminal offence under section 34(4) of the 2011 Act if they participate or vote on the matter in which they have a DPI unless a dispensation has been granted.
- 1.3 The 2011 Act enables dispensations to be granted where—
  - (a) without the dispensation the number of persons prohibited from participating in the business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
  - (b) without the dispensation the representation of different political groups on the body transacting the 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 interests of persons living in the authority's area,
  - (d) in respect of executive arrangements, without the dispensation each member of Cabinet would be prohibited from participating in the business, or
  - (e) considers that it is otherwise appropriate to grant a dispensation.
- 1.4 The Monitoring Officer has delegated authority to grant dispensations in relation to the circumstances set out in (a), (b) and (d) above with the Standards Committee being able to grant dispensations under any of the grounds.
- 1.5 As Members are aware, the Government published a policy paper entitled 'English Devolution White Paper', setting out their ambition to implement

the most significant reforms to local government since the Local Government Act 1972. This included the Government's intention to facilitate local government reform (LGR) across all two-tier areas in England, through the creation of new unitary councils. On 5 February 2025 the Minister of State wrote to the Leaders of Derbyshire County Council, all District and Borough Councils and Derby City Council, formally inviting them to develop a proposal for LGR for the area. The Council (with the other Districts and Boroughs and Derby City Council) is currently preparing a proposal for submission to government before 28 November 2025. It is intended that the LGR proposal to be submitted to government will be considered by Council at an Extraordinary meeting on 3<sup>rd</sup> November prior to formal approval by Cabinet.

- 1.6 Currently 2 District Councillors are also County Councillors and are therefore "dual-hatted". They are in receipt of Member Allowances from both District Council and the County Council. As a result, both these Councillors have a DPI in the forthcoming matter to be considered and without a dispensation would be required to withdraw from the Council meeting.
- 1.7 Given the importance of all Councillors being able to participate in future debates on LGR, a general the two councillors have sought a dispensation. The grounds for consideration are that:
  - (c) granting the dispensation is in the interests of persons living in Derbyshire, as this will ensure all communities can be represented by their local councillor.
  - (e) it is otherwise appropriate to grant the dispensation to enable all Councillors to participate in a matter of such significant importance. This is the biggest issue affecting the structure of local government in many years and the exclusion of any Elected Members will prevent full participation and not support good quality decision making.
- 1.8 The dispensations must be for a specified term and it is proposed it remains in place until 31 March 2028, when it is expected that any new authorities would come into being.
- 1.9 If Committee agrees to grant the dispensation, it relates to the specific circumstances in which it is granted and would not apply where any

Councillor has another disclosable pecuniary interest or otherwise should not participate in consideration of the matter.

## **2. Details of Proposal or Information**

- 2.1 The proposal for consideration is whether to grant the 2 Councillors (Cllrs Reed and Dale) dispensations as outlined in the report.

## **3 Reasons for Recommendation**

- 3.1 To enable all Elected Members of Council to be involved in the very important debate regarding Local Government Reorganisation across Derby and Derbyshire which will have significant impacts for the residents that those members serve.
- 3.2 To comply, the requirement in the Localism Act 2011 is that a dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 Not to grant a dispensation. This was rejected duty to the importance of participating in the Council's LGR decision.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Requests for Dispensations
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
None	