

**Teignbridge District Council
Governance Committee
Thursday 8th January 2026
Part i**

Application for Dispensations – General Dispensation for Members Allowances

Purpose of Report

To consider granting a general dispensation to Members of the Council to enable them to vote in matters relating to the Members' Allowances scheme.

Recommendation(s)

The Committee RESOLVES to:

- (1) Approve the granting of a general dispensation to all Teignbridge District Councillors to be able to take part in discussions and vote in items of business relating to the Members' Allowances Scheme.
- (2) That the dispensations are granted until the next District Council elections, or until such time as the District Council ceases to exist, whichever event comes first.

Financial Implications

See 5.1

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Legal / Governance Implications

See 5.2

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Risk Assessment

Covered in 5.3

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Environmental/ Climate Change Implications

See 5.4

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Councillor John Parrott – Executive Member for Finance and Corporate.

1. Introduction/Background

The Governance Committee's Terms of Reference gives the responsibility of the to consider dispensations requests to the Committee, where these are not dealt with by the Monitoring Officer under delegated powers.

For reference, those delegated powers relate to the Monitoring Officer being able to determine written applications for dispensations in consultation with the Chair of the Governance Committee and/or an Independent Person where it is not reasonably possible to convene a meeting of this Committee in time to consider the application.

2. Localism Act 2011

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. Under Section 31 of the Act, if a Member is present at a meeting of the authority and has a disclosable pecuniary interest in any matter that is to be considered, the Member may not participate in any discussion on the matter nor participate in any vote on the matter (subject to section 33).

Section 33 of the Localism Act 2011 states that a local authority may grant a dispensation for the following reasons:

- a) Preventing the transaction of business from being impeded due to too many members being excluded.
- b) Maintaining political balance in decision-making.
- c) Acting in the interests of persons living in the authority's area.
- d) Enabling executive members to participate in business otherwise restricted by section 31(4).
- e) Any other appropriate reason deemed by the authority

3. Teignbridge District Council's Code of Conduct

The Council's Code of Conduct builds on the Localism Act stating that where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests, you must: (a) disclose the interest; (b) not participate in any discussion or vote on the matter; and (c) not remain in the room unless you have been granted a dispensation.

Where a matter arises at a meeting which directly relates to one of your "other registerable interests" (other personal interests and memberships of other bodies), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting, but otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

4. Members' Allowance Scheme

Teignbridge District Council, pursuant to its duties under the Local Authorities (Members' Allowances) (England) Regulations 2003 relating to allowances, payments or indemnity given to councillors or co-opted members, publish its Members Allowances Scheme as part of the Council's Constitution ([Members Allowances Scheme 8F](#)).

It is the informal view of the Ministry of Housing, Communities and Local Government (MHCLG) that where a councillor receives a taxable allowance from any authority of which they are a member, that allowance does give rise to a DPI, which should be entered on the register of interests under 'Employment, office, trade, profession or vocation'. The matter has not been decided upon in Courts in relation to if receiving an allowance does create a DPI and the current legislation and regulations does not clarify the position. As such, many local authorities rely on the informal view of MHCLG.

As Members may be aware, the Council's internal Audit team carried out an internal audit of Member's declarations of interests and registers of interests in September 2025. As part of that review, it was recommended that a standing dispensation be granted to Members to allow them to participate in discussions in relation to the Scheme of Members Allowances.

This is because, taking the informal view of MHCLG, all Members have an DPI in relation to items of business regarding the Members' Allowances Scheme and would be restricted from taking part in discussions and voting on the matter.

Many other local authorities include this within their dispensations, either as a standing dispensation agreed at the start of each Council Term or as part of their Constitution.

5. Implications, Risk Management and Climate Change Impact

5.1 Finance

No direct finance implications arising from this report.

5.2 Legal / Governance

The granting of dispensations is outlined in Section 33 of the Localism Act 2011. The Governance Committee's Terms of Reference were approved by Full Council on 29th July 2025 to allow them to grant dispensations.

It is the informal view of the Ministry of Housing, Communities and Local Government that where a councillor receives a taxable allowance from any authority of which they are a member, that allowance does give rise to a DPI, which should be entered on the register of interests under 'Employment, office, trade, profession or vocation'.

Members who do not disclose an interest in an item and continue to speak and vote on an item commit a criminal offense under Section 34 of the Localism Act 2011 and risks breaching the Council's Code of Conduct.

5.3 Risk Management

The Council's Risk Register details relevant risks including: Breach of the Code of Conduct

by Members (CP11) and that Statutory Requirements are not met (ST06).

Members are already aware that an Audit of interests and declarations of interests was completed in September 2025 as part of the Council's Internal Audit Plan for 2025/26. This dispensation was a specific recommendation to ensure the Council makes decisions lawfully.

5.4 Environment or Climate Change

No direct environmental or climate change implications arise from this report

6. Alternative Options

The Committee could not grant dispensations to Members, and Members would potentially not be able to vote or discuss in matters relating to the Members' Allowances Scheme and any business relating to this topic could be impeded.

7. Conclusion

The Committee is asked to grant dispensations to enable Members to take part in discussions and vote on the Scheme of Members Allowances.