

**STANDARDS
COMMITTEE**

9th October 2014

LOCALISM ACT 2011 – STANDARDS REGIME – DISPENSATIONS

Relevant Portfolio Holder	Councillor Margaret Sherrey
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To consider the granting of a dispensation under s33 of the Localism Act 2011 to enable a Member to participate and vote in the matters detailed in Appendix 1 to this report.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) the Standards Committee consider granting a dispensation under Section 33 (2) of the Localism Act 2011 to allow the Member listed in the appended table to participate in and vote at Council and committee meetings; and
- 2) the dispensation referred to at 1) above be valid until the first Standards Committee meeting after the local elections in 2015.

3. KEY ISSUES

Financial Implications

3.1 None.

Legal Implications

- 3.2 In January this year the Committee granted a number of dispensations under Section 33 of the Localism Act 2011 in respect of Disclosable Pecuniary Interests (“DPI”). The dispensations granted at that time last until the first Standards Committee meeting following the local elections in 2015.
- 3.3 Section 33 (1) requires that a Member must make a written request for a dispensation.
- 3.4 Section 33 (3) provides that a dispensation must specify the period for which it has effect and that period may not exceed 4 years.

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- 3.5 Following recent changes, the Committee is asked to remove one member from the list of dispensations and grant a new one to another. Details are set out in the appendix to this report.

Service / Operational Implications

- 3.6 Under s31 (4) of the Localism Act 2011 a Member who has a DPI in a matter under consideration is not permitted to participate in the discussion or vote on the matter unless s/he has first obtained a dispensation under s33.
- 3.7 The consideration of whether to grant a dispensation under s33 has been delegated to the Standards Committee.
- 3.8 Section 33 (2) includes a number of situations where a dispensation can be considered, but should be granted "only if, after having regard to all relevant circumstances" the Committee considers that one of those situations applies.
- 3.9 The statutory grounds under s33 (2) for the granting of a dispensation are where the authority –
- “(a) considers that without the dispensation the number of persons prohibited by section 31(4) 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,
 - (b) considers that 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) considers that granting the dispensation is in the interests of persons living in the authority’s area,
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without them dispensation each member of the authority’s executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority’s executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.”
- 3.10 The Monitoring Officer considers that if Members were minded to grant this dispensation that they may wish to do so on the basis that each time a Member wishes to exercise the exemption that they first discuss the matter under consideration with the Monitoring Officer to ensure that the dispensation is appropriate in the context of the decision being taken.

Customer / Equalities and Diversity Implications

3.11 None.

4. RISK MANAGEMENT

The granting of general dispensations by the Committee will, subject to receipt of a written request from Members for such a dispensation, clarify, for the avoidance of any doubt, Members' ability to participate in and vote at Council and committee meetings on certain matters as part of the Council's decision-making process.

5. APPENDICES

Appendix 1 – table of Dispensations.

6. BACKGROUND PAPERS

Section 33 of the Localism Act 2011.

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