

## **Dispensation Request from Councillors Mrs Barrow, Hartin, Kiernan, Mellings and Minnery**

### **Report of the Clerk**

For further information about this report please contact Jonathan Eatough, Monitoring Officer, on 01952 383200 or Matthew Cumberbatch, Deputy Monitoring Officer, on 01952 383233.

### **1 Purpose of Report**

This report presents an application for a dispensation from Councillors Mrs Barrow, Hartin, Kiernan, Mellings and Minnery.

### **2 Recommendations**

The Committee is asked to:

- a) Determine the dispensation application in accordance with the statutory provisions;
- b) Provide reasons for the decision reached; and
- c) Delegate authority to the Monitoring Officer to confirm the outcome of the application in writing to each individual applicant.

### **3 Background**

The provisions of Part 1, Chapter 7 of the Localism Act 2011 state that a Member cannot:

- (a) Participate, or participate further, in any discussion of a matter at a meeting or
- (b) Participate in any vote, or further vote, taken on the matter at the meeting

if the Member has a disclosable pecuniary interest in the matter being considered. The Code of Conduct (see Appendix A to report 7) confirms the position and the requirement for the Member to leave the room.

Members can, however, apply for a dispensation to take part in those meetings, if they believe that their failure to take part may cause one or more of the following four outcomes (set out in the Code of Conduct):

The number of Members precluded from transacting the business is so great that it would impede the business of the Fire Authority or any committee	Monitoring Officer
The political balance is affected to the extent that it could affect the outcome of a vote relating to the business.	Monitoring Officer
The dispensation is in the interests of persons living in area of the Fire Authority.	Standards Committee
It is otherwise appropriate to grant a dispensation.	Standards Committee

Members can make an application for a dispensation in writing to take part in meetings, where they would otherwise have a disclosable pecuniary interest for consideration by either the Monitoring Officer or the Standards Committee, depending upon the reason for the dispensation.

#### **4 Dispensation Application for Consideration**

On 13 August 2013 the Corporate Support Manager received a dispensation application from Councillor Mellings, requesting a joint dispensation for Councillors Mrs Barrow, Hartin, Kiernan, Mellings and Minnery. A copy of the application is attached at the appendix to this report. The Committee is asked to consider the dispensation application and take into account the following:

- Each application needs to be considered individually and on its own merits;
- The Committee needs to give consideration to all of the relevant circumstances and decide whether each application meets the relevant criteria;
- A dispensation, if granted needs to be clear, specific and can be for no more than four years; and
- A decision needs to be recorded and communicated to the applicants in writing.

## **5 Financial Implications**

There are no financial implications arising from this report.

## **6 Legal Comment**

Participating in a meeting where the Member has a disclosable pecuniary interest in the subject matter being discussed can amount to a criminal offence (section 31, Localism Act 2011). Section 33 of the Localism Act 2011, however, provides for a dispensation to be granted in certain circumstances to allow participation without committing a criminal offence. The procedure and considerations for dispensation applications is contained in the main body of this report.

## **7 Initial Impact Assessment**

An Initial Impact Assessment has been completed.

## **8 Appendix**

Joint dispensation application from Councillors Mrs Barrow, Hartin, Kiernan, Mellings and Minnery

## **9 Background Papers**

The Localism Act 2011