

**Report for: Governance, Audit,
Risk Management and
Standards Committee**

Date of Meeting:	26 th January 2021
Subject:	Application for Dispensation
Responsible Officer:	Hugh Peart Director of Legal & Governance Services
Exempt:	No
Enclosures:	Request for Dispensation

Section 1 – Summary and Recommendations

This report presents a request for a dispensation from a Councillor under s33 of the Localism Act 2011 and requests that the Committee determine it.

Recommendations:

The Committee is requested to determine the request for a dispensation.

Section 2 – Legal Framework

Section 31 of the Localism Act 2011 provides that, subject to Section 33, a member of a relevant authority with a disclosable pecuniary interest may not (a) participate, or participate further, in any discussion at a meeting, or (b) participate in any vote, or further vote, taken on the matter at the meeting.

Section 33 of the Localism Act 2011 provides that:

(1) A relevant authority may, on a written request made to the proper officer of the authority by a member of the authority, grant a dispensation relieving the

member from either or both of the restrictions in section 31 in cases described in the dispensation.

- (2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority –
- a) considers that without the dispensation the number of persons prohibited by section 31 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 interest 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 the dispensation each member of the authority's executive would be prohibited by section 31 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) A dispensation under this section must specify the period for which it has effect, which may not exceed four years.

Part 3 - Application

In December Councillor Parmar submitted the attached request (Appendix 1) for a dispensation, for the reasons set out, until 31st May 2022.

Transport for London

TFL is a statutory body created by the Greater London Authority (GLA) Act 1999. This Act gives the Mayor of London a general duty to develop and implement policies to promote and encourage safe, integrated, efficient and economic transport facilities and services to, from and within London.

As a highway and traffic authority for GLA roads, TFL regulates how the public uses highways and is responsible for:

- Traffic signs
- Traffic control systems
- Road safety
- Traffic reduction

TFL has a number of subsidiary companies, whose structure is set out in Appendix 2.

Councillor Parmar's interest arises from her Husband's employment as a Civil Engineer in the operations section (which maintains tunnels and bridges), of London Underground Ltd. London Underground Limited is one of 32 subsidiary companies of Transport Trading Limited. Transport Trading Limited is a subsidiary company of TFL.

Consideration

The Committee has been delegated by Council the power to grant dispensations under s33 Localism Act.

Officer advice is that given the structural and functional separation between London Underground Limited and TFL it would be appropriate to grant Councillor Parmar a dispensation to both participate and vote in decisions involving TFL as highway and traffic authority until 31st May 2022.

In the event that a dispensation is granted, the Councillor will be required to declare their interest and dispensation when decisions involving TFL are considered.

Financial Implications

There are no financial implications in determining this request.

Section 4 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert
Signed by the Chief Financial Officer

Date: 15 January 2021

Statutory Officer: Hugh Peart
Signed by the Monitoring Officer

Date: 15 January 2021

Section 5 - Contact Details

Contact: Hugh Peart, Proper Officer, 0208 424 1287

Appendix 1

London Borough of Harrow

Governance, Audit, Risk Management and Standards Committee

Application for Dispensation under s33 Localism Act 2011

Name of applicant: Councillor Varsha Parmar

Nature of Member's Interest: My Husband works for London Underground Ltd which is part of Transport for London

Reasons for application: I am the Council's Portfolioholder for Environment, with responsibility for waste services, highways, parks and open spaces, responding to climate change and environmental health.

The Environment Department is eligible to receive funding from Transport for London ('TFL') in relation to the Council's highway network.

It may fall to me to decide on the bidding for and application of those funds, and on the implementation, modification or withdrawal of specific TFL funded highway schemes.

TFL is a multi-faceted organisation encompassing underground and overground rail networks, buses, roads, taxis, river transport and cycling. It is organised into 3 units - Surface Transport, Underground and Crossrail.

My husband is a Civil Engineer in the operations section of London Underground Ltd, which maintains tunnels and bridges.

He has nothing to do with TFL's funding of highway schemes in Harrow, which are administered by the Surface Transport Unit and his position is unaffected by the success of Harrow's bids for funding, or decisions on specific highway schemes.

Both the public and the Council expect me as Portfolioholder to take a lead role in relation to TFL funded highway schemes, and I am confident that I can make appropriate decisions notwithstanding my Husband's employment. I therefore request that a dispensation be granted to allow me to both take part in discussions and make decisions where I have a disclosable pecuniary interest until May 31st 2022.

Signed: Varsha Parmar

Date: 5th January 2021

Name: Councillor Varsha Parmar

NOTES

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Section 33 of the Localism Act 2011 provides that:

(1) A relevant authority may, on a written request made to the proper officer of the authority by a member of the authority, grant a dispensation relieving the member from either or both of the restrictions in section 31 in cases described in the dispensation.

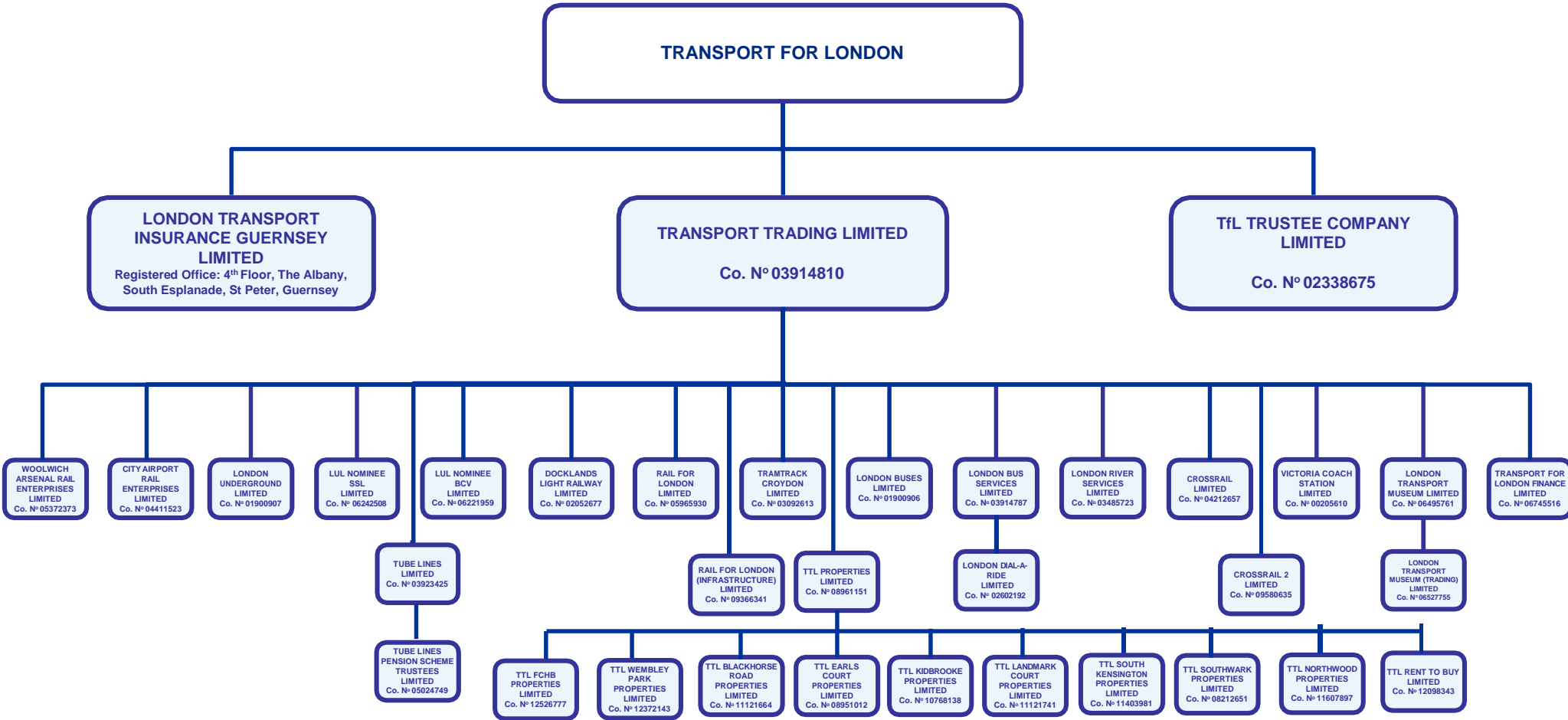
(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority –

- a) considers that without the dispensation the number of persons prohibited by section 31 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 interest 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 the dispensation each member of the authority's executive would be prohibited by section 31 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) A dispensation under this section must specify the period for which it has effect, which may not exceed four years.

Appendix 2

TfL Subsidiary Company Structure



- Through London Bus Services Limited, TfL has a 25% interest in UK Tram Limited (Co. N°05554196) a company limited by guarantee.
- TTL Earls Court Properties Limited has a 37% interest in Earls Court Partnership Limited (Co. N°08872070).
- TTL Kidbrooke Properties Limited has a 49% interest in Kidbrooke Partnership LLP (OC418437)