



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

Date of Meeting:	19 th March 2024
Subject:	Application for Dispensation
Responsible Officer:	Jessica Farmer Acting Director of Legal & Governance Services
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This report presents requests for dispensations from two Councillors under s33 of the Localism Act 2011 and requests that the Committee determine it.

Recommendations:

The Committee is requested to determine the requests for a dispensation to stay in a meeting and speak but not to vote.

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 January Councillor Greek and Councillor Rabadia submitted a request for a dispensation so that they could stay and speak for decisions on HSDP. They are both directors of HSDP Nominee Ltd company number 1347918 as council representatives. They receive remuneration for being on the board. Staying in a meeting when matters involving HSDP are being discussed would enable them to hear councillors points and would assist with their role on the board. For this reason it is considered that granting the dispensation to allow them to stay in the meeting and speak but not to vote is in the interest of persons living in the authority's area.

Consideration

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

In the event that a dispensation is granted, the Councillors will be required to declare their interest and dispensation when decisions involving HSDP are considered. They could then remain in the meeting to speak and listen to points made by other councillors but they would not be able to vote.

Financial Implications

There are no financial implications in determining this request.

Section 4 - Statutory Officer Clearance

Statutory Officer: Sharon Daniels
Signed by the Chief Financial Officer

Date: 11.3.24

Statutory Officer: Caroline Eccles
Signed on behalf of the Monitoring Officer

Date: 11.3.24

Section 5 - Contact Details

Contact: Jessica Farmer, Proper Officer

