



Committee and date
Standards Sub-Committee
27 November 2012
2 00pm

Item No
4
Public

APPLICATION FOR DISPENSATION

Responsible Officer Claire Porter

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Summary

To consider whether dispensations should be granted to Councillors Joyce Barrow, Ann Hartley and Mike Owen who have disclosable pecuniary interests in matters relating to IP&E Ltd.

Recommendations

- A. That, in accordance with section 33(1) of the Localism Act 2011 ("the Act"), the Committee grants a dispensation from Section 31(4) of the Act to Councillors Joyce Barrow, Ann Hartley and Mike Owen to participate in the discussion and vote on matters which relate to IP&E Ltd at meetings of Shropshire Council (including cabinet and any other formal decision making committees) on the grounds that it is "otherwise appropriate to grant a dispensation" in the case of Councillor Joyce Barrow and "in the interests of persons living in the authority's area" in respect of Councillors Ann Hartley and Mike Owen.
- B. That the dispensation granted in A above last until 03 July 2013 or until such time as the relevant Councillor no longer has a disclosable pecuniary interest in the matter, whichever is the sooner.

Report

- 1 The Localism Act 2011 (S31(4)) requires that a member with a disclosable pecuniary interest in any matter discussed at a meeting may not participate in the discussion of voting on the matter. The Shropshire Council code of conduct requires also that a member with a disclosable pecuniary interest

must withdraw from the room or chamber where the matter is being considered.

2. S33 of the Act sets out the circumstances in which dispensations may be granted to members with disclosable pecuniary interests as follows:

“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(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 the 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. The Act also states that a member must submit a written request for a dispensation explaining why the dispensation is desirable. The Standards Committee has authority to decide if it is appropriate to grant the dispensation.
4. Written requests have been received from Councillors Joyce Barrow, Ann Hartley and Mike Owen and these are attached to this report.
5. Any dispensation granted cannot cover participation in respect of the relevant business after four years from the date of dispensation.
6. The Committee needs to consider whether Councillors Joyce Barrow, Ann Hartley and Mike Owen should be granted a dispensation.
7. In reaching decisions on each applicant, the Committee needs to have in mind the circumstances and nature of the item of business to be considered and the public interest in having their views represented.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Applications

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998

Environmental Appraisal

N/A

Risk Management Appraisal

The need to maintain confidence in the local democratic process.

Community / Consultations Appraisal

N/A

Cabinet Member

N/A

Local Member

N/A

Appendices

Three – Dispensation forms submitted by Councillors Mrs J Barrow, Mrs A Hartley and Mr M Owen.



SECTION 33 LOCALISM ACT 2011 ("THE ACT")

**APPLICATION FOR DISPENSATION FROM SECTION 31 (4)
OF THE ACT**

Name of Applicant	Councillor Joyce Barrow
Home Address	Silverdale House, Silverdale Drive, Trefonen, Oswestry, SY10 9DJ
Matter to be considered	Discussions relating all aspects of IP&E
Nature of Member's Disclosable Pecuniary Interest	Husband appointed by Shropshire Council as a Director of IP&E.
Date(s) on which consideration will take place (if known)	Not known – Likely to be regular
Grounds for application (See Section 33(2) of the Act, reproduced overleaf)	<p>My husband is a director of the company and has been granted a dispensation to speak and vote on matters relating to the company. Neither he nor I will benefit financially from his position in the organisation and I have no involvement in the running or management of the company.</p> <p>It is appropriate that the dispensation should be granted for the above reasons.</p>
Signed	Date:

[see overleaf]

NOTES

- S33 of the Act provides as follows:

“33 **Dispensations from section 31(4)**

- (1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) 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(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 the 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) that it is otherwise appropriate to grant a dispensation.
 - (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
 - (4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.”
- Please return the completed form to the proper officer of the relevant Council.



SECTION 33 LOCALISM ACT 2011 ("THE ACT")

**APPLICATION FOR DISPENSATION FROM SECTION 31 (4)
OF THE ACT**

Name of Applicant	Councillor Ann Hartley
Home Address	Kohima Villa, 4 Trimpley Street, Ellesmere, SY12 9AE
Matter to be considered	Discussions relating all aspects of IP&E
Nature of Member's Disclosable Pecuniary Interest	Appointed by Shropshire Council as a Director of IP&E.
Date(s) on which consideration will take place (if known)	Not known – Likely to be regular
Grounds for application (See Section 33(2) of the Act, reproduced overleaf)	<p>As a Director of IP&E I will on occasion be required to attend to the business of the Company and it is in the interests of persons living within the area that I am able to report the detail of the matters to the Council. In the event that there was no dispensation, the Council may be asked to consider matters without a full appraisal of the facts which would otherwise be made available by my participation.</p> <p>The Council is currently the only shareholder and representation of the Company at meetings of Shropshire Council is vital for the transparency of the operations of the Company and to hold the directors to account.</p>
Signed	Date:

[see overleaf]

NOTES

- S33 of the Act provides as follows:

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 - (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 the 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
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SECTION 33 LOCALISM ACT 2011 ("THE ACT")

**APPLICATION FOR DISPENSATION FROM SECTION 31 (4)
OF THE ACT**

Name of Applicant	Councillor Mike Owen
Home Address	38 Pendle Way, Shrewsbury, SY3 9QS
Matter to be considered	Discussions relating all aspects of IP&E
Nature of Member's Disclosable Pecuniary Interest	Appointed by Shropshire Council as an Alternate Director of IP&E.
Date(s) on which consideration will take place (if known)	Not known – Likely to be regular
Grounds for application (See Section 33(2) of the Act, reproduced overleaf)	<p>As an Alternate Director of IP&E I will on occasion be required to attend to the business of the Company and it is in the interests of persons living within the area that I am able to report the detail of the matters to the Council. In the event that there was no dispensation, the Council may be asked to consider matters without a full appraisal of the facts which would otherwise be made available by my participation.</p> <p>The Council is currently the only shareholder and representation of the Company at meetings of Shropshire Council is vital for the transparency of the operations of the Company and to hold the directors to account.</p>
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