



Committee and Date
Standards Sub-Committee

Thursday 29 August 2013

2.00 pm

Item

5

Public

APPLICATION FOR DISPENSATION

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Summary

To consider whether a dispensation should be granted to the Councillor Chris Mellings, who has a disclosable pecuniary interest in matters concerning Meres and Mosses Housing Association which arises due to his position on the board of Directors of the Housing Association as the Councils nominated representative.

Recommendations

- A. That, in accordance with section 33(1) of the Localism Act ("the Act"), the Committee grants a dispensation from Section 31(4) of the Act 2011 to Councillor Mellings to participate in the discussion and to vote on matters which relate to Meres and Mosses Housing Association at meetings of Shropshire Council (including cabinet and any other formal decision making committees) on the grounds that it is in the interests of persons living in the Councils area.
- B. That the dispensation granted in A above last for a period until 04 May 2017 or such time as Councillor Mellings ceases to be a director of Meres and Mosses Housing Association, whichever is 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 or 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. A written request for dispensation to speak and vote in respect of matters involving Meres and Mosses Housing Association has been received from Councillor Mellings.
5. Councillor Mellings considers that a dispensation is in the interests of persons living in the authority's area as he has first-hand knowledge and information relating to Meres and Mosses Housing Association. In the event that he is unable to contribute to the decision making process, the position of the authority may be prejudiced as it is denied the benefit of his extensive knowledge and experience of Meres and Mosses Housing Association.
6. It may also be considered to be in the interests of the persons living in the authority's area to grant the dispensation to the Councillor who is nominated by Shropshire Council to the Board of the company as without it, he would be prevented from reporting to the Council with regard to the performance of the company and from being involved in making decisions which affect the company and are in the interests of the Council.

- 7 Any dispensation granted cannot cover participation in respect of the relevant business after four years from the date of dispensation.
8. The Sub Committee needs to consider whether Councillor Mellings should be granted a dispensation.
9. 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)

None

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

None