

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Request For Dispensation

Meeting/Date: Standards Committee – 26th June 2014

Executive Portfolio: Councillor T D Sanderson
Strategic Economic Development and Legal

Report by: Head of Legal and Democratic Services and Monitoring
Officer

Ward(s) affected: All

Executive Summary:

Section 33(1) of the Localism Act 2011 states that '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'. Section 31(4) of the Act indicates that a Member with a DPI may not participate in discussion nor vote on a matter at a meeting unless a dispensation has been granted to enable that Member to do so.

The Monitoring Officer has received a request for a dispensation from District Councillor Mrs P A Jordan. Councillor Mrs Jordan is required to declare a Disclosable Pecuniary Interest by virtue of her employment with the National Health Service and is precluded from taking part in discussion when business relating to her employer arises at meetings of the Overview & Scrutiny Panel (Social Well Being).

A copy of the application received from Councillor Mrs Jordan is appended hereto.

Recommendation:

That, should the Committee look favourably on this application, dispensation be granted to Councillor Mrs P A Jordan with immediate effect, and for the period ending 30th April 2015, to enable her to speak and vote at meetings of the Overview & Scrutiny Panel (Social Well Being) when business relating to the work/services of the NHS arise at Panel meetings.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

1.1 The Committee is reminded that the circumstances in which a Standards Committee (or Monitoring Officer) may grant dispensations to a District Councillor are prescribed in Section 33(2) of the Localism Act 2011. The Act provides that a member with a Disclosable Pecuniary Interest in a matter which is coming before the Authority can apply to the Standards Committee (or in certain circumstances, the Monitoring Officer) for a dispensation to allow the member to speak and vote on the matter at meetings.

1.2 '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. considers that it is otherwise appropriate to grant a dispensation'.

1.3 A dispensation under this section must specify the period for which it has effect and the period specified may not exceed four years.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND/REASONS FOR RECOMMENDATION

2.1 Councillor Mrs Jordan is employed in the Children's and Young Person's Unit of Cambridgeshire Community Services under the umbrella of the NHS Trust. The services care for and support children aged up to 19 and include routine care delivered by health visitors, child health services and school nursing, through to specialist care in hospitals and community.

2.2 Councillor Mrs Jordan is an experienced and valuable member of the Overview & Scrutiny Panel (Social Well Being) and lends her expertise on health issues to the deliberations of the Panel generally and in particular to study groups on which she has been appointed during her term of office. For example, the Panel has recently responded to consultation on proposals published by the Cambridgeshire and Peterborough Clinical Commissioning Group, on ways to improve older peoples healthcare and adult community services. To allow Councillor Mrs Jordan to participate fully in discussion on matters such as these and to continue to bring her expertise on the Health

Service to meetings, the Committee may consider that it is appropriate to grant dispensation to Councillor Mrs Jordan to enable her to participate and vote at meetings of the Overview and Scrutiny Panel (Social Well Being).

2.3 Looking at the specific criteria and should the Committee feel minded to support the request, it could be contended that the following grounds are relevant –

- that the dispensation is in the interests of persons living in the authority's area; and
- It is otherwise appropriate to grant a dispensation.

2.4 Councillor Mrs Jordan's term of office expires in May 2015. It is suggested therefore, that should her request be supported, that the dispensation be granted for the period ending 30th April 2015. Should Councillor Mrs Jordan be re elected to office and should she be appointed to serve on the Overview & Scrutiny Panel (Social Well Being) or its equivalent then an new application for dispensation would need to be submitted at that time

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