STANDARDS COMMITTEE

Request for Dispensations under the Localism Act 2011
9 October 2017

Report of the Chief Officer, Legal and Governance

PURPOSE OF REPORT

This report requests a decision on granting a time limited dispensation to two members of Cabinet, with disclosable pecuniary interests, to allow them to fully participate and vote in any decisions about the Canal Corridor North project

This report is public

RECOMMENDATIONS

(1) That the committee grants dispensations to Cllr James Leyshon and Cllr Anne Whitehead under section 33 of the Localism Act, subject to recommendation 2.

(2) That the dispensations under recommendation 1 are time limited to the length of the project, or for a period of 4 years, whichever is the shorter.

1.0 Introduction

1.1 The Canal Corridor North (CCN) project is a major focus for the Council in the coming months. It will require a number of decisions by Cabinet and other committees, including Council. Because Cabinet comprises a small number of councillors and is the executive decision making group of the Council, it is important that all members are able to fully participate in debates and votes on the project.

1.2 Two members of the Cabinet, Cllrs James Leyshon and Anne Whitehead, have mentioned that they have connections with the University, as employed staff and retired staff respectively. These connections are potentially disclosable pecuniary interests under section 31 of the Localism Act 2011 and the Council's Code of Conduct. In normal circumstances, this would prevent them from fully participating and voting in any meeting where the CCN project is discussed.

1.3 Section 33 of the Localism Act allows the Council to grant dispensations to people with interests in order to allow them to fully participate. The grounds for such dispensations are limited, but s33 states the following grounds, which are appropriate:

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

1.5 (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

1.6 (c) considers that granting the dispensation is in the interests of persons living in the authority's area, and

1.7 (e) considers that it is otherwise appropriate to grant a dispensation.

1.8 Dispensations can only continue for a maximum of four years.

2.0 Proposal Details

2.1 That the Committee grants the dispensations to Cllrs Leyshon and Whitehead, to enable them to fully participate in Cabinet and other meetings, as set out in recommendations 1 and 2 above.

2.2 There may be other councillors who are not members of Cabinet, with connections to the University. At this stage, it is not proposed to apply for dispensations for any other councillors who are not on Cabinet. As mentioned above, dispensations should only be given in limited circumstances. It is only considered appropriate for Cllrs Leyshon and Whitehead because they are members of Cabinet, which is the Council's executive decision making body.

3.0 Details of Consultation

3.1 The proposal has been discussed with Cabinet, the Leader and the Chief Executive, who are all in agreement.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Grant the two dispensations	**Option 2:** Do not grant the dispensations
Advantages	Allows the two councillors to fully participate in all Cabinet meetings (and any other meetings) when discussing the CCN project.	None
Disadvantages	None	Reduces the Cabinet's ability to deal as a group with decisions about the project, as two members would be unable to participate fully
Risks	There may be some slight risk of perceptions of conflict of interest because of the Councillors' connections to the university. However, this risk is minimised by the fact that the councillors must still	Cabinet may suffer from the lack of the two councillors' contribution. This is particularly the case, since Cllr Leyshon is Portfolio Holder for Property and Cllr Whitehead is Portfolio Holder for Finance

	declare and be open about their interests at the beginning of any meetings where the CCN project is discussed.	

5.0 Conclusion

5.1 It is recommended that the Committee agrees to grant the dispensations.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing): No implications	
LEGAL IMPLICATIONS The legal implications are set out in the body of the report	
FINANCIAL IMPLICATIONS No implications	
OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces: No implications	
SECTION 151 OFFICER'S COMMENT The Deputy Section 151 Officer has been consulted and has no comments	
MONITORING OFFICER'S COMMENTS The Monitoring Officer is the author of this report	
BACKGROUND PAPERS None	**Contact Officer:** Estelle Culligan, Chief Officer Legal and Governance **Telephone:** 01524 582918 **E-mail:** eculligan@lancaster.gov.uk