

APPLICATION FOR DISPENSATION (2)

Report of the Chief Legal Officer

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1. Purpose of Report

- 1.1 To consider the request from D E Lloyd for a dispensation under the Localism Act 2011.

2. Summary

- 2.1 The Localism Act 2011 (the '2011 Act') introduced the concept of Disclosable Pecuniary Interests ('DPIs'). The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 defined those interests that would constitute DPIs under the 2011 Act. It is a criminal offence for members to fail to register a DPI or to speak and/or vote where they have a DPI unless they have obtained a dispensation.
- 2.2 The Council has delegated the power to the Standards Committee to grant dispensations in respect of DPIs.

3. Recommendations

1. That a dispensation is granted pursuant to the Localism Act 2011 to allow D E Lloyd to participate, debate and vote at meetings of the Council relating to the Integrated Plan and Budget notwithstanding that he might have a disclosable pecuniary interest by virtue of his position as Police & Crime Commissioner for Hertfordshire provided that the dispensation does not apply in instances where the business to be considered directly affects his financial position
2. That the dispensation mentioned in 1 above applies until the next County Council election.

4. Background

4.1 The 2011 Act introduced the concept of DPIs and the Disclosable Pecuniary Interest Regulations 2012 define the categories of interest which comprise DPIs. A member must disclose any matter which falls within the categories of disclosable pecuniary interest if it applies to themselves or their partner (which means a spouse or civil partner, a person with whom the member is living as husband or wife, or a person with whom they are living as if they are civil partners).

4.2 One of the categories of disclosable pecuniary interests is:

'Any employment, office, trade, profession or vocation carried on for profit or gain'.

4.3 It is a criminal offence if a member who is present at a meeting where he/she has a DPI in any matter to be considered or is being considered participates in any discussion of that matter or votes on the matter. These restrictions, however, do not apply where the member has applied for and been granted a dispensation.

4.4 Clearly if the item relates directly to the member's DPI then the provisions mentioned in paragraph 4.3 would apply. The provisions of the 2011 Act, however, are widely drawn and, as such, the provisions mentioned in 4.3 above may apply even if there is only a minimal impact on the member's DPI or the DPI is only indirectly affected by the matter to be considered or being considered at the meeting.

4.4 D E Lloyd is the Police & Crime Commissioner for Hertfordshire, a post for which he receives a salary.

4.5 D E Lloyd has requested that a dispensation be granted to allow him to participate in meetings and business of the Council concerning the Integrated Plan and Council's budget notwithstanding that some of the Council's budget and Integrated Plan relates to initiatives with the police.

5. Application for Dispensation

5.1 The 2011 Act provides that, following a written request made to the proper officer, dispensations can be granted to enable members to participate in meetings where they have a DPI provided that certain grounds are satisfied. The grounds for the grant of a dispensation are, if having regard to all the relevant circumstances, the Council considers that:

5.1.1 without the dispensation the number of persons prohibited 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;

- 5.1.2 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;
 - 5.1.3 the grant of the dispensation would be in the interests of the persons living in the authority's area;
 - 5.1.4 without dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive;
 - 5.1.5 it is otherwise appropriate to grant a dispensation.
- 5.2 The Monitoring Officer considers that the grounds set out in paragraph 5.1.5 above could apply to the application which has been received as in the context of the County Council's Integrated Plan and Budget the impact of D Lloyd's disclosable pecuniary interest is small.
- 5.3 Dispensations can be granted for a period of up to four years. It is proposed that a dispensation be granted until the next County Council election.
- 5.3 Dispensations can be to speak and vote; or vote; or speak.

6. Financial Implications

None

Background Information

Chapter 7 Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/1464/made/data.pdf>