

**AGENDA ITEM**

**7**

**COMMITTEE: STANDARDS**  
**DATE: 21 DECEMBER 2015**  
**SUBJECT: APPLICATION FOR GRANT OF  
DISPENSATION IN RELATION TO  
TRADE UNION MOTION**

**REPORT BY: HEAD OF HUMAN RESOURCES AND MONITORING OFFICER**

**CONTACT OFFICER: CLIVE TOBIN**

**TEL: 546017**

**IMPLICATIONS:**

<b>LEGAL</b>	<input type="checkbox"/>	<b>COMMUNITY SAFETY</b>	<input type="checkbox"/>
<b>EQUALITIES</b>	<input type="checkbox"/>	<b>ENVIRONMENT</b>	<input type="checkbox"/>
<b>FINANCIAL</b>	<input type="checkbox"/>	<b>OTHER</b>	<input type="checkbox"/>
<b>STAFFING</b>	<input type="checkbox"/>		

**WARDS AFFECTED:**

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**PURPOSE**

1. The purpose of this report is to enable the Standards Committee to consider the application(s) received from Councillor Simmons in relation to the forthcoming motion to Council regarding the Trade Union Bill.

**RECOMMENDATION**

2. That the Standards Committee determine the application for the grant of dispensation by Councillor Simmons.

**BACKGROUND**

3. In November 2015 Councillor David Agleby gave notice of a motion to be considered by Full Council in relation to the impact of the Trade Union Bill currently passing through Parliament.
4. At the meeting of the Council on 10 November 2015 the motion did not proceed since an issue was raised as to whether members who may wish to debate and vote upon the content would be able to do so given restrictions which apply to the conduct of members where a disclosable pecuniary interest exists.

**LEGAL FRAMEWORK**

5. Section 30 of the Localism Act 2011 ('the 2011 Act') requires Council members (including a co-opted member) to notify the Council's Monitoring Officer of any disclosable pecuniary interests which they hold. Regulations made under the 2011 Act set out what are disclosable pecuniary interests for the purpose of that Act. Once disclosed to the Monitoring Officer that officer must add these to a Register which is open for public inspection. The requirement to register such interests is set out in Part 9 of the Council's Constitution. A copy of the relevant extracts of Part 9 appears at Appendix A.
6. Section 31 of the 2011 Act states that if a member (including a co-opted member):
  - (a) is present at a meeting of the Council or any Committee or Sub-Committee of the Council,
  - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered at that meeting and
  - (c) is aware that the condition in paragraph (b) is met;the member must take a specified course of action.
7. The specified course of action is:
  - (a) if the interest is not entered in the Register of Interests, they must disclose it to the meeting;
  - (b) if the interest is not in the Register and is not the subject of a pending notification, notify the Monitoring Officer within 28 days; and
  - (c) the member (or co-opted member) may not:-
    - (i) participate, or further participate, in any discussion of the matter at the meeting, or
    - (ii) participate in any vote, or further vote, taking on the matter at that meeting.
8. Further, the Council's Standing Orders require that a member having a disclosable pecuniary interest in a matter within the meaning of the Council's Code of Conduct for Members (which contains the disclosable pecuniary interests set out in the Regulations referred to above) and who attends a meeting at which the matter is considered must withdraw from the room or chamber where the meeting is being held, unless a dispensation has been obtained.
9. Section 33 of the 2011 Act allows a member (or co-opted member) to give notice to the Proper Officer of the Council requesting that a dispensation is granted relieving the member (or co-opted member) from either or both of the restrictions referred to at paragraph 7(c)(i) and (ii) above.
10. The Council may grant a dispensation only if, having had regard to all relevant circumstances, the Council:
  - (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion

of the Council or Committee 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 Council or Committee 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 with respect the executive, it considers that without the 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, or
  - (e) considers that it is otherwise appropriate to grant a dispensation.
11. Any dispensation granted must:
- (a) specify the period for which it has effect (which may not exceed a period of four years from the date it is granted);
  - (b) specify the ground referred to in paragraph 9 above on which it was granted; and
  - (c) set out any qualifications or limitations applying to that dispensation.
12. The Council's Constitution provides that the Standards Committee are responsible for determining applications for dispensations by members in relation to any matters, other than those matters being considered by the Executive.

## **REPORT**

13. At the Council meeting on 10 November the motion proposed by Councillor Agleby was deferred until the meeting of the Council which is due to take place on 19 January 2016. The motion has now been added to the Agenda for that meeting and therefore members will be debating and voting upon the content.
14. Following the meeting of the Council on 10 November notice has now been given by Councillor Simmons requesting a dispensation be granted to allow her to participate in and vote upon that motion. A copy of the application appears at Appendix B. Members are asked to note that there is a typographical error on the application form since the name 'Angela Claridge' has been inserted rather than 'Councillor Simmons'. The request is however, clearly signed by Councillor Simmons. Also attached is a copy of a blank application form showing the explanatory notes (Appendix C).
15. Councillor Simmons has indicated that she is a trade union member. Trade Union sponsorship is a disclosable pecuniary interest for the purpose of the Regulations and the Council's Code of Conduct. Accordingly, without the dispensation, Councillor Simmons would be prohibited from participating in the debate upon and / or voting upon the matters set out in Councillor Agleby's motion.

16. Accordingly the Committee may grant a dispensation having regard to all the relevant circumstances on any of grounds (a), (b), (c) or (e) referred to at paragraph 10 above which it considers applicable. In determining whether it is appropriate to grant a dispensation the Committee should have regard to the matters set out in the request received from Councillor Simmons and satisfy itself that the dispensation would be appropriate.

### **APPENDICES**

The following Appendices are attached to this report:

Appendix A – Extract from Part 9 of the Constitution referring to disclosable pecuniary interests. (Attached as Appendix to Item 6)

Appendix B – Application for dispensation received from Councillor Simmons.

Appendix C – Blank Application Form showing explanatory notes.

### **LIST OF BACKGROUND PAPERS**

Localism Act 2011