

Monitoring Officer

Decision Notice

This Decision records the outcome of the request for a dispensation to be granted in compliance with Section 33 (a) to (e) of the Localism Act 2011, in accordance with the Tendring District Council's Committee terms of reference and delegated powers. These arrangements were approved by full Council on 26th November 2013.

Law:

The **Localism Act 2011** places a duty on all Members to register their Discloseable Pecuniary Interests (DPIs), as specified in various categories under **The Relevant Authorities (DPI) Regulations 2012**.

The effect of a DPI, is that if any matter to be considered or being considered at a meeting, has a direct impact on the DPI, the Member must not participate in any discussion of, or in any vote on, the matter at the meeting. If the DPI is not already registered, the interest must also be disclosed at the meeting. The Council's Monitoring Officer may grant dispensations in limited circumstances to enable Members to participate and vote on matters in which they have DPIs.

The Council may, upon receiving a written request from a member of the authority, grant a dispensation relieving the member from either or both of the restrictions in Section 31(4) of the Localism Act 2011 ("the Act"), which prohibit a member with a DPI from participating in the discussion or voting on an item directly impacting the DPI. The granting of a dispensation will allow such participation in discussions and votes to take place.

Before granting any dispensation, one of the provisions in Section 33(2) of the Act must apply:

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.

Councillor:	Councillor John Hones
Inc. Ward	St. Mary's Ward
Relevant Category of Discloseable Pecuniary Interest and details	Employment - Taxi Driver
Reason provided	<p>When considering the annual work programme for the Service Development & Delivery Overview and Scrutiny Committee, of which I am currently a member of, the Chairman of the Committee suggested that it would be a good idea if I spoke to the Committee or answered any questions on the upcoming Licensing function presentation, to give the view of a user/taxi driver in the area. Without a dispensation I would be unable to remain in the room for this item.</p> <p>I also am a member of the local Tendring District Taxi-Drivers Association and maybe requested to present the views of the association on the upcoming report to the Licensing and Registration Committee on the outcome of the recent consultation on the multi-seating policy. Without a dispensation I would be unable to remain in the room for this item.</p>
Relevant Criteria Section 33 (2) of Localism Act 2011	<p>Applicable paragraphs:</p> <p><i>(c) considers that granting the dispensation is in the interests of persons living in the authority's area,</i> <i>and</i> <i>(e) considers that it is otherwise appropriate to grant a dispensation.</i></p>
Independent Person consulted?	No, insufficient time between request and meeting, also DPI dispensation has not been requested to allow Councillor Hones to take part in the decision making of

	either Committee, but to be permitted to take part in representations to the members and to answer any questions the Committee may have.
<p>Monitoring Officer Decision to grant dispensation</p> <p>Include:</p> <ul style="list-style-type: none"> • Participate in discussions? • Participate in vote? • Specified Period <p>Include the Monitoring Officer's reasons for the Decision(s)</p>	<p>It is reasonable and appropriate that Councillor Hones is permitted speak and to be able to answer any questions that the Overview and Scrutiny Committee, may have when considering the Licensing function, as this has been requested by the Chairman of the Service Development and Delivery as Councillor Hones is a taxi driver. This dispensation does not allow Councillor Hones to take part in the Committee debate or decision-making and is limited to the same role which a member of the public or stakeholder may have at an Overview and Scrutiny Committee.</p> <p>Also as a member of the local Tendring District Taxi-Drivers Association Councillor Hones should not be prevented from presenting the views of the Association on the upcoming report to the Licensing and Registration Committee on the outcome of the recent consultation on the multi-seating policy. This dispensation does not allow Councillor Hones to take part in the Licensing and Registration Committee debate or decision-making and is limited to the same role which a representative of the licensing trade may have at a Licensing and Registration Committee.</p> <p>These dispensations are only granted for these agenda items. It is not anticipated that either of these meetings would go into Part B, however if there was a need to, this dispensation does not cover Councillor Hones being permitted in private session or entitled to private and confidential information.</p>
<p>Monitoring Officer Decision to refuse dispensation</p>	Not applicable

Signed:



Dated: 31st May 2016

Monitoring Officer