



Title	Dispensation for Councillors
For further information about this report please contact	Andrew Jones Deputy Chief Executive & Monitoring Officer andrew.jones@warwickdc.gov.uk
Wards of the District directly affected	Leamington wards
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	N/A
Background Papers	Localism Act 2011 and Warwick District Code of Conduct for members

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval	Date	Name
Deputy Chief Executive & Monitoring Officer	17 th February 2020	Andrew Jones
CMT		
Section 151 Officer		
Portfolio Holder(s)		

Consultation & Community Engagement	
Final Decision?	Yes
Suggested next steps (if not final decision please set out below)	
N/A	

1. **SUMMARY**

- 1.1 The proposals set out in this report will protect members from inadvertent breaches of the requirements related to Disclosable Pecuniary Interests ensuring that the Council can conduct its business.

2. **RECOMMENDATION**

- 2.1 That the Committee grants dispensations to Councillors Boad and Gifford until elections for the Council in May 2023, allowing them to both speak and vote in relation to the following matter of the District Council:

- (i) To take part in any discussions and decisions concerning the future of Leamington Town Hall.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Within the Council's Constitution, the Standards Committee is responsible for considering and determining requests for dispensation from requirements of the adopted Members' Code of Conduct.
- 3.2 Dispensations can be granted (in certain circumstances) for up to four years allowing a member to speak and or vote where they have a disclosable pecuniary interest. The application must be made in writing to the proper officer. A copy of the application is included at Appendix B to this report.
- 3.3 It is officers' view that it is reasonable and proportionate to allow Councillors Boad and Gifford to partake of discussions and decisions in this matter as failure to grant dispensations would deprive the Councillors' electorate an informed "voice".

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – The report proposes no changes to the Council's Policy Framework.
- 4.2 **Fit for the Future** – The report enables the Council to work effectively and enhances the Council value of honesty and openness.

5. **BUDGETARY FRAMEWORK**

- 5.1 There is no direct impact on either the Budgetary Framework or Budget of the Council arising from this report.

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 No alternative options were considered as the request from the Councillors is considered to be reasonable and proportionate.

Dispensation

You may make an application for a dispensation allowing you to speak and/or vote in relation to a matter in which you have a disclosable pecuniary interest by writing to the Chief Executive. You should set out your disclosable pecuniary interest and the reasons why you believe you should be allowed to speak and /or vote in relation to the matter. The Chief Executive will refer your application to the Standards Committee for consideration.

Terms of Reference

To grant dispensations from either or both of the restrictions in section 31(4) Localism Act 2011 i.e. restrictions on participation and voting in relation to matters in which a member has a disclosable pecuniary interest, if in all the circumstances it considers:

- (a) that 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;
- (b) 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) 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, 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) that it is otherwise appropriate to grant a dispensation.

From: Alan Boad <Alan.Boad@warwickdc.gov.uk>

Sent: 12 February 2020 14:13

To: Andrew Jones <Andrew.Jones@warwickdc.gov.uk>

Subject: To seek dispensation for Cllrs Alan Boad and Bill Gifford on issues affecting Leamington Town Hall

Andy,

Both Bill and I are members of Royal Leamington Spa Town Council, and as such are not allowed to take part in any discussions or decisions involving the future use of the town hall, as the Town Council is a tenant, renting the Mayor's Parlour, office and meeting room, be it within the Creative Quarter CDPR proposals or if excluded from the scope of the Creative Quarter any other proposals that may come forward.

Both Bill and I are seeking dispensation from the District Council to enable us to take part in any discussions and decisions concerning the future of the Town Hall building.

The logic for this is that as the Town Council only rents a small proportion of the building, that is insignificant, in the context of the space available, and to exclude Cllrs Alan Boad and Bill Gifford from taking part in any discussions and decisions concerning the future of the whole building seems to be disproportionate, given that they are also District Councillors from Leamington Spa wards.

Councillor Alan Boad is also a member of the Creative Quarter members group on the District Council and is currently excluded from the meeting whenever a discussion on the future of the town hall is raised, this is clearly detrimental to being involved in the overall Creative Quarter project.

Councillors Alan Boad and Bill Gifford are currently also declaring interests as District Councillors and cannot take part in discussions and decisions in that forum too.

We hope that the Standards Board can agree to granting our request.

Regards

Alan Boad and Bill Gifford