

Hampshire Fire and Rescue Authority	Item 6
Standards and Governance Committee	
30 November 2012	
Localism Act – Granting of Dispensation	
Report of the Clerk	

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1 Summary

- 1.1 This report seeks the granting of a dispensation under S.33 Localism Act to enable all members of the Authority to participate in discussions and vote at meetings of the Authority and its committees concerning the setting of the precept.

2 Recommendations

- 2.1 That the Committee agrees that, without the granting of a dispensation for all Members, the number of Members who would otherwise be prohibited by Section 31(4) Localism Act from participating in business of the Authority, namely discussions and voting regarding the setting of the precept, would be so great a proportion of the Authority as to impede the transaction of business, and
- 2.2 That therefore, a dispensation be granted under S.33 Localism Act to enable all Members and Co-opted Members of the Authority to participate in discussions and vote at meetings of the Authority, or of any committee of the Authority, concerning the setting of the precept, during the period 1 December 2012 to 31 March 2016.

3 Background

- 3.1 The effect of the Localism Act is that a Member of the Authority who has a disclosable pecuniary interest in any matter to be considered at a meeting of the Authority, or of any committee of the Authority, at which they are present, may not participate in the discussion or vote on that matter.
- 3.2 Disclosable pecuniary interests are prescribed in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. These include interests in land, described as “any beneficial interest in land which is within the area of

the relevant authority”.

- 3.3 All Members of the Authority who own freehold or leasehold property in Hampshire, Portsmouth or Southampton in which they reside, and who are therefore liable to pay Council tax, will therefore have a disclosable pecuniary interest in the setting of that tax. If all such Members affected are unable to participate in the discussion or vote on the setting of the Council tax, this is likely to give rise to difficulties in reaching a quorum at the relevant meetings. Further, disenfranchising so many Members on a key statutory responsibility would not facilitate sound democratic governance.

4 Dispensation

- 4.1 S.33 of the Localism Act enables a dispensation to be granted, relieving a Member from either or both of the restrictions on participation in discussion or voting in particular cases.
- 4.2 A dispensation may be granted on a written request made to the Clerk by a Member or Co-opted member. In this instance, a request has been received from the Chairman of the Authority, on behalf of all Members (see Appendix).
- 4.3 The relevant ground on which a dispensation could be granted is that in S.33(2)(a), namely that the Authority “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”.
- 4.4 A dispensation must specify the period for which it has effect, which may not exceed four years. It is proposed that the period is from 1 December to 31 March 2016, after which it could be renewed.
- 4.5 The power to grant dispensations has been delegated to the Standards and Governance Committee as part of the Authority’s arrangements for implementation of the standards provisions in the Localism Act.

5 Equality Impact Assessment

- 5.1 The setting of the precept has implications for all sections of the community. The proposal would facilitate the full participation of all Members in relevant discussions and voting.

Section 100D – Local Government Act 1972 – background papers

The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of this report.

N.B. The list excludes:
Published works.

Documents that disclose exempt or confidential information as defined in the Act.

TITLE

FILE

None.