

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Conduct Advisory Panel
<b>Date:</b>	20 October 2014
<b>Title:</b>	Disclosable Pecuniary Interests – Dispensation for Member of the River Hamble Harbour Board
<b>Reference:</b>	6193
<b>Report From:</b>	Corporate Services - Director of Policy and Governance

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## **1. Executive Summary**

1.1. The County Council discharges its duties as the Harbour Authority for the River Hamble through the River Hamble Harbour Board which comprises three elected County Council Members and three Co-opted Members who represent various interests on the river. Co-opted Members of the Board are selected on the basis that they have relevant experience in recreational sailing, the marine industry and environmental management. Mr Moody is one of the Co-opted Members and he has declared that he receives a small annual honorarium of £1,600 from the Hamble River Boatyard and Marina Operators Association for carrying out their secretarial duties. Interests such as this are likely to arise given the experience required for appointment as a Co-opted Member of the Board.

1.2. This annual honorarium is a Disclosable Pecuniary Interest and would therefore have the effect of preventing Mr Moody's participation in a number of items of business that are considered by the Board. Given the size of the honorarium and the experience requirements for Co-opted Members it is proposed that a dispensation should be granted to enable Mr Moody to participate in the business of the Board when dealing with matters that would affect the Hamble River Boatyard and Marina Operators Association.

## **2. Contextual information**

2.1. Part 7 of the Localism Act, Sections 26 – 37 introduced revised arrangements in respect of the Members' Code of Conduct, and the Registration and Disclosure of Members' Interests.

- 2.2. Section 31(4) of the Localism Act provides that where a Member or Co-opted Member of the County Council has a Disclosable Pecuniary Interest ('DPI') in a matter under consideration such Member may not:
- 2.2.1 Participate, or participate further, in any discussion of the matter at the meeting, or
  - 2.2.2 Participate in any vote, or further vote, taken on the matter at the meeting.
- 2.3 Section 33 of the Localism Act provides that the County Council may grant a dispensation from either or both of the restrictions set out in the Localism Act referred to at Paragraph 2.2 of this report. This function was delegated to the Conduct Advisory Panel by the County Council at its meeting on 17 May 2012.
- 2.4 The Conduct Advisory Panel may grant a dispensation under Section 33 of the Localism Act if, having regard to all the circumstances, inter alia it considers that granting dispensation is in the interests of the persons living in the Authority's area or considers that it is appropriate to grant a dispensation. A dispensation granted under this Section must specify the period for which it has effect not exceeding four years.
- 2.5 Mr Moody has requested that a dispensation be granted to enable his full participation in the business of the Board. Given the relatively modest amount of the honorarium and the experience required by Co-opted Members it is suggested that the grant of a dispensation would be in the interests of the persons living in Hampshire as it will enable Mr Moody to fully perform his role as a Co-opted Member of the Board.

### **3. Recommendation**

It is recommended that the Conduct Advisory Panel, grants the following dispensation under Section 33(2) (c) of the Localism Act:

- 3.1. A dispensation expiring on 1 May 2017 to Mr Moody enabling him to fully participate and vote in any business of the Hamble River Harbour Board when he would otherwise be prevented from doing so by virtue of a Disclosable Pecuniary Interest arising from the honorarium he receives from the Hamble River Boatyard and Marina Operators Association.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because of the requirements of the Localism Act 2011, and for the good governance of the County Council.

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
None		
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	
Localism Act	2011	
Relevant Authorities (Disclosable Pecuniary Interests) Regulations	2012	

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

**IMPACT ASSESSMENTS:****1. Equalities Impact Assessment:**

Not Applicable.

**2. Impact on Crime and Disorder:**

Not Applicable.

**3. Climate Change:**

a) How does what is being proposed impact on our carbon footprint / energy consumption?

Not Applicable.

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not Applicable.