

MUNICIPAL YEAR 2016/2017 - REPORT NO. 7

MEETING TITLE AND DATE
Councillor Conduct Committee
24 March 2016

REPORT OF: Asmat Hussain
Monitoring Officer and Assistant
Director Legal and Governance

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Agenda - Part: 1	Item: 5
Subject: Dispensation Request	
Wards: Not ward specific	
Key Decision No: N/A	
Cabinet Member consulted: Not applicable	

1. EXECUTIVE SUMMARY

This report includes information about a request for a dispensation from Councillor Bernadette Lappage, to cover the year 2016/17 while she is Mayor of Enfield. The dispensation concerns the declaration of a disclosable pecuniary interest in relation to her husband's senior position at the North London Waste Authority. The dispensation form is attached as Appendix A to the report.

2. RECOMMENDATIONS

Members are asked to consider the dispensation request and agree whether or not a dispensation should be granted to the Mayor of Enfield, Councillor Bernadette Lappage, for Council meetings during the 2016/17 municipal year, so that she is not required to declare her disposable pecuniary interest in matters relating to her husband's position on the North London Waste Authority.

3. BACKGROUND

The Councillors Code of Conduct requires that members register any disclosable pecuniary, other pecuniary and non-pecuniary interests in the Register of Members Interests. If a councillor has an interest in a matter under discussion at a meeting of the authority and is aware of that interest, it must be disclosed at the meeting. If they have a disclosable pecuniary interest they must:

- Not participate or participate further, in any discussion at the meeting.
- Not participate in any vote, or further vote, taken on the matter at the meeting.
- Leave the room until the conclusion of the matter under discussion.

If the member has a disclosable pecuniary interest in a matter coming before a meeting of the authority, they can make a written request to the Monitoring Officer beforehand for a dispensation, which if granted would allow them to participate in the discussion and vote.

A dispensation may be granted in the following circumstances:

- (a) Where members of the decision making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”.
- (b) That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter.
- (c) That the authority considers that the dispensation is in the interest of persons living in the authority’s area.
- (d) That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of dispensation must specify how long it will last, up to a maximum of 4 years.

Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, with the right of appeal to the Councillor Conduct Committee. Those in (c) and (d) shall be considered by the Councillor Conduct Committee, after consultation with the Independent Person(s).

The Monitoring Officer has received a request from Councillor Bernadette Lappage (attached as Appendix A to the report) applying for a dispensation from the requirement not to participate or vote in respect of matters at full Council involving the North London Waste Authority and the Council because of a disclosable pecuniary interest. The Monitoring Officer has referred this request to the Councillor Conduct Committee for their decision.

The Mayor’s husband has a senior position at the North London Waste Authority which she would have to declare as a disclosable pecuniary interest. This would mean that she would have to leave the meeting, could

not vote or take part in any items concerning North London Waste considered at full Council meetings. The Deputy Mayor would have to take over the chairing of the meeting for these items. She feels that this would impede the transaction of business and is therefore applying for a dispensation for reason (a) as set out above.

The Monitoring Officer has referred this request to the Committee. The Committee is being asked to consider the request and decide whether or not it should be granted.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

The remit of the Councillor Conduct Committee includes responsibility for requests for dispensations, by councillors and co-opted members, relating to interests set out in the Councillor Code of Conduct.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications – There are no financial implications.

6.2 Legal Implications

The Terms of Reference of the Councillor Conduct Committee includes within its remit the requirement to consider requests for dispensations by councillors and co-opted members relating to member interests in relation to circumstances c and d as set out above.

It is good practice for the granting of the dispensations by the Monitoring Officer to be reported to the Councillor Conduct Committee.

7. KEY RISKS

None identified.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All, Growth and Sustainability and Strong Communities

Granting the dispensation would allow the Mayor to chair all Council meetings without interruption during her year of office.

9. EQUALITIES IMPACT IMPLICATIONS

An equalities impact assessment was not necessary for this decision.

10. PUBLIC HEALTH IMPLICATIONS

None.

Background Papers

None