

Report to: Standards Committee



Date of Meeting 12th April 2022

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Review date for release N/A

Dispensation request by Cllr Paul Millar

Report summary:

Cllr Paul Millar has requested a dispensation to permit him to participate in and vote on matters in which he has a pecuniary interest, namely matters involving Exmouth Community College as he is a casual exam invigilator. It is for the committee to decide whether to grant Cllr Millar a dispensation.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee decide whether to grant Cllr Paul Millar a dispensation under S.33 of the Localism Act 2011.

Reason for recommendation:

It is a decision for the Standards Committee to decide whether to grant the dispensation having regard to all relevant circumstances.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information None.

[Link to Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Report in full

1. The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 create a framework within which a member must declare their pecuniary interests (being those prescribed in law) and where such an interest arises in any matter to be considered at a meeting then this must be declared and the member must not participate in any discussion or vote at the meeting. This is essentially achieved by the member leaving the room. It is an offence for a member to participate in and / or vote on a matter in which they have a pecuniary interest.
2. Section 33(2) of the Localism Act 2011, permits an authority to grant a dispensation from either or both of the restrictions not to participate and / or vote on a matter in which they have a pecuniary interest.
3. An authority may only grant a dispensation where, having had regard to all relevant circumstances, the authority;
 - (a) *considers 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) *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 [...] operating executive arrangements, considers 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) *considers that it is otherwise appropriate to grant a dispensation.*
4. Any dispensation granted by the authority must specify the period for which it has effect, and the period specified may not exceed four years.
5. Cllr Paul Millar has requested that the Council grant a dispensation for the reasons detailed in the request which is below;

Recently I took on a new role undertaking casual exam invigilation at my old school, Exmouth Community College. This role comes with a remuneration £[redacted] an hour, and as exams are held only in December, January, May, June and July, the maximum income would be around £[redacted] for a year (I have since taking the role earned £[redacted]).

I have undertaken this role because it fits neatly around my representative role where our meetings are unpredictable.

The Gipsy Lane site of Exmouth Community College is in my Ward. My role gives me no say or influence over the decision-making process within the school. However, the school is such a significant part of the Ward that

there are bound to be occasions where CIL/S106 applications are debated and I wish to contribute to that debate, and it may be that there is a vote at Full Council to ratify a decision to grant the school funds.

I feel point c) applies in that granting the dispensation is in the interests of persons living in the authority's area. I would not wish to be inhibited in taking part in the debate when I do not feel my very low level of remuneration conflicts me or creates a bond that would influence a decision where the interests of the school conflicted with that of the wider community.

6. Noting the request above, it is difficult to see how any of a), b) or d) in paragraph 3 above could be met. However it would be open for the Committee to decide that either / both c) and e) are met. Should the Committee decide to approve the request it will need to determine the nature of the dispensation – so what it covers and whether it permits participation and / or voting and how long it is granted for.

Financial implications:

There are no financial implications arising.

Legal implications:

Council have delegated the responsibility for deciding dispensations to the Standards Committee. It is for the Committee to decide, having regard to the comments in paragraph 3, whether to grant Cllr Millar a dispensation or not.