

SUBJECT:	HOUSES IN MULTIPLE OCCUPATION DISPENSATION
DIRECTORATE:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To propose the granting of a dispensation for all elected members in accordance with the Ethics and Engagement Committee's terms of reference.

2. Background

- 2.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 made significant changes to the interests which members were required to register and declare in relation to Council business.
- 2.2 As part of the Member Code of Conduct adopted by the Council, the Standards Committee assumed the powers to grant dispensations to members for the following reasons:
- (1) that so many members of the decision making body have Disclosable Pecuniary Interests in a matter that it would "impede the transaction of the business". In practice this means that the decision making body would be inquorate as a result.
 - (2) That without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - (3) That the authority considers that the dispensation is in the interests of persons living in the authority's area
 - (4) That, without a dispensation, no member of the Executive would be able to participate on the matter, or
 - (5) That the authority considers that it is otherwise appropriate to grant a dispensation.

3. Proposed Dispensation

- 3.1 At the Council meeting of 12 August 2014 a petition was received regarding the options for managing houses in multiple occupation within the city, specifically within the West End. The Policy Scrutiny Committee will be examining the matter in detail with the additional potential for the Executive to consider this matter in the future.

- 3.2 Given the potential for any changes to the current arrangements to affect either an individual ward or the city as a whole, there is the possibility that councillors could be precluded from properly debating the matters at hand as a result of a Disclosable Pecuniary Interest. Specifically, the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 affect any members with 'any beneficial interest in land which is within the area of the relevant authority.' If that member is present at a meeting and is aware of his or her disclosable pecuniary interest in any matter being considered the member cannot participate in any discussion of the matter or in any vote.
- 3.3 Given the fundamental public interest in allowing residents to have their views represented in meetings by their councillors as well as the potential for any such matter to preclude the majority of councillors from participating in the meeting, the Committee is recommended to consider granting dispensations to all members under section 33 of the Localism Act 2011.
- 3.4 If members were minded to grant such a dispensation, it is recommended that the dispensation should be granted as being in the interests of persons living in the authority's area, whose elected representatives would be unable to take part in the consideration of a matter of importance to the city.

4. Finance Implications

- 4.1 There are no direct financial implications arising from this report.

5. Legal Implications

- 5.1 As established within the report, any dispensations must be granted in accordance with the provisions of the Council's Member Code of Conduct, and the relevant primary and secondary legislation.

6. Recommendations

- 6.1 That the committee consider agreeing a dispensation for a period of four years from the date of the decision for all members who meet the following criteria:
- a) the member has a disclosable pecuniary interest for a beneficial interest in land held in the area of the authority; and
 - b) the nature of the business wholly relates to the development or implementation of policies concerning houses in multiple occupation.