

SUBJECT: DISPENSATIONS FOR MEMBERS HOLDING LICENCES TO OCCUPY LAND WITHIN THE CITY

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 dispensations for 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 Ethics and Engagement 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 In addition to personal and pecuniary interests, all members are required to declare any disclosable pecuniary interests within meetings and take no part in either the discussion or determination of the relevant business.

- 3.2 As the part of the development of the Central Lincolnshire Local Plan members

will be required to feed into the consultation and decision-making process relating to the future use of land within Lincoln. In particular, the Council would have to consider the use of its own land, including allotment and garage sites. As a result of this factor, all members holding a licence for a Council allotment or garage would potentially be unable to take part in any discussion or decision relating to the Central Lincolnshire Local Plan.

3.3 Indeed, the Asset Management Group meeting of 30 October 2014 was unable to consider an item relating to the Central Lincolnshire Local Plan as the meeting became inquorate as a result of members' disclosable pecuniary interests.

3.4 In view of the comparatively minor nature of the individual licences within the broader strategic context of the Central Lincolnshire Local Plan, it is proposed that dispensations be granted to members who have disclosable pecuniary interests relating to licences, solely in relation to taking part in the discussion regarding and determination of the Central Lincolnshire Local Plan.

3.5 By way of extension, members may also wish to consider whether it would be appropriate to offer such a dispensation in relation to any strategy or plan comprising part of the Policy or Financial Framework. Each of these plans or strategies is principally concerned with matters of overarching importance to the city, in relation to which the holding of a licence by a member is unlikely to be such significance as to fetter the discretion of the individual member. For members' information, the plans and strategies forming the current Policy and Financial Frameworks are reproduced below:

- Council Strategic Plan and delivery plan
- Strategic Plan Annual Report
- Crime and Disorder Reduction Strategy
- Licensing Authority Policy Statement
- Local Development Framework
- ICT/Transformation Strategy
- Workforce Development Strategy
- Equality Objectives and Action Plan
- Lincoln Growth Strategy
- Medium Term Financial Strategy
- Capital Strategy
- Asset Management Plan
- Treasury Management Strategy

3.6 It is recommended that any dispensation should be granted in accordance with the first and fifth options for granting a dispensation.

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 provision of the Council's Member Code of Conduct, and the relevant primary and secondary legislation.

6. Recommendations

6.1 It is recommended that the Ethics and Engagement Committee agree 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 any licence held (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer; **and**
- b) the nature of the business specifically relates to the consideration of Central Lincolnshire Local Plan, or a plan or strategy comprising part of the Policy or Financial Framework.