

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Audit and Governance Committee**
held on Thursday, 18th February, 2016 at Council Chamber - Town Hall,
Macclesfield, SK10 1EA

PRESENT

Councillor L Smetham (Chairman)

Councillors C Andrew, G Baxendale, R Fletcher, A Kolker and A Stott.

Councillor in attendance:

Councillor M Beanland.

Officers in attendance:

Daniel Dickinson – Legal Team Manager

Bill Norman – Director of Legal Services and Monitoring Officer

Cherry Foreman – Democratic Services Officer

42 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Marren, S Corcoran, M Hardy and M Simon.

43 DECLARATIONS OF INTEREST

There were no declarations of interest.

44 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public were present.

45 DISPENSATIONS UNDER SECTION 33 OF THE LOCALISM ACT 2011

Consideration was given to the report of the Director of Legal Services on the granting of dispensations under Section 33 of the Localism Act 2011 (the Act) in response to any request made by a Member or Members in respect of forthcoming meetings of the Strategic Planning Board, the Cabinet and Council, at which the Local Plan was due to be considered.

The report detailed the relevant sections of the Act with reference to disclosable pecuniary interests and to the granting of dispensations to allow Members with such interests to take part in the consideration of such a matter and, in appropriate cases, also allow them to vote on that matter.

The Committee was informed that advice from Counsel had confirmed the Act sought to separate the personal and private interests of Members from those that arise on account of a Member's wider public life. A Member would not, therefore, have a Disclosable Pecuniary Interest simply because they were a Director of a Council owned company for example, or were otherwise fulfilling a role on an

external organisation that they had been appointed to by the Council. In the light of this advice no relevant requests for dispensation had been received.

In order to clarify an apparent inconsistency in the Constitution, the Committee was then asked to determine whether it wished the Director of Legal Services to have delegated authority to grant dispensations in the future and, if so, under what circumstances. The report listed the circumstances under which local authorities are permitted to grant dispensations and the Committee agreed the Director of Legal Services, and if the Director of Legal Services was absent or conflicted the Deputy Monitoring Officer, in consultation with the Chairman and Members of the Audit and Governance Committee, should be given delegated authority to determine applications for dispensations as set out in the report.

RESOLVED

1. It be noted that no written applications for dispensation needed to be considered at this meeting.
2. That, the Director of Legal Services, and if the Director of Legal Services is absent or conflicted the Deputy Monitoring Officer, in consultation with the Chairman and Members of the Audit and Governance Committee, be given delegated authority to determine applications for dispensations under Section 33 of the Localism Act 2011, under sub-paragraphs (a), (b), (c), (d) and (e) of Section 33(2) as follows:
 - (a) if it is considered that without the dispensation the number of persons prohibited by section 31(4) 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) if it is considered 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) if it is considered that granting the dispensation is in the interests of persons living in the authority's area,
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, it is considered that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
 - (e) it is considered that it is otherwise appropriate to grant a dispensation.

The meeting commenced at 9.00 am and concluded at 9.45 am

Councillor L Smetham (Chairman)