

<u>MEETING</u> COUNCIL
<u>DATE AND TIME</u> TUESDAY 25TH JULY, 2017 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
12.2	Report of the Monitoring Officer – Dispensations	3 - 6

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COUNCIL

25 July 2017

Title	Report of Monitoring Officer
Report of	Monitoring Officer
Wards	All
Status	Public
Enclosures	none
Officer Contact Details	David Tatlow (Monitoring Officer and Chief Legal Advisor) david.tatlow@barnet.gov.uk

Summary

This item presents the report of the Monitoring Officer in respect of dispensations granted to Members.

Recommendation

That Council note the action taken by the Monitoring Officer in granting the dispensations for this meeting as set out in this report.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members must observe the provisions of the Localism Act 2011 and under the Code of Conduct, in regard to disclosure of disclosable pecuniary interests (DPIs) and non-pecuniary interests. Section 33 of the Act provides for dispensations to be granted to enable those with a DPI to be able to speak and/or vote in circumstances in which:

- So many members of the decision making body have DPIs in a matter that it would impede the transaction of the business;

- 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;
 - That the authority considers that the dispensation is in the interests of persons living in the authority's area; or
 - That the authority considers it is otherwise appropriate to grant a dispensation.
- 1.2 At the meeting of Council on 15 July 2014 it was agreed that the Monitoring Officer be delegated authority to consider and, if appropriate, grant such dispensations which would be reported back to the relevant decision-making body.
- 1.3 The Monitoring Officer notes that the matters raised in agenda item 14.5 on Council agenda: Opposition Motion in the name of Cllr Ross Houston on 'Standards in the private rented sector' pertains to many of Barnet councillors in a general sense. The advice of the Monitoring Officer is that councillors only need to declare an interest if a specific reference is made to a specific matter connected within his/her personal Register of Interests. However, for the avoidance of any doubt, the Monitoring Officer confirms that councillors who are private landlords in the borough, private landlords outside the borough and tenants within the borough may stay, speak and vote on item 14.5 of this Council meeting.
- 1.4 This includes the following members who have previously declared an interest as private landlords:
- Councillor Hugh Rayner (private landlord in the borough)
 - Councillor Helena Hart (private landlord in the borough)
 - Councillor Dean Cohen (private landlord in the borough)
 - Councillor Melvin Cohen (private landlord in the borough)
 - Councillor Peter Zinkin (private landlord in the borough)
 - Councillor Tom Davey (private landlord in the borough)
 - Councillor Brian Salinger (private landlord in the borough)
 - Councillor Tim Roberts (private landlord in the borough)
 - Councillor Laurie Williams (private landlord in the borough)
 - Councillor Mark Shooter (private landlord of property outside the borough)
 - Councillor Anne Hutton (private landlord of property outside the borough)

It also includes any members who may be tenants of private landlords in the borough.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Monitoring Officer has considered each application against the tests set out in the Localism Act and members Code of Conduct and concluded that, given the political balance of the Council, 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. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 N/A

4. POST DECISION IMPLEMENTATION

4.1 The Councillors will participate in the discussion of agenda items and can vote at Council in accordance with any dispensations granted.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 None.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 None.

5.3 Legal and Constitutional References

5.3.1 The Localism Act 2011 sets out the current provisions in respect to declaration of Members interests. Section 33 sets out the circumstances in which applications can be made for dispensation to speak and/or vote on a matter in which a member has a Disclosable Pecuniary Interest.

5.3.2 Constitution, Members Code of Conduct – sets out how these provisions apply to elected Members in Barnet.

5.3.3 Constitution, Responsibility for Functions, Scheme of Delegated Authority to Officers: Council has delegated authority to the Monitoring Officer to consider requests for and where appropriate grant dispensations under Section 33 of the localism Act 2011, with any dispensation granted being reported to the Committee where the dispensation is being granted.

5.4 Risk Management

5.4.1 Formal consideration of requests for dispensation minimises the risk that the Council has not followed lawful procedures in respect of members' interests.

5.5 Equalities and Diversity

5.5.1 None specifically arising from this report.

5.6 Consultation and Engagement

5.6.1 None specifically arising from this report.

6. BACKGROUND PAPERS

- 6.1 Council – 15 July 2014 – item 10.9 – Report of the Monitoring Officer
- 6.2 Council – 23 September 2014 – item 11.3 – Report of the Monitoring Officer