

	<p>COUNCIL</p> <p>23 September 2014</p>
<p style="text-align: right;">Title</p>	<p>Report of Monitoring Officer</p>
<p style="text-align: right;">Report of</p>	<p>Monitoring Officer</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Maryellen Salter- Assurance Director (Monitoring Officer)</p>

Summary
<p>This item presents the report of the Monitoring Officer in respect of dispensations granted to Members.</p>

Recommendations
<p>1. That Council note the action taken by the Deputy Monitoring Officer in granting the dispensations for this meeting as set out in this report.</p>

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;
- 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 Applications to stay, speak and vote have been made by the following Councillors in respect of item 14.1 of this Council meeting.

- Councillor Hugh Rayner
- Councillor Helena Hart
- Councillor Dean Cohen
- Councillor Melvin Cohen
- Councillor Peter Zinkin

1.4 All these members are private landlords in the borough and it is in respect of this interest that the applications are made.

2. REASONS FOR RECOMMENDATIONS

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)

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

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

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