

|   |  |
|---|--|
|   | <p><b>COUNCIL</b></p> <p><b>28 July 2015</b></p>   |
| <p style="text-align: center;"><b>Title</b></p>                   | <p><b>Report of Monitoring Officer</b></p>   |
| <p style="text-align: center;"><b>Report of</b></p>               | <p>Monitoring Officer</p>  |
| <p style="text-align: center;"><b>Wards</b></p>                   | <p>All</p>   |
| <p style="text-align: center;"><b>Status</b></p>                  | <p>Public</p>  |
| <p style="text-align: center;"><b>Enclosures</b></p>              | <p>None</p>  |
| <p style="text-align: center;"><b>Officer Contact Details</b></p> | <p>Davina Fiore (Monitoring Officer)<br/>                 Ext: 020 8359 6373 Email: <a href="mailto:davina.fiore@barnet.gov.uk">davina.fiore@barnet.gov.uk</a></p> |

|   |
|---|
| <b>Summary</b>  |
| <p>This item presents the report of the Monitoring Officer in respect of a dispensation granted to Councillor Dean Cohen.</p> |

|   |
|---|
| <b>Recommendation</b>   |
| <p><b>That Council note the action taken by the Monitoring Officer in granting the dispensation for this meeting as set out in this report.</b></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 An application to stay, speak and vote has been made by Councillor Dean Cohen in respect of agenda item 14, Motion in the name of Cllr Kathy Levine, on Abbots Depot.
- 1.4 Councillor Dean Cohen is declaring a disclosable pecuniary interest in that in a business capacity, he acts for a client who occupies part of the Oakleigh Road South site.
- 1.5 The Monitoring Officer has confirmed that, under her delegated authority as Monitoring Officer, she has considered the 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, and has therefore granted a dispensation for this item.

## **2. REASONS FOR RECOMMENDATIONS**

The Monitoring Officer has considered the 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:  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=7813&Ver=4>