

**SC 50-21**

## **NEW FOREST NATIONAL PARK AUTHORITY**

### **STANDARDS COMMITTEE MEETING – 8 MARCH 2021**

#### **RENEWAL OF DISPENSATIONS UNDER THE LOCALISM ACT 2011**

**Report by:** Rosalind Alderman, Solicitor and Monitoring Officer

## **1 SUMMARY**

- 1.1 In October 2013, the Members of the Standards Committee agreed to grant a dispensation under section 33 of the Localism Act 2011. The dispensation applied to all Members of the Authority who were also members of and in receipt of an allowance from the Authority's appointing authorities (Hampshire County Council, Wiltshire Council, New Forest District Council and Test Valley Borough Council) exempting them from the restrictions imposed by Section 31(4) of the Localism Act relating to disclosable pecuniary interests ('DPIs') arising from their membership of an appointing authority. The dispensation was originally granted for a period of four years and was subsequently renewed for a further four years at the Standards Committee meeting held on 2 October 2017.
- 1.2 The current dispensation does not expire until October 2021. However, given that the Standards Committee does not always need to meet for a second time in a year, and that there is also currently some uncertainty over how meetings will be conducted beyond 7 May 2021 (when the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 expire), it was felt that this item of business could be dealt with sooner rather than later.
- 1.3 This report asks Members to consider renewing the dispensation for a further four-year term from 8 March 2021 until 7 March 2025, thereby enabling those Members to continue to participate in NPA business affecting those constituent authorities.

## **2 LOCALISM ACT 2011**

- 2.1 Sections 26 – 37 of the Localism Act 2011 introduced revised arrangements in respect of the Members' Code of Conduct, and the registration and disclosure of Members' interests.
- 2.2 Under Section 31(4) of the Act, where a Member has a DPI in a matter under consideration, that Member may not:
  - participate, or participate further, in any discussion of the matter at the meeting, nor
  - participate in any vote, or further vote, taken on the matter at the meeting.

- 2.3 The DPIs set out in the relevant legislation, the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, include 'any employment, office, trade, profession or vocation carried on for profit or gain'. Officers have considered whether 'office' would include membership of other public authorities such as County, Borough and District Councils or other relevant authorities, in consequence of payments made to Members under the allowances schemes of those bodies. As these offices are not carried out for 'profit or gain', the receipt of an allowance being compensatory (relating to time spent and expenses incurred), it seems that receipt of an allowance from these bodies would not constitute a DPI under the Act. However, Members may nonetheless consider it sensible to renew the dispensation for the avoidance of doubt, so that there is no question in future whether those Members in receipt of an allowance from one of the constituent authorities may participate or vote on Authority business.
- 2.4 The Standards Committee may grant a dispensation if, having regard to all the circumstances, it considers that without the dispensation the number of Members participating in any particular business would be so great a proportion of the body transacting the business so as to impede transaction of the business; or alternatively it may grant a dispensation if it considers it is otherwise appropriate to do so. A dispensation must specify the period for which it has effect, not to exceed four years.
- 2.5 It should be noted that even where a dispensation is in place relating to the DPIs set out in the first part of the Code of Conduct, a Member could nonetheless in some circumstances still have an interest in a particular item of business by virtue of his or her membership of another authority that could amount to being prejudicial under the second part of the Code of Conduct. In those circumstances Members would not be able to participate in the vote on that item notwithstanding the dispensation but would be able to speak at the meeting in accordance with the rules set out in the Standing Orders.

## RECOMMENDATION

**It is recommended that the Standards Committee grants a dispensation pursuant to Section 33 of the Localism Act 2011 in the following terms:**

A dispensation beginning on 8 March 2021 and expiring on 7 March 2025 is issued from the provisions of Section 31(4)(a) and (b) of the Localism Act 2011 to all Members of the Authority who are in receipt of an allowance under the members' allowances schemes of Hampshire County Council, Wiltshire Council, New Forest District Council or Test Valley Borough Council, thereby enabling all Members of the Authority to participate and vote in any Authority business relating to Hampshire County Council, Wiltshire Council, New Forest District Council or Test Valley Borough Council insofar as they would otherwise be prevented from so doing under that Act and the 2012 Regulations.

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