



**STANDARDS COMMITTEE:
17 April 2024**

Report of: Head of Legal and Democratic Services

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SUBJECT: DISPENSATION – WASPI (WOMEN AGAINST STATE PENSION INEQUALITY) MOTION

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval to grant a dispensation to members to allow them to continue to speak and vote at the Council meeting on 17 April 2024 in relation to a Motion included on the agenda for the meeting entitled 'WASPI (Women Against State Pension Inequality)'.

2.0 RECOMMENDATIONS

- 2.1 That in accordance with Section 33 of the Localism Act a dispensation in the following terms be granted to all members of the Borough Council (insofar as it is applicable and within the Committee's powers):

“Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a disclosable pecuniary or pecuniary interest that relates to item 12 (a) 'WASPI (Women Against State Pension Inequality) - Motion from Councillor Melissa Parlour on behalf of the Labour Group'”

3.0 BACKGROUND

- 3.1 The Localism Act 2011 introduced a new standards regime including the declaration of disclosable pecuniary interests. The Act also included the introduction of a new criminal offence for not declaring a disclosable pecuniary interest. The Act requires that a member who has a disclosable pecuniary interest must not participate or vote at a meeting at which the relevant interests apply. The Council also has a Code of Conduct which applies similar provisions in relation to pecuniary interests (as defined in the Code). Dispensations may be granted under the Act, under specific circumstances, to allow members who have a disclosable pecuniary interest to still participate and vote at meetings.

3.2 Council has delegated authority to the Standards Committee to grant dispensations.

4.0 DISPENSATIONS – STATUTORY POSITION

4.1 Section 33 of the Localism Act enables the Council to grant dispensations in any of the following circumstances:

- (a) that without the dispensation the number of persons prohibited from participating in the business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) that without the dispensation the representation of the different political groups on the body transacting the business would be so upset as to alter the outcome of any vote relating to the business;
- (c) that granting the dispensation is in the interests of persons living in the authority's area;
- (d) in the case of an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers without the dispensation each member of the authority's executive would be prohibited by section 31(4) (restrictions on participation and voting) from participating in any particular business to be transacted by the authority's executive, or
- (e) that it is otherwise appropriate to grant a dispensation

4.2 A dispensation under this section must specify the period for which it has effect, and the period specified must not exceed four years.

4.3 Although some members of the Standards Committee may have a pecuniary interest in respect of the WASPI Motion, Section 33(4) also states that Section 31(4) (restrictions on participation and voting) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under Section 33.

4.4 A request has been received under sections 33 (a), (b), (c) & (e) of the Localism Act, as set out above in paragraph 4.1. Whilst it is open to any member to apply for a dispensation in accordance with the criteria set out above, it is proposed to regard all members as so applying unless they specifically request otherwise.

4.5 Accordingly, it is recommended that the dispensation be granted to ensure openness and transparency whilst maximising full and balanced member involvement in the interests of local democracy in accordance with Section 33(a), (b),(c) and (e) of the Localism Act 2011.

5.0 SUSTAINABILITY IMPLICATIONS

5.1 There are no significant sustainability impacts associated with this report and in particular no significant impact on crime and disorder.

6.0 HEALTH & WELLBEING IMPLICATIONS

6.1 There are no health and wellbeing implications arising from this report.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no resource implications arising from this report. A record of dispensations granted is kept with the Register of Members Interests and maintained by the Monitoring Officer.

8.0 RISK ASSESSMENT

8.1 Section 31 of the Localism Act 2011 and the Code of Conduct set out what a member must do if he or she has a disclosable pecuniary or pecuniary interest in a matter which is to be considered at a meeting. Dispensations under Section 33 of the Act permits members to speak and vote to avoid breaching the Act and Code of Conduct in appropriate circumstances.

9.0 HEALTH & WELLBEING IMPLICATIONS

9.1 There are no health and wellbeing implications arising from this report.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees and stakeholders, however there is a direct impact on elected members. Therefore an Equality Impact Assessment (EIA) is attached as Appendix 1 to this report.

Appendices

Appendix 1 EIA