

Dispensation Decision

Date dispensation request considered by Monitoring Officer/ Chairman of Constitution and Ethics Committee and the Council's Independent Person	12/02/20
Name of Councillor requesting dispensation:	Co-Opted Member of Children and Education Scrutiny Committee – Mr Flavio Vetesse
Dispensation granted : Yes / No	Yes
The business of the council for which the dispensation has been given (if appropriate)	Dispensation to speak (but not vote) at the meeting of the council's Children and Education Scrutiny Committee on 12 February 2020 in relation to the Request to call in an Executive Decision “proposal to open a voluntary aided Roman Catholic Primary School – JAN20/CMDN/78”
Reasons for the decision <i>(If granted, also specify on what grounds the decision was made, i.e. the dispensation is in the interests of persons living in the authority's area)</i> See extract from Localism Act below	It was considered appropriate (under s33 [1](c) and/or (e)) to grant a dispensation to speak (but not vote) . Mr Vetesse is employed as the Deputy Director for Schools - Roman Catholic Diocese of East Anglia and this is registered on his Register of Interests as a disclosable pecuniary interest. The proposal under consideration relates to the creation new Roman Catholic Primary School. As a nominated church representative on a local authority education committee Mr Vetesse usually has statutory voting rights on any education matter under the Education Act 1996. However under the Localism Act 2011 as he has a Disclosable Pecuniary Interest due to his employment with the Roman Catholic Diocese he cannot participate in the discussion or vote unless he has obtained a dispensation to do so. I considered it appropriate for him to be allowed to speak in fulfilment of his statutory role but not vote due to the conflict of interest due to his employer's interest in the issue to be decided.
Length of dispensation	For this meeting alone

Signed: Fiona McMillan Dated: 12/02/2020

Monitoring Officer - Peterborough City Council

Extract from Localism Act 2011

33 Dispensations from section 31(4)

(1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.

(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

(a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

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

(4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.