

Dispensation Decision

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| Date dispensation request considered by Monitoring Officer/ Chairman of Constitution and Ethics Committee and the Council's Independent Person | 18/09/20 |
| Name of Councillor requesting dispensation: | Cllr Nigel Simons - Chairman of Adults and Communities Scrutiny Committee |
| 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 Adults and Communities Scrutiny Committee on 30 September 2020 in relation to the "Review of Vivacity Transition Arrangements" item |
| 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). Cllr Simons has been appointed by the council onto the board of Aragon Direct Services Ltd and this is registered on his Register of Interests. The proposal under consideration relates to the arrangements for services currently run by Vivacity to move back to the council and sports and leisure services will transfer to Peterborough Ltd (Aragon), a wholly-owned company of the council. I considered it appropriate for him to be allowed to speak in order to be able to represent his council appointed role but not vote (if any vote is taken) due to the potential conflict of interest. |
| Length of dispensation | For this meeting alone |

Signed: Fiona McMillan Dated: 18/09/2020

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.