

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 8
18 NOVEMBER 2024	PUBLIC REPORT

Report of:	Neil McArthur, Director of Legal and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Mohammed Jamil, Deputy Leader and Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Neil McArthur, Director of Legal and Governance and Monitoring Officer	07484 033282
	Rachel Edwards, Head of Constitutional Services and Deputy Monitoring Officer	07920 160514

DISPENSATION TO SPEAK AND VOTE ON A PECUNIARY INTEREST

RECOMMENDATIONS	
FROM: Neil McArthur, Director of Legal and Governance and Monitoring Officer	Deadline date: 18 November 2024
<p>It is recommended that the Constitution and Ethics Committee, on the recommendation of the Monitoring Officer, grants Councillor Zameer Ali a dispensation to both speak and vote at any council meetings on matters relating to licensing issues until the expiry of his term of office on 1 May 2028.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to grant Councillor Zameer Ali a dispensation to speak and vote at any council meetings on matters relating to licensing issues, until the expiry of his term of office on 1 May 2028, as he has a disclosable pecuniary interest in such matters.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2:

Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- Promoting and maintaining high standards of conduct by Members and co-opted members;
- Assisting the Members and co-opted members to observe the Code of Conduct;

- Advising the Council on the adoption or revision of the Members Code of Conduct and Officer Code of Conduct;
- Monitoring the operation of both Codes of Conduct;
- Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
---	-----------	----------------------------------	-----

4. **BACKGROUND AND KEY ISSUES**

4.1 Section 30 of the Localism Act 2011 (the Act) requires all members or co-opted members of a relevant authority to declare any pecuniary interests they have within 28 days of taking office, or within 28 days of becoming aware of having such an interest, by notifying the authority's Monitoring Officer who will enter the interest into the authority's register of interests.

Section 31(4) of the Act prohibits a member from participating in any discussion or vote on a matter where they have a pecuniary interest, unless they have received a dispensation to do so.

4.2 Section 33 of the Act governs dispensations from the requirements of Section 31(4) of the Act and allows a member to make a written request to the Monitoring Officer for such a dispensation.

The authority may grant a dispensation under Section 33(2) of the Act only if, 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.

4.3 Paragraph 1.1 of Part 4, Section 4 of the Peterborough City Council Constitution (General Standing Orders) sets out that the Monitoring Officer may, on request, grant a dispensation to a member to speak but not vote on a matter where they have a pecuniary interest, but any dispensation to speak and vote must be granted by the Constitution & Ethics Committee.

4.4 Councillor Zameer Ali was elected to Peterborough City Council on 2 May 2024; his term of office will expire on 1 May 2028. On Councillor Ali's most recent register of interests, published on 31 July 2024, he has listed a disclosable pecuniary interest as owner and operator of The Taxi Firm Ltd, which operates in the city.

4.5 Councillor Ali therefore has a pecuniary interest in the current proposals to introduce the mandatory use of CCTV in Private Hire and Hackney vehicles in Peterborough. These proposals were considered by the Licensing Committee at its meeting on 12 September 2024, where the Committee recommended them to Full Council for approval at a later date.

Councillor Ali requested and was granted a dispensation by the Monitoring Officer on 11 September 2024 to speak but not vote at the meeting, to represent the private hire federation as its representative. This dispensation was reported to the Constitution & Ethics Committee on 30 September 2024.

4.6 On 22 October 2024 Councillor Ali made a written request to the Monitoring Officer for an ongoing dispensation to speak and vote on matters related to licensing issues at council meetings for the remainder of his term of office. Councillor Ali has made this request as he is of the view that his unique insights can contribute to comprehensive and well-rounded decision-making processes.

4.7 The Monitoring Officer, having consulted the council's independent person, has recommended that it would be appropriate to grant the dispensation (as requested) under Section 33(2)(c) and (e) of the Localism Act 2011, as it would allow Councillor Ali to bring his knowledge and insight to decision-making in relation to licensing issues and allow him to represent Peterborough residents who both work in and use private hire and hackney services in the city.

5. CORPORATE PRIORITIES

- 5.1 4. Sustainable Future City Council
- How we Work
 - How we Serve
 - How we Enable

The proposals promote the above corporate priority as they ensure that proper governance arrangements are followed for the council's decision-making processes.

Further information on the council's priorities can be found here - [Link to Corporate Strategy and Priorities Webpage](#)

6. CONSULTATION

6.1 The Monitoring Officer consulted the council's independent person when reviewing Councillor Ali's request.

7. ANTICIPATED OUTCOMES OR IMPACT

7.1 Granting the dispensation would allow Councillor Ali to speak and vote on licensing issues at any council meeting for the remainder of his term of office.

8. REASON FOR THE RECOMMENDATION

- 8.1 Granting the dispensation would allow Councillor Ali to bring his knowledge and insight to decision-making in relation to licensing issues and allow him to represent Peterborough residents who both work in and use private hire and hackney services in the city.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 To not grant Councillor Ali his dispensation as requested. This would mean that Councillor Ali would not be able to speak and vote on matters relating to licensing issues at any council meeting, due to his pecuniary interest.

10. IMPLICATIONS

Financial Implications

- 10.1 None.

Legal Implications

- 10.2 The dispensation must be granted in accordance with the requirements pursuant to the Localism Act 2011.

Equalities Implications

- 10.3 Granting the dispensation would result in Councillor Ali being able to participate in decision-making processes on licensing issues with his fellow councillors.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 11.1 [Localism Act 2011](#)

[Peterborough City Council Constitution](#)

12. APPENDICES

- 12.1 None.