

CHESHIRE FIRE AUTHORITY

MEETING OF: CHESHIRE FIRE AUTHORITY
DATE: 28th JUNE 2023
REPORT OF: DIRECTOR OF GOVERNANCE
AUTHOR: ANDREW LEADBETTER

SUBJECT: GRANT OF DISPENSATION TO NEW MEMBERS

Purpose of the Report

1. To ask Members to extend the benefit of the dispensation to new members of the Fire Authority to enable them to take part in debates and votes upon the approval of the Members' Allowances Scheme (and any changes and/or additions to it).

Recommended that:

- [1] The dispensation granted to Fire Authority Members on 29th January 2020 be extended to benefit the new Members of the Fire Authority that have requested it, thereby allowing them to take part in the debates and votes on the approval of the Members' Allowances scheme (and any changes and/or additions to it).

Background

2. A dispensation relating to the approval of the Members' Allowances Scheme (and any changes and/or additions to it) was granted by the Governance and Constitution Committee on 29th January 2020 to all Members of the Fire Authority. The dispensation is effective until January 2024.

Information

3. The dispensation concerned with Members' allowances is available to any Member that seeks it. It continues to apply until January 2024. The following paragraphs explain the legal requirements associated with the grant of dispensations.
4. In considering whether to grant dispensations Members are required to consider the provisions in Section 33 of the Localism Act 2011 (the Act). A copy of the section is attached as Appendix 1 to this report.
5. Section 33(1) states that there must be a written request from a Member to the proper officer (taken to be the Monitoring Officer). The names of the new Members that have confirmed that they wish to take advantage of the dispensation will be stated at the meeting.

6. Section 33(2) states that a dispensation can only be granted by an Authority if, after having had regard to all relevant circumstances, it is satisfied that one of the reasons described is applicable.
7. All Members receive an allowance and would appear to have a Statutory Disclosable Interest in the approval of the Members' Allowance Scheme (and any changes and/or additions to it). On disclosing such an interest, if no dispensation existed, a Member would be unable to remain in the meeting and have no opportunity to take part in the debate, nor vote.
8. As all Members will need to make such a disclosure when the Members' Allowances Scheme is to be determined the transacting of business would be impeded (Section 33(2)(a))
9. The responsibility to grant a dispensation is delegated to the Governance and Constitution Committee. However, as the next item on the Agenda includes a recommendation which might lead to a change to the Members' Allowances Scheme it makes sense for the Fire Authority to consider extending the dispensation.

Financial Implications

10. There are no financial implications arising from this report.

Legal Implications

11. The legal implications are covered in the body of the report.

Equality and Diversity and Environmental Implications

12. There are no equality and diversity or environmental implications arising from this report.

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BACKGROUND PAPERS: NONE