

## **DARLINGTON BOROUGH COUNCIL**

### **DISPENSATION – SECTION 33 OF THE LOCALISM ACT, 2011**

On 16<sup>th</sup> November, 2015, the Monitoring Officer of Darlington Borough Council, considering the number of Councillors who are members of trade unions, granted a general dispensation, in respect of any disclosable pecuniary interests occasioned thereby, to allow full participation in a motion concerning the Trade Union Bill, at the Council meeting on 19<sup>th</sup> November 2015.

Having regard to all relevant circumstances the dispensation was granted under grounds (b), (c) and (e) of Section 33(2) of the Localism Act, 2011;

- (a) 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 transaction of the business,
- (b) that without the dispensation, the representation of different political group on the body transacting the business would be so upset as to alter the likely 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 operating executive arrangements) that it is considered 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) that it is otherwise appropriate to grant a dispensation.

In the motion to be debated, Parliament rather than Council that is the primary decision maker. The motion is to that extent, either an expression of a view of Council, and in so much as any decision that is being taken it is contingent on what happens in Parliament.

At this stage it is unclear if the Bill will become law or if so to what extent it may be amended before it is enacted. Therefore the extent to which trade unions will be affected (including financially) is unclear. For this reason, at this stage, the nature of any pecuniary interest is likely to be indirect.

There are 14 members of the Labour Group who are trade union members. If those members were unable to participate it would have a significant adverse impact on the representation and participation of one political group at Council with the potential to alter the outcome of any vote on the motion.

The participation of Council members who are also trade union members (and in the case of one member, an employee) is likely to be helpful to members in considering the motion.

The subject matter of the motion is a matter of public interest, both nationally and locally.

Allowing members to participate, in these circumstances and by virtue of this dispensation, is not in my view likely to damage public confidence in the conduct of the Councils business.

In all these circumstances, it is my view that it is right to grant a general dispensation to allow all members of Council who are also trade union members (or trade union employees) to participate fully in the motion on the Trade Union Bill when it is discussed at Council on 19<sup>th</sup> November 2015.

Date: 16<sup>th</sup> November 2015

Signed:

Luke Swinhoe  
Monitoring Officer