

Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	Chief Executive		
Contact person:	Andy Hodson	Telephone number: 88660	
Subject²:	Application for dispensation under Section 33 of the Localism Act 2011		
Decision details³:	<p>What decision has been taken? (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.)</p> <p>The Chief Executive has granted dispensations, to those Leeds City listed at Schedule 1, for a period of four years in the following terms:-</p> <p>A dispensation from both the restrictions in section 31(4) to take part and vote in relation to the consideration of a matter in relation to which they have a disclosable pecuniary interest arising through:-</p> <ul style="list-style-type: none"> • Any office held within Leeds City Council for which they receive a taxable income; and • Any office held outside Leeds City Council (to which they have been appointed by Leeds City Council) for which they receive a taxable income. <p>A dispensation from the restrictions in section 31(4)(a) only to take part in the discussion of a matter in which they have a disclosable pecuniary interest to allow them to make representations at a meeting where members of the public have the same entitlement.</p>		

¹ Give title of Director with delegated responsibility for function to which decision relates.

² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report where used as these matters have been set out in detail.

A brief statement of the reasons for the decision
(Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)

Section 33 of the Act provides that the authority (in the case of Leeds this function is delegated by Full Council to the Chief Executive) may, on written request, grant a dispensation relieving the Member from either or both of the restrictions imposed by Section 31. The dispensation, which must be granted for a specific period not exceeding four years, may be granted on any of the following grounds:-

1. Without the dispensation the number of persons prohibited from participating in any particular business would so great as to impede the transaction of the business;
2. Without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote;
3. The dispensation is in the interests of persons living in the authority's area;
4. Without the dispensation each Member of the executive would be prohibited from participating in business to be transacted by the executive;
or
5. It is otherwise appropriate to grant a dispensation.

Taxable Allowances

In the absence of a dispensation in relation to Allowances Members would not be able to vote on the Members' Allowances Scheme thus impeding the transaction of the Council's business. Neither would Members be able to vote on appointments to internal or external positions to which they were nominated.

The Monitoring Officer therefore recommends that the Chief Executive grants dispensations to all those Members listed in Schedule 1 as having requested a dispensation in relation to Allowances for a period of four years.

Regulatory Matters

The prohibition on Members involvement in decision making where they have a disclosable pecuniary interest prevents their participation under any circumstances. This would include circumstances where any other Member of the public would have the right to attend a committee in order to make representations for example in relation to a planning application which they are making or to which they wish to object, or in relation to a licensing matter. The Monitoring Officer therefore recommends that the Chief Executive grants dispensations to all those Members listed in Appendix A as having requested a dispensation in relation to Regulatory Matters for a period of four years


	<p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>Taxable Allowances</p> <p>In the absence of a dispensation in relation to Allowances Members would not be able to vote on the Members' Allowances Scheme thus impeding the transaction of the Council's business. Neither would Members be able to vote on appointments to internal or external positions to which they were nominated.</p> <p>Regulatory Matters</p> <p>Not granting a dispensation would place a limitation and unjust discrimination upon Members because they hold public office, and that as such it would be appropriate to set this limitation aside in order to permit Members to make decision representations where appropriate and where the public hold the same rights.</p>
Affected wards:	
Details of consultation undertaken⁴:	Executive Member
	Ward Councillors
	Chief Digital and Information Officer ⁵
	Chief Asset Management and Regeneration Officer ⁶
	Others Chair designate of the Standards and Conduct Committee would normally be consulted but is one of the Members seeking the dispensation and so has a conflict of interest. The Chair designate has been advised of this.
Implementation	<p>Officer accountable, and proposed timescales for implementation</p> <p>Head of Democratic Services with dispensations in place with immediate effect</p>
List of Forthcoming Key Decisions⁷	Date Added to List:-
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision

⁴ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

⁵ See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

⁶ See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

⁷ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

	If Special Urgency Relevant Scrutiny Chair(s) approval	
	Signature	Date
Publication of report⁸	If not published for 5 clear working days prior to decision being taken the reason why not possible:	
	If published late relevant Executive member's approval	
	Signature	Date
Call In	Is the decision available ⁹ for call-in?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:	
Approval of Decision	Authorised decision maker ¹⁰	
	Chief Executive	
	Signature 	Date 17 th May 2023

⁸ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁹ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.