

REQUEST FOR DISPENSATION	
STANDARDS COMMITTEE 21st JANUARY 2013	CLASSIFICATION: Open
WARD(S) AFFECTED Dalston and neighbouring wards	
GIFTY EDILA CORPORATE DIRECTOR LEGAL, HR AND REGULATORY SERVICES	

1. CORPORATE DIRECTOR'S INTRODUCTION

- 1.1 This report is presented on behalf of Councillors Sophie Linden and Emma Plouviez seeking a dispensation to enable them to support the work on developing a Special Policy Area ("SPA") for Dalston which could impact on neighbouring wards.
- 1.2 Cllr Linden is Cabinet Member with responsibility for the Licensing Service in Legal, HR and Regulatory Services Directorate.
- 1.3 Cllr Plouviez is Chair of Licensing Committee.

2. RECOMMENDATION

The Standards Committee is asked to:

2.1 **Consider and grant a dispensation to Cllr Sophie Linden on grounds of paragraph 5.1 (v) of this report, until 31 May 2014 to participate in the work for developing a SPA for Dalston.**

2.2 **Consider and grant a dispensation to Cllr Emma Plouviez on grounds of paragraph 5.1 (v) of this report, until 31 May 2014 to participate in the work for developing a SPA for Dalston**

3. REASONS FOR DECISION

3.1 The work on developing a SPA for Dalston could extend to other neighbouring wards in terms of impact. Both Councillors live in neighbouring wards so to avoid any conflict of interests occurring, they are at this stage seeking a dispensation to enable them to continue supporting the work on the SPA.

4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

4.1 This report reviews the request to grant dispensation to Cllr Plouviez and Cllr Linden to develop a SPA for Dalston. There are no financial implications resulting from this request.

4.2 The financial impact of the SPA will be managed within the Council's Licensing budget.

5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

5.1 Section 33 of the Localism Act 2011 empowers local authorities to receive requests for granting of dispensation. There are five grounds on which such dispensation may be considered as follows:

- (i) without dispensation the number of persons prohibited, for reasons of having a pecuniary interest, from participating in a particular business would be so great a proportion of the meeting as to impede the transaction of the business.
- (ii) considers that without the dispensation the representation of different political groups on the body transacting the business would be upset as to alter the likely outcome of any vote relating to the business.
- (iii) considers that granting the dispensation is in the interests of persons living in the authority's area.
- (iv) if it is an authority operating executive arrangements under the Local Government Act 2000, considers that without dispensation each member of the authority's executive would be prohibited from

participating in any particular business to be transacted, or

(v) considers that it is otherwise appropriate to grant a dispensation.

5.2 A dispensation, if granted, would be time limited and may not exceed four years.

5.3 The Members seeking dispensation may consider and vote on their own application if they sit on the determining committee, as provided by Section 33(4) or the Act.

6. BACKGROUND

6.1 Concerns have been raised in the borough about the growing concentration of licensed premises in the Dalston area. In addressing these issues, the Council's aim is to balance the interests of the night time economy and residents' right to enjoy their community, and minimise any negative impact arising.

6.2 Dalston has seen a large number of new licences granted in the last three years compared to other areas. The applications for premises licence shows a bias towards activities taking place after midnight with 29 such licences in place out of 45.

6.3 In the dense areas where there are night time economy activities such as sale of alcohol, entertainment and sale of late night refreshment, serious nuisance problems occur.

6.4 To address these problems consideration is given to developing a Special Policy Area strategy to better manage the business activities in the area.

6.5 The Living in Hackney Scrutiny Commission is also looking at this issue.

6.6 Cllr Linden is the Cabinet Member with responsibility for the Licensing Service. Cllr Plouviez is the Chair of Licensing Committee. They are both responsible for the development of the SPA.

6.7 Both Cllrs Linden and Plouviez have properties in a neighbouring ward, Stoke Newington. As the work in Dalston SPA progresses, their concern is the impact this could have in the Stoke Newington area and on their own properties. For that reason and as a precautionary measure, they are seeking a dispensation.

6.8 The dispensation sought is on the grounds of paragraph 5.1 (v) of this report in that they may be deemed to have a pecuniary interest in the matter though the Dalston SPA will have indirect impact on their properties.

BACKGROUND PAPERS

None

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