

**Application to the Standards Committee by Councillor Pat Witherspoon for a dispensation under s33 (2) (c) and (e) of the Localism Act 2011 to allow her to participate in a meeting of a licensing sub-committee, to hear an application to vary a premises licence at the Queen's Head, Bromsgrove Road, Redditch on Monday 22 October 2012 whilst having a disclosable pecuniary interest in the matter to be considered.**

Section 31 (4) of the Localism Act 2011 provides that if a member is present at a meeting of the authority or of any committee of the authority and has a disclosable pecuniary interest in any matter to be considered at the meeting, the member may not participate in any discussion of the matter or participate in any vote taken on the and the Redditch Borough Council Code of Conduct requires such a member to leave the meeting.

Section 33 of the Localism Act 2011 provides that on written application to the Monitoring Officer, the relevant authority may grant a dispensation relieving the member from either or both of these restrictions (participation and/or vote).

On Monday 22 October 2012 a meeting of a Licensing Sub-Committee will hear an application for a variation of a premises licence under the Licensing Act 2003.

**Councillor Pat Witherspoon** has made a written representation under the Licensing Act in respect of the licensing application to be heard by the Sub-Committee. The Licensing Act allows a party to then address the hearing in support of their representation but as an elected Councillor with a disclosable pecuniary interest in the matter, Cllr Witherspoon would be precluded from speaking unless a dispensation were granted by this Committee.

The Licensing Act 2003 allows parties who have made representations relating to the Application to be heard, or to request that their Ward Councillor represent them at the hearing.

In order to exercise this role and participate in the meeting Councillor Pat Witherspoon has applied to the Monitoring Officer for a dispensation from the Standards Committee to enable him to participate at the hearing to represent residents who have asked him to represent them.

Section 33 (2) provides that a dispensation may be granted only if, after having regard to all of the relevant circumstances, the authority considers that one of the grounds for dispensation applies.

The relevant grounds are contained in paragraphs:

- (c) considers that granting the dispensation is in the interests of persons living in the authority's area
- (e) considers that it is otherwise appropriate to grant a dispensation.

**The Committee is asked to decide whether to grant a dispensation under one of these provisions in all the circumstances of this matter as set out above.**