



**MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on 17 April 2013 at Fire Service HQ at 10:15 am.**

**PRESENT:** Councillors H Mundry (Chair), M Biggin, J Leather, B Livesley, R Polhill and T Sherlock

Independent Members: Mr W Ravenscroft

**PART 1 – MATTERS CONSIDERED IN PUBLIC**

**1 PROCEDURAL MATTERS**

**A APOLOGIES FOR ABSENCE**

Apologies were received from Independent Members Mr R Garner and Mr M McBride.

**B DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of Members' interests

A Member asked whether Members who would benefit from a dispensation could grant it. The Head of Legal and Democratic Services drew a parallel with the provisions in the Localism Act which allows this. Whilst he acknowledged that the provisions did not apply here the concept was established and he felt that benefitting Members could be involved.

**ITEMS REQUIRING DISCUSSION / DECISION**

**2 DISPENSATIONS**

The Head of Legal and Democratic Services introduced the report which sought dispensations to allow Members with Disclosable Interests to take part in the debate and vote upon the issues contained in the reports being considered by the Fire Authority on 17<sup>th</sup> April 2013 relating to Acquisition of Sites and Design and Build of Fire Stations outlined in IRMP10. These reports included proposals to purchase sites that were owned by separate constituent authorities. Members appointed to the Fire Authority by Cheshire East Borough Council and Warrington Borough Council would need to declare a Disclosable Non-Pecuniary Interest of a kind that affected their ability to take part in the debate and vote. Without a dispensation all Members appointed by Cheshire East and Warrington Borough Councils would be unable to take part in the debate and vote. Cheshire East and Warrington Members had asked for a dispensation.

Whilst the dispensations sought did not fall within the regime set out in section 33 of the Localism Act 2011 the Head of Legal and Democratic Services suggested in his report that it was a good discipline to consider this section. Sub-section (2) detailed reasons why a dispensation could be granted and Members considered the information contained in the report.

The Head of Legal and Democratic Services advised Members that this Committee had the authority to grant dispensations to Fire Authority Members and to specify the period during which they would have effect, which could not exceed four years. It was proposed that, in the circumstances, any dispensation need only extend to the decisions made at the Fire Authority meeting on 17<sup>th</sup> April 2013 (or any subsequent meetings concerned with land transactions between the Fire Authority and Cheshire East Borough Council or Warrington Borough Council for the next 12 months).

Members also discussed the role of Fire Authority Members involved in making decisions at their constituent authorities which would have an impact on the Fire Authority. They felt that it was important that Members of the Fire Authority were made aware of the requirement to disclose interests and take advice in relation to possible arguments about pre-determination.

Members unanimously agreed to grant the dispensations to Fire Authority Members to be effective for 12 months.

**RESOLVED: That**

- [1] Members of Cheshire Fire Authority appointed by Cheshire East Borough Council and Warrington Borough Council be granted dispensation to allow them to take part in the debate and vote in relation to the purchases of sites owned respectively by Cheshire East Borough Council and Warrington Borough Council, such dispensations to be effective for 12 months from the date of this decision.**