



STANDARDS COMMITTEE

8 October 2007

**AGENDA
ITEM:**

Dispensations for Members

Summary of Report: To remind members of the process to apply for dispensations.

Background Papers:

All published

Recommendations

1. That the committee note the report.
2. That the committee requests the Monitoring Officer to write to all members appointed to the council this year, informing them of the dispensation provisions.

Signed:

**Assistant Director
Legal and Constitutional Services
and Monitoring Officer**

Date: 26 September 2007

Financial Implications

There are no financial implications arising from this report.

Equality Opportunity Implications

There are no Equal Opportunity implications arising from this report.

Environment Impact

None.

Legal Implications

Legal implications arising from this report are set out in the body of the report.

Other Policy Implications

The Local Government Act 2000 introduced new styles of arrangement of local government decision making and attempted to increase transparency and accountability of decision makers. As part of this process a new mandatory code of conduct for elected members was introduced. This required, in addition to other matters, the declaration of interests at meetings. In certain circumstances members may still participate at meetings despite having interests, either under the provisions of the code or by applying for and obtaining a dispensation from the Standards Committee.

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Background

1. The Local Government Act 2000 (the Act) introduced a model code of conduct for elected members. All members are required to declare that they will abide with the code upon taking office. In addition to other requirements the code places an obligation on the member, where relevant, to declare an interest.
2. Dependant upon the nature of the interest a member may still be able to participate in the meeting and the discussion of that matter. This report sets the process for seeking and the availability of dispensations. Its also seeks approval of the committee to write to all new members informing them of the provisions.

Dispensations

3. The rules relating to dispensations are set out in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. Dispensations can be awarded by the authorities Standards Committee, however the circumstances in they can be granted are limited by the regulations to the following:
 - a. where the transaction of business of the authority would otherwise be impeded by or as result of the mandatory provisions because the number of members prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to participate or
 - b. the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989 .
4. In order for the Standards Committee to consider the granting of a dispensation a member must have submitted a written request to the Standards Committee explaining why they think it is desirable. The Standards Committee may grant a dispensation if they are satisfied

with regard to the matters listed in paragraph 9a or b above,

an application has been submitted to them

and all the other circumstances of the case .
5. Dispensations cannot be granted in respect of

participation in business to be conducted more than four years after the date on which the dispensation is granted or

where the member is prohibited from participating in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority or sub committee where that relates to any decision made or action taken by any other of the council s committees of which the members may also be a member or

a member of the executive is prohibited from exercising functions which are the responsibility of the executive and the responsibility for those functions would otherwise be discharged by him solely.

6. **Record of dispensations**

Where the Standards Committee grant a dispensation then it must ensure that a written record is maintained of the existence, duration and nature of the dispensation and a record is kept with the register of interests established and maintained under the Act.

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