

STANDARDS COMMITTEE (SPECIAL)

12th February 2010

PRESENT:-

District Council Member

Councillor Mrs. Mead (Labour Group).

Parish Members

Mr. R. Buxton (Hatton), Mr. K. Fairbrother (Castle Gresley) and Mr. K. Overton (Willington).

Independent Members

Mr. D.R. Williams (Chairman), Mr. P. Dawn (Vice-Chairman), Mr. R. Pearson and Mrs. K. St. Clair.

APOLOGIES

Apologies for absence from the Meeting were received from District Councillors Harrison and Murray (both of whom had submitted applications for dispensations) and Mr. P.B. Purnell (Independent Member).

MATTER DELEGATED TO COMMITTEE

SC/33. **REQUEST FOR DISPENSATIONS – SOUTH DERBYSHIRE DISTRICT COUNCIL**

District Councillors Harrison and Southerd attended the Meeting and indicated that they wished to speak on behalf of the applicants for dispensations and the Opposition Group respectively. This was agreed by the Committee which also decided that following the representations made by these two Members, the Meeting would be adjourned to enable the Committee to withdraw to deliberate the matter. The Committee would then return to the Chamber to announce its decision.

The Monitoring Officer presented a report, which outlined the provisions of the Standards Committee (Further Provisions) (England) Regulations 2009 relating to dispensations. The circumstances where a Standards Committee may grant a dispensation were detailed and in order to obtain a dispensation, a Member must submit a written request to his or her authority's Standards Committee. The Standards Committee had the discretion to decide the nature of any dispensation and how long it should apply for, although it could not be longer than four years. Standards Committees were not allowed to issue general dispensations to cover Members for any situation where a prejudicial interest may occur and in the main, the majority of dispensations would cover a specific item of business. The decision of the Standards Committee on each application must be recorded in writing and must be kept with the Register of Interests of the subject Member.

Standards Committees could refuse to grant a dispensation, as the Regulations were clear that the Standards Committee could use its discretion on each application and was not obliged to grant dispensations. However, it was noted that there was no right of appeal against a Standards Committee decision whether to grant a dispensation or not.

Standards for England had produced a guidance document on dispensations aimed at Standards Committees. Whilst this guidance was not mandatory, it had been written to help describe when Standards Committees could grant dispensations to Members, allowing them to speak and vote at a meeting when they had a prejudicial interest. A copy of the guidance had been circulated to Members.

On 2nd and 4th February 2010, applications for dispensation had been received from twenty Members of South Derbyshire District Council. The requests related to two issues that were initially being considered at the forthcoming Finance and Management Committee on 16th February 2010. Copies of the applications for dispensations had been circulated with the agenda. The report outlined the two matters relating to the applications for dispensations.

Councillor Southerd addressed the Committee, followed by Councillor Harrison and the Meeting was then adjourned at 6.15 p.m. to enable the Committee to withdraw to deliberate the matter. The Committee returned at 7.00 p.m. to announce its decision. The Committee concluded that the adverse public perception of the personal benefit to the Members outweighed the public interest in maintaining the political balance of the Committee making the decision.

RESOLVED:-

That the Committee concludes that, having regard to the fact that the business of the authority would otherwise be impeded and to the written requests and the other relevant circumstances presented, it is appropriate to grant a dispensation to speak but not vote, leaving the room before the vote is taken, to those twenty Councillors who applied for a dispensation in relation to the two items – land at Wilmot Road, Church Gresley and the Extra Care Housing Project in Swadlincote until 29th April 2011 or upon conclusion of the matters, whichever is the earlier.

(Mr. D.R. Williams (Chairman) wished it to be recorded that he was not in favour of this decision).

D.R. WILLIAMS

CHAIRMAN

The Meeting terminated at 7.00 p.m.