
REPORT TO:	STANDARDS COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	2ND SEPTEMBER 2004	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	ANDREA McCASKIE (LEGAL & DEMOCRATIC SERVICES MANAGER) EXT. 5831	DOC:U:\JAYNE\Commtee\COMM REP\Dispensations.doc
SUBJECT:	DISPENSATIONS FOR DISTRICT AND PARISH COUNCILLORS AND CO-OPTED MEMBERS	REF: AGM/JB
WARD(S) AFFECTED:	ALL	

1.0 Reason for Exempt

1.1 Not applicable.

2.0 Recommendations

2.1 To adopt the procedure for dealing with written requests for dispensations for District and Parish Councillors and Co-opted Members, as set out in the report.

3.0 Purpose of Report

3.1 To adopt a procedure for dealing with written requests for dispensations by either a District or Parish Councillor or Co-opted Member.

4.0 Detail

4.1 One of the functions of the Standards Committee is to grant dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct.

4.2 The mandatory provisions of the Model Code of Conduct which have been adopted in whole by both South Derbyshire District Council and the Parish Councils within the District require all Members and Co-opted Members to register such financial and other interests as are specified in the mandatory provisions.

4.3 The mandatory provisions also require any Member or Co-opted Member who has an interest, either personal or prejudicial, to disclose that interest before taking part in any business of the Authority.

4.4 If a prejudicial interest is declared, then the Member must withdraw from the room where the meeting is being held (unless he has obtained a dispensation from the Authority's Standards Committee) and must not seek improperly to influence a decision about that matter.

4.5 The Secretary of State has given authority to Standards Committees to grant dispensations to enable Members with interests in an item of business to participate in decision making, despite that interest, under the Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002.

4.6 Such a request for a dispensation must be received in writing by this Committee who may, subject to exceptions set out in paragraph 4.7, grant a dispensation to a Member where:-

(a) the transaction of business would otherwise be impeded because:-

- the number of Members prohibited from participating exceeds 50% of the Members entitled or required to participate; or
- the Authority is not able to comply with political balance principles.

(b) the Member has submitted a written request to this Committee, explaining why it is desirable

(c) this Committee concludes that, having regard to the matters mentioned in paragraph (a) and the application made under paragraph (b) and to all the other circumstances of the case, it is appropriate to grant the dispensation.

4.7 However, a dispensation cannot be granted by the Standards Committee:-

(a) in respect of business conducted more than four years after the date on which the dispensation is granted; or

(b) where the effect would allow a Member of an Overview or Scrutiny Committee to participate in the scrutiny of a decision of another Committee in which s/he was involved.

4.8 If a dispensation is granted, then this Committee must ensure that:-

(a) the existence, duration and nature of any dispensation is recorded in writing; and

(b) that such a record is kept with the Register of Interests.

4.9 This Committee will deal with requests for dispensations received not only from Councillors and Co-opted Members of this Authority, but also Parish Councillors throughout the District.

4.10 Councillors and Co-opted Members who have been granted a dispensation by the Standards Committee should still declare a personal interest in the matters for which they have been granted that dispensation, and as a matter of good practice, they should also state that they have been granted a dispensation.

4.11 All requests to this Committee for dispensations are totally at the Committee's discretion and the Standards Board for England cannot grant dispensations.

4.12 In order that the business of the Authority is not delayed, Councillors and Co-opted Members are urged to seek a dispensation well in advance of the date when the matter in question is to be discussed. Due to the fact that such requests will be on an ad hoc basis, the Standards Committee will need to be convened as and when necessary to deal with them.

5.0 Financial Implications

None

6.0 Corporate Implications

None

7.0 Community Implications

None

8.0 Background Papers

None