

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Standards Committee    **DATE:** 29<sup>th</sup> March 2010

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**WARDS:** All

### **PART I** **FOR INFORMATION**

#### **THE CRITERIA FOR GRANTING DISPENSATIONS – THE STANDARDS COMMITTEE (FURTHER PROVISIONS) ENGLAND REGULATIONS 2009**

##### **1. Purpose of Report**

1.1 The purpose of this report is to bring to Members' attention the new rules for the granting of dispensations set out in The Standards Committee (Further Provisions) England Regulations 2009 ("the Regulations").

##### **2. Recommendation(s)/ Proposed Action**

2.1 Members are requested to note the contents of this report.

2.2 The Committee is requested to resolve to:-

- (a) Appoint a Standards (Dispensation) Sub-Committee comprising of two Independent Members and three Councillors to consider requests for dispensations.
- (b) Request the Member Services Manager to prepare an Application Form for use by Members who wish to apply for a dispensation.
- (c) Adopt the considerations for dealing with dispensation requests as set out on pages 5 and 6 of the guidance issued by Standards for England entitled "Dispensations" attached at **Appendix 1** to this report.

2.3 The Committees is requested to recommend to Council that the Constitution be amended to reflect the setting up of the new Sub-Committee and Terms of Reference set out in **Appendix 2** to this report.

##### **3. Council Priorities – Economy and Skills**

###### **Effective systems and processes**

3.1 The Local Code of Conduct for Members (which comprises the Model Code published by the Government in 2007 together with some supplementary

provisions) forms the bedrock of the conduct regime and aims to promote the public's trust and confidence in Members and faith in local democracy.

- 3.2 The Regulations set out new rules about the application of dispensations in certain circumstances where Members have a personal and prejudicial interest under the Local Code of Conduct.

#### 4. **Other Implications**

- 4.1 Whilst this report does not have any financial or staffing implications the Regulations do give this Council a clear mechanism of receiving applications for dispensations and the method of determining whether or not they should be granted.

- 4.2 It is not felt that the content of the Regulations will have a significant impact on the way the Council deals with its standards' functions.

#### 5. **Background/Supporting Information**

- 5.1 The Regulations set out when Standards Committees can grant dispensations for Members allowing them to speak and vote at a meeting when they have a personal and prejudicial interest.

A Standards Committee can grant a dispensation to a Member in the following circumstances:-

- a) Where more than 50% of the Members who would be entitled to a vote at a meeting are prohibited from voting as they have a personal and prejudicial interest, or
- b) Where the number of Members that are prohibited from voting at a meeting would upset the political balance in the meeting to the extent that the outcome of voting would be prejudiced.

- 5.2 To decide whether these criteria apply Members must ignore any dispensations that have already been given to others at the meeting. This means previously granted dispensations are disregarded for the purposes of working out whether the two circumstances above apply. For example, if there were 10 members of the Committee, six of whom would not be able to vote on some business all six can claim a dispensation. If previously granted dispensations were not disregarded a situation could arise where once two people have been granted dispensation the remaining four would be ineligible. This is because, at that point there would be less than 50% of the Committee who could vote.

- 5.3 Even where the criteria apply Members cannot get a dispensation to:-

- allow them to take part in voting at an Overview & Scrutiny Committee about a decision made by any body of which they were a member at the time the decision was taken.

- allow an Executive Member with a prejudicial interest in an item of executive business to take an executive decision about it on their own.
- 5.4 It is for the Authority's Standard Committee to decide what criteria will be applied when considering a request from a Member or Members. The criteria in the guidance issued by Standards for England entitled "dispensations" is adequate for the purposes of this Council and no further local criteria are considered necessary.
- 5.5 By law a Member must submit an application in writing for consideration by the Standards Committee. It is up to the Standards Committee to decide whether or not they grant a dispensation. There is no right of appeal from their decision.
- 5.6 The Standards Committee can decide the nature of dispensation it grants. For example, the dispensation may allow a Member to speak and not vote or to fully participate and vote. The Committee can also decide how long a dispensation should apply although it cannot be longer than 4 years. After 4 years has elapsed the dispensation effectively expires. Any dispensation decision must be recorded in writing and must be kept with the Register of Members Interests maintained by the Monitoring Officer.
- 5.7 It is considered that applications for dispensations will be rare.

## **6. Conclusion**

- 6.1 The Regulations are to be welcomed but they are not considered to have any real impact on this Council at the present time.

## **7. Background Papers**

The Standards Committee (Further Provisions) England Regulations 2009

## **8. Appendices**

1 – Standards for England guidance entitled "Dispensations"

2 – Draft Terms of Reference of Standards (Dispensation) Sub-Committee