



Ward: N/A
Key Decision: No

Report by the Executive Head of Legal and Democratic Services

Dispensations – process for dealing with applications

1.0 Summary

- 1.1 The National Code of Conduct allows for local standards committees to grant dispensations in certain circumstances.
- 1.2 This report presents to the meeting two processes for discussion, one being a process for urgent dispensations.
- 1.3 To discuss and make recommendations to the Monitoring Officer to ensure that the process to apply and grant dispensations is simple and transparent.

2.0 Background

- 2.2 If a member has a prejudicial interest, a dispensation can be granted by the Standards Committee on one of the following grounds:
 - Over 50% of the authority or committee members would be prevented from making a full part in a meeting because of prejudicial interests
 - The political balance at the meeting would be upset
- 2.3 Applications for a dispensation must be made individually and not as a group or an authority.
- 2.4 Consideration of the application must be on a written application before the meeting is held, therefore the recommendation in the Guidance is that members apply for a dispensation as soon as it is reasonably possible.
- 2.5 Only the standards committee can grant the dispensation and can do so at its discretion.
- 2.6 The committee will need to balance the public interest in preventing member with prejudicial interests from taking part in discussions, against the public interest in decision being taken by a reasonably representative group of members of the authority.

- 2.7 If failure to grant a dispensation will result in an authority or committee not achieving a quorum, advice in the guidance is that this could constitute grounds for granting a dispensation.
- 2.8 The Standards Board for England does not advise on dispensations, all enquiries have to be to the local monitoring officer.
- 2.9 The main subject area of applications is in relation to members of the development control committee, this is where urgent applications may be needed as the pressure to consider and determine planning applications at committee does not allow early application to a scheduled meeting of the standards committee.
- 2.10 Applications should be made in advance where possible.
- 2.11 For urgent applications, the committee is invited to consider that these are delegated to the Monitoring Officer in consultation with the Chairman of the Committee.

3.0 Legal Implications

- 3.1 There is a statutory obligation by elected members, co-opted members and independent members to comply with the Code of Conduct; this includes the declaration of personal and prejudicial interests.
- 3.2 The Code allows for a dispensation process.

4.0 Financial Implications

- 4.1 There are no specific financial implications arising from this report.

5.0 Recommendation

- 5.1 To consider and recommend to the Monitoring Officer the adoption of the dispensation application process.

Local Government Act 1972

Background Papers:

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Schedule of other matters

1.0 Council Priority

- 1.1 There is no specific Council Priority; however there is a statutory requirement to complete the Code of Conduct and the Register of Business Interests

2.0 Specific Targets

- 2.1 KLOE, 28 and 28a at Level 3

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation Implications

7.1 Members of the Council (elected, co-opted and independent) have a key role in reputation and ethical conduct in public office, monitoring their declared interests by the Committee is key to achieving and enhancing this.

7.2 By monitoring the advice to members, declarations and compliance with the Code the Committee is ensuring that the Standards in Public Life are complied with.

7.3 By making the Registration form easy to complete, correct declarations by members will be made.

8.0 Consultations

8.1 Matter considered.

9.0 Risk assessment

9.1 Matter considered, individuals are at risk of being reported to the Monitoring Officer if they do not comply with the Code.

10.0 Health & Safety Issues

10.1 Matters considered and no issues identified.

11.0 Procurement Strategy

11.1 Matters considered and no issues identified.

12.0 Partnership working

12.1 Matters considered and no issues identified.