



**Ward: N/A**

## **Use of IT – Electronic Dispensations and Register of Gifts / Hospitality Returns**

### **Report by the Executive Head of Legal and Democratic Services and Monitoring Officer**

#### **1.0 Summary**

- 1.1 The report before Members details work carried out regarding the creation of 'e-forms' for dispensations and register of gifts / hospitality.
- 1.2 The proposed e-forms will be relevant to elected Members and also Officers.
- 1.3 Members are asked to comment on the forms, make suggestions for amendment and endorse the addition of the forms to the Council's Intranet website.

#### **2.0 Background**

- 2.1 Democratic Services have undertaken work on the provision of electronic services to Members of the Council. This work has included the creation of electronic forms that can be accessed via the Council's 'intranet'.
- 2.2 Test areas and forms regarding applications for dispensation and the register of gifts and hospitality which are relevant to the remit of the Standards Committee have been created and will be demonstrated to the Committee at its meeting on Monday 7 June 2010. Members wishing to test the forms prior to the meeting can do so by request to Democratic Services.
- 2.3 It is not intended that e-forms replace current paper forms of applications for dispensations but run in parallel as a complimentary service.
- 2.4 The use of e-forms and the direct access Members can have to these forms can reduce the amount of face to face contact between Officers and Members than is otherwise necessary by giving service users direct and timely access to relevant forms and written advice. It will also provide service users with 24 hour access to relevant information and forms.
- 2.5 Officer conduct is not within the remit of the Standards Committee, however the process for declaration is the same, so a multi use form has been created.

#### **3.0 Dispensations**

- 3.1 The dispensations process has been agreed by the Committee at its meeting on the 14 December 2009. The content of the questions asked on the e-form and advice

given as part of the process reflects the procedure previously agreed by Members. The process is attached to this report as annex a

- 3.2 The e-form process is a simple three stage process: Members are given information on the granting of dispensation; provided with an application form to fill in and informed of the stages following an application. Copies of the relevant web pages and forms are attached as annex b to the report.
- 3.3 Hardcopy application forms and advice will remain to be provided by the Monitoring Officer and Legal and Democratic Services, running concurrently with the e-form service

#### **4.0 Register of Gifts and Hospitality**

- 4.1 The Council's Code of Conduct requires that Members register with their register of personal interests any gifts or hospitality of an estimated value of £25 or more, where this is received and accepted. This applies in the conduct of the business of the Council, the business of the office to which the Member has been elected or appointed or when the Member acts as a representative of the Council. The source of the gift or hospitality must be registered and the register entry must be completed within 28 days of the receipt of the gift or hospitality.
- 4.2 Under the Officer Code of Conduct, Officers are strongly encouraged not to accept any gifts from customers or contractors. However, if Officers do accept gifts or hospitality they must comply with the Council's requirements to register or declare interests and to declare hospitality, benefits, gifts received as a consequence of their employment. The source of the gift or hospitality must be registered and the register entry must be completed within 28 days of the receipt of the gift or hospitality. It is more efficient to use the same form for Members and Officers as they both require the same information.
- 4.3 The e-form process is a simple process of which Members and Officers are given information on the requirement to complete gifts and hospitality forms, provided with an application form to fill in which is sent to the relevant Officer to approve. Copies of the relevant web pages are attached as annex c to the report.
- 4.4 The hardcopy of the form includes a section to which Members need to sign. For the electronic forms pre-filled fields use Windows authentication, so the system will be able to work out the applicants username and automatically store it in a field. The initial security measures to log into the intranet negate the need for a signature from the applicant.
- 4.5 Hardcopy application forms and advice will remain to be provided by the Monitoring Officer and Legal and Democratic Services, running concurrently with the E-form service

#### **5.0 Training**

- 5.1 A Member's training and support survey carried out in 2009 revealed a deficit in Members' understanding of the intranet and its uses. It was concluded that this was most likely due to a lack of relevant training in the past. This information has been

fed into a Members training schedule for 2010/11 and it is proposed that Members will be offered specific training on the external access of the Council's intranet site.

5.2 Members will be informed of the new E-Form service by the Members' Bulletin and will be invited to contact Democratic Services for specific information or training.

## **6.0 Proposals**

6.1 That the Committee note the contents of this report and the application process for electronic dispensations and the register of Gifts and Hospitality

6.2 That the Committee agree the application process for electronic dispensations and the register of Gifts and Hospitality as set out in the attached annexes to this report.

## **7.0 Legal**

7.1 Section 54 of the Local Government Act 2000 provides that the general functions of the Standards Committee of a relevant Authority are:-

- (a) Promoting and maintaining high standards of conduct by the Members and Co-opted Members of the Authority; and
- (b) Assisting Members and Co-opted Members of the Authority to observe the Authority's Code of Conduct.

7.2 Section 81 of the Local Government Act 2000 provides, at Sub-Section (4), that any participation by a Member or Co-opted Member of a relevant Authority, in any business which is prohibited by the mandatory provisions, is not a failure to comply with the Authority's Code of Conduct if the Member or Co-opted Member has acted in accordance with a dispensation from the prohibition granted by the Authority's Standards Committee in accordance with regulations.

7.3 The relevant Authority's (Standards Committee) (Dispensations) Regulations 2002 set out the circumstances in which such dispensations may be granted and provides that the existence, duration and nature of any dispensation shall be recorded in writing and the record shall be kept with the register of Members' Interests.

## **8.0 Financial implications**

8.1 There are no specific financial implications arising from this report.

## **9.0 Recommendation**

9.1 That the Committee note the contents of this report and the application process for electronic dispensations and the register of Gifts and Hospitality

9.2 That the Committee agree the application process for electronic dispensations and the register of Gifts and Hospitality as set out in the attached annexes to this report.

## **Local Government Act 1972 Background Papers:**

Nil.

**Contact Officer:**

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Democratic Services Officer  
Worthing Town Hall  
01903 221364  
[chris.cadman-dando@worthing.gov.uk](mailto:chris.cadman-dando@worthing.gov.uk)

## **Schedule of Other Matters**

[To be completed on all reports. If no issues are identified under a heading then it should read "Matter considered and no issues identified."]

### **1.0 Council Priority**

1.1 Matter considered and no issues identified

### **2.0 Specific Action Plans**

2.1 (A) A new National Indicator (NI 14) was introduced in April 2008 to identify, measure and reduce potentially avoidable customer contacts across nine different service areas. The intention was that the volume of such contacts could be reduced with the aim of providing improved levels of customer care to residents whilst delivering services more efficiently. In March 2010 it was announced by the Government that the formal requirement to record NI 14 data would be removed from 1 April 2010. However, the Council's Management Team has acknowledged that the principles behind the indicator are an important tool in continuing to deliver efficiency improvements and has decided that the measurement and reduction of avoidable contacts should continue, albeit tailored (where appropriate) to individual services.

### **3.0 Sustainability Issues**

3.1 Offering an electronic form will help reduce the need for production of paper documents

### **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**

7.1 The conduct of Members and related issues does have an impact on the reputation of the Council.

### **8.0 Consultations**

8.1 (A) The Standards Committee is the consultation forum at which Members can give their feedback

(B) Members feedback will be taken into account when producing a final form.

## **9.0 Risk Assessment**

9.1 The risk of non declaration by Members and Co-optees could lead to a complaint to this Committee, and could damage the reputation of the Council.

## **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified

**Process for Applications for Dispensations and their Determination**

1. Member identifies that within a period not exceeding four years, there are likely to be matters considered by the Council from which he would be excluded by reason of having a prejudicial interest.
2. Member identifies that due to his/her exclusion under paragraph 1 and that of other Members;
  - (a) The total number of Members excluded exceeds 50%; or
  - (b) His/her exclusion with or without the exclusion of other Members prevents the political balance being maintained.
3. That the Member makes application, in writing, addressed to the Monitoring Officer, setting out:-
  - (a) The matter or type of matters which he/she believes will be considered by the Council.
  - (b) The nature of his/her prejudicial interest.
  - (c) Why he/she believes that more than 50% of Members entitled or required to participate in such a meeting will be prohibited from doing so under the Code of Conduct, or why he/she believes that the Council will be unable to comply with its duty to ensure the political balance on any relevant Committee.
  - (d) The grounds on which he/she believes it is desirable for the dispensation to be granted.
4. Monitoring Officer to either:
  - (a) Add the item to the agenda for the next ordinary meeting of the Standards Committee, if the matter to which the application applies is to be considered after the date of that meeting; or
  - (b) Call an extraordinary meeting of the Standards Committee to consider the application.
5. The Committee will consider the application and the applicant may attend and will be entitled to make representations to the Committee.
6. The Committee will determine whether or not to grant an application and if so, on what terms and conditions and for what period of time.
7. The application will be notified of the decision, which will be final.
8. If the dispensation is granted, then a record of the dispensation shall be placed with the applicant Member's register of interest.



# Adur District Council Intranet

You are here : [Homepage](#) : [Intranet main menu](#) : [Members' section](#) : [Members dispensation](#)

## Members' section

### Members Dispensation

The Model Code of Conduct for Members sets out when a Member of the Council has a prejudicial interest and the effect of having a prejudicial interest, namely that the Member must withdraw from the room or chamber where the meeting considering the business is being held, although they may make representations to the same extent that the public is permitted to make representations.

The Code of Conduct for Members provides that a Member does not have to withdraw from the room or chamber where a meeting is considering the business in relation to which he or she has a prejudicial interest if they have obtained a dispensation from the Authority's Standards Committee.

The Standards Committee can grant dispensation for the following reasons:

- The transaction of business of the Authority would, on each occasion on which the dispensation would apply, otherwise be impeded because the number of Councillors that are prohibited from participating in the business because of the Code of Conduct exceeds 50% of those Members that are entitled or required to participate or the Authority is unable to ensure that the Committee is politically balanced;
- The Member has submitted to the Standards Committee a written request for a dispensation, explaining why it is desirable; and
- The Standards Committee concludes that having regard to the matters mentioned above, the content of the application and to all other circumstances, it is appropriate to grant the dispensation.

The Standards Committee cannot grant dispensation for the following reasons:

- In respect of business to be conducted more than four years after the date on which the dispensation is granted; or
- It relates to the consideration of a matter at a meeting of Overview and Scrutiny where that consideration relates to any decision made or action taken by him or herself or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of which he or she was a Member; or
- Where it relates to the exercising of a function for which the individual Cabinet Member is solely responsible.

If the dispensation is granted, then a record of the dispensation shall be placed with the applicant Member's register of interest.

If you would like a copy of the Council's process for assessing dispensations please click on the link below :

- [Process for applications for dispensations and their determination \(.PDF 12kb\)](#)

You can apply for dispensation from the Standards Committee by clicking on the link below and filling out the e-form :

- [Member's dispensation form](#)

**Contact details :**

Democratic Services,  
Adur District Council,  
Civic Centre, Ham Road,  
Shoreham-by-Sea,  
West Sussex, BN43 6PR

Tel : (01273) 2-**63291**

Fax : (01273) 263126

Minicom : (01273) 263060

**Send Democratic Services an e-mail**

website : [www.adur.gov.uk](http://www.adur.gov.uk)

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**ADUR**  
DISTRICT COUNCIL



### Dispensation Form

## Report Details

**Exit**

Items marked **must** be completed

### Use Of The Form

Form Ref. No.

Please fill out all sections of the form below

### Your details

Title

Forenames

Surname

Email  
(when you submit this form a copy will also be sent to you at this e-mail address for your records)

Phone

Which Council?

What is your designation?

### Dispensation details

Is the matter considered by the Council from which you would be excluded by reason of having a prejudicial interest within a period not exceeding four years?

Would your exclusion and the exclusion of other Members affect the following?

The total number of Members excluded exceeds 50%

Your exclusion with or without the exclusion of other Members prevents the political balance being maintained.

Please detail the decision or type of decision that you believe will be considered by the Council and that you believe may entitle you to dispensation

What is the nature of your prejudicial interest?

Why do you believe that more than 50% of Members entitled or required to participate in the

meeting will be prohibited from doing so under the Code of Conduct, or why do you believe that the Council will be unable to comply with its duty to ensure the political balance on any relevant Committee.

Under what grounds do you believe that dispensation should be granted in this case?

**Return the Form**

Click here to return the form electronically.

**Submit**

**Exit**



# Adur District Council Intranet

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## Members' section

### Members Dispensation

Thank you for your application for dispensation

In response to this application the Monitoring Officer will either :

- Add the item to the agenda for the next ordinary meeting of the Standards Committee, if the matter to which the application applies is to be considered after the date of that meeting; or
- Call an extraordinary meeting of the Standards Committee to consider the application.

The Committee will consider the application and you may attend and will be entitled to make representations to the Committee.

The Committee will determine whether or not to grant dispensation and if so, on what terms and conditions and for what period of time.

You will be notified of the decision, which will be final.

If you have any questions please contact:

- Jeremy Cook  
Monitoring Officer  
01903 221028  
e-mail : [jeremy.cook@worthing.gov.uk](mailto:jeremy.cook@worthing.gov.uk)  
or
- Chris Cadman-Dando  
Democratic Services Officer  
01903 221364  
e-mail : [chris.cadman-dando@worthing.gov.uk](mailto:chris.cadman-dando@worthing.gov.uk)

[Click here to return to the members dispensation webpage](#)

#### Contact details :

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Send Democratic Services an e-mail  
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