
REPORT TO:	STANDARDS COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	13TH SEPTEMBER 2011	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	NEIL BETTERIDGE (595895)	DOC:
SUBJECT:	REQUEST FOR DISPENSATIONS – HILTON PARISH COUNCIL	REF:

1.0 Reason for Exempt

1.1 Not applicable.

2.0 Recommendation

2.1 The Committee's instructions are requested.

3.0 Purpose of Report

3.1 To consider requests for Hilton Parish Councillors to be granted dispensations, as they would otherwise be unable to take part in authority business because of a prejudicial interest, under the Standards Committee (Further Provisions) (England) Regulations 2009 ("the Regulations").

4.0 Detail

4.1 Members will recall that the Regulations which came into force on 15th June 2009 revoked the earlier dispensation regulations and replaced them with new provisions to clarify the rules which apply to Standards Committee when granting dispensations to local authority Members.

4.2 The circumstances where a Standards Committee may grant a dispensation to a Member or Co-opted Member of an authority are where:

- the number of Members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those Members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or
- the number of Members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting.

4.3 In order to obtain a dispensation, a Member must submit a written request for a dispensation to his or her authority's Standards Committee and that Standards

Committee must conclude that having regard to the above circumstances and all other circumstances of the case, it is appropriate to grant the dispensation.

- 4.4 Clearly, when considering whether to grant a dispensation, there is a difference between being eligible to apply for a dispensation and it being appropriate for that dispensation to be granted.
- 4.5 A Standards Committee has the discretion to decide the nature of any dispensation. For example, the Committee may consider that it is appropriate that the dispensation allows the Member to speak and not vote, or to participate fully and vote.
- 4.6 The Standards Committee can also decide how long the dispensation should apply for, although it cannot be longer than four years. Standards Committees are not allowed to issue general dispensations to cover Members for any situation where a prejudicial interest may occur. In the main, the majority of dispensations will cover a specific item of business.
- 4.7 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, established and maintained under Section 81(1) of the Local Government Act 2000.
- 4.8 Standards Committees can refuse to grant a dispensation, as the Regulations are clear that the Standards Committee can use their discretion on each application and they are not obliged to grant dispensations. However, it should be noted that there is no right of appeal against a Standards Committee decision whether to grant a dispensation or not.
- 4.9 Standards for England has produced a guidance document on dispensations aimed at Standards Committees. Whilst this guidance is not mandatory, it has been written to help describe when Standards Committees can grant dispensations to Members, allowing them to speak and vote at a meeting when they have a prejudicial interest. A copy of the guidance is attached at **Annexe 'A'**.
- 4.10 On 22nd and 23rd August 2011, two applications for dispensations were received from Members of Hilton Parish Council. The requests relate to ongoing issues concerning the Hilton Village Hall Charity. Copies of the applications for dispensations are attached at **Annexe 'B'**.

5.0 Corporate Implications

- 5.1 Article 8.02 of the Council's Constitution provides that a role of the Standards Committee is to grant dispensations to Councillors and Co-opted Members following requirements relating to interests set out in the Members' Code of Conduct.

6.0 Community Implications

- 6.1 The Council's Standards Committee plays a vital role in promoting and maintaining the highest standards of conduct by councillors of South Derbyshire District Council and all the parishes in its area.

7.0 Background Papers

The Standards Committee (Further Provisions) (England) Regulations 2009