
REPORT TO:	STANDARDS COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	14 TH APRIL 2010	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	ANDREA McCASKIE, HEAD OF LEGAL & DEMOCRATIC SERVICES (TEL: 595831)	DOC: U:\JAYNE\Commtee\COMMREP\Dispensations Procedure.doc
SUBJECT:	PROCEDURE FOR DEALING WITH REQUESTS FOR DISPENSATIONS	REF: AGM/JB

1.0 Reason for Exempt

1.1 Not applicable.

2.0 Recommendation

2.1 To approve the procedure for dealing with requests for dispensations set out in the report.

3.0 Purpose of Report

3.1 To consider the procedure to be adopted for dealing with requests for Members and Co-opted Members of an authority to be granted dispensations, when 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. A copy of the report considered by Committee on 21st July 2009 in relation to the Regulations is attached at **Annexe 'A'**.

4.2 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 legal criteria and all other circumstances of the case, it is appropriate to grant the dispensation.

- 4.3 On receipt of a written application, a Standards Committee meeting is convened to consider the application for a dispensation. The Committee has the discretion to decide if the Member making the request will be allowed to make oral representations to the Committee or whether the application will be dealt with only through written representations. It is proposed that any such request is made by the Member before the Standards Committee considers the application.
- 4.4 It is suggested that the Committee adopts the procedure for dealing with applications for dispensations as set out 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 consider whether, in all the relevant circumstances, 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