

<i>COMMITTEE</i>	STANDARDS COMMITTEE
<i>DATE</i>	WEDNESDAY, 22 MAY 2002
<i>TITLE OF REPORT</i>	MEMBERS' CODE OF CONDUCT – DISPENSATIONS
<i>RESPONSIBLE OFFICER</i>	Mark Bowen, Assistant Director, Legal and Contract Services

1. SUMMARY

- 1.1 Historically, the Secretary of State has granted dispensations for members to allow them to speak or speak and vote at meetings when they had interest which prevented them doing so.
- 1.2 Following the adoption of the Code of Conduct, Medway Council's Standards Committee will now grant dispensations for members of this Council and all Parish Councils within our area.
- 1.3 Advice has recently been received from the Ethical Standards Unit of the Department of Transport Local Government and the Regions (DTLR) advising that following adoption of the Code of Conduct by a local authority all existing dispensations will cease to apply.

2. DECISION ISSUES

- 2.1 The terms of reference of the Standards Committee includes "to grant dispensations to all councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct".
- 2.2 The Committee's terms of reference also apply and authorise the Committee to grant dispensations for Parish Councils.

3. BACKGROUND

- 3.1 Following adoption of the Code of Conduct the Standards Committee of this Council will be responsible for granting dispensations to members who have personal prejudicial interests who wish to participate in meetings of this Council or a Parish Council. Regulations have been passed dealing with the granting of dispensations. A member can apply to a Standards Committee for a dispensation if:

- Over 50% of the authority or committee members would otherwise be prevented from taking part because of prejudicial interests; or

- When the political balance of the authority or committee would be upset. (This does not apply to Parish Councils).
- 3.2 The application must be made by the member in writing before the meeting is held.
- 3.3 The overview of the Standards Board is that fewer applications for dispensations will be needed because:
- Membership of a body as the authority's representative is specifically excluded from being a personal prejudicial interest;
 - The code permits maximum participation by members at Scrutiny Committees.
- 3.4 Available guidance also states that local authorities should not simply readopt all dispensations previously granted. Therefore details of dispensations previously granted will be supplied to the political assistants/whips of all political groups so that they can take the matter forward to the relevant group meeting to decide if it is appropriate to reapply for any dispensation.
- 3.5 Advice has been given that the Standards Committee cannot delegate its powers to grant dispensations either to a sub-committee or otherwise. However, informal advice received from the Standards Board indicates that a telephone meeting of Standards Committee members may allow urgent applications to be dealt with.

4. RECOMMENDATIONS

- 4.1 That applications for dispensations be a standing item on agendas for Standards Committees.
- 4.2 That details of dispensations granted by the Secretary of State be sent to political assistants/group whips/individual members as appropriate.
- 4.3 The Monitoring Officer is instructed to report further to the next meeting on the practicality of a telephone protocol for the Committee to grant dispensations.

5. LEGAL IMPLICATIONS

- 5.1 The legal implications are set out in the body of the report.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report.

BACKGROUND PAPERS

Guidance from the Standards Board and DTLR.