

Report to the Standards Committee

Date of meeting: 15 July 2009



Subject: Dispensations

Officer contact for further information: Colleen O'Boyle - Monitoring Officer

1. The Standards Committee (Further Provisions) (England) Order 2009 makes changes to the criteria for granting dispensations for members to speak and vote when they have a prejudicial interest.
2. A standards committee can grant a dispensation to a member:
 - where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **OR**
 - where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.
3. To decide whether these criteria apply, members must ignore any dispensations that have already been given to others at the meeting. The requirement to ignore any dispensations already granted means that any previously granted dispensations are disregarded for the purposes of working out whether the two circumstances above apply.
4. So, if there were ten members on a committee, six of whom would not be able to vote on some business, all six can claim a dispensation. If previously granted dispensations were not disregarded, a situation could arise where once two people had been granted dispensations, the remaining four would be ineligible. This is because at that point there would be less than 50% of the committee who could not vote.
5. Even if the criteria apply, members cannot get a dispensation to:
 - allow them to take part in voting at an overview and scrutiny committee about a decision made by any body of which they were a member at the time the decision was taken
 - allow an executive member with a prejudicial interest in an item of executive business to take an executive decision about it on their own
6. Ultimately it is for an authority's standards committee to decide what criteria they will apply when considering a request.
7. The criteria that will be applied and the process that will be followed should be made available to all members by the standards committee.
8. By law, a member must submit an application in writing for consideration by the standards committee. It is up to the standards committee whether or not they grant a dispensation and there is no right of appeal from their decision.

9. A standards committee can decide the nature of any dispensation it grants. For example, the dispensation may allow a member to speak and not vote, or to fully participate and vote. The committee can also decide how long the dispensation should apply, although it cannot be longer than four years.

10. After four years has elapsed since a dispensation was granted, it can no longer be used.

11. The decision must be recorded in writing and must be kept with the register of interests maintained by the monitoring officer.

12. The Standards Board has issued the attached new guidance on dispensations to reflect the new regulations.