

DISPENSATIONS SUB-COMMITTEE

TERMS OF REFERENCE

1. Terms of Reference

- (1) Upon receipt of a written request for a dispensation explaining why it is desirable the Sub Committee may, subject to paragraph (3) below, grant a dispensation to a Member in the following circumstances
 - (a) where the transaction of business of the Member's authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because-
 - (i) 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
 - (ii) 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 and
 - (b) the Sub-Committee concludes that having regard to the matters mentioned in paragraph (1)(a) above the written request, and to any other relevant circumstances of the case, it is appropriate to grant the dispensation
- (2) In granting a dispensation the Sub-Committee will also have regard to any guidance issued by Standards for England or any successor organisation and may allow the Member making the application to make oral representations to the Sub-Committee in support of the application
- (3) Nothing in paragraph (1) above shall permit a dispensation to be granted
 - (i) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or
 - (ii) where the effect of the mandatory provisions from which a dispensation is sought is that
 - (a) a Member is prohibited from voting on a matter at a meeting of an Overview and Scrutiny Committee of an authority relating to a decision made by any body of which that person was a Member at the time the decision was taken; or

- (b) a Member of the authority's Executive is prohibited from exercising functions which are the responsibility of the Executive and which would otherwise be discharged by that Member solely
- (4) To undertake any other function or exercise any power which is the responsibility of this Sub-Committee.

2. Membership

The Sub-Committee will have no fixed membership but will consist of 3 members of the Standards Committee, including at least one Independent Member, one Elected Member and, if the request is from Feckenham Parish Council Member, a Parish Council Representative from the Standards Committee. The quorum for a meeting will be 3 members with an Independent Member as Chairman.

3. Frequency

The Sub-Committee shall meet as and when required.