

Redditch Borough Council Standards Committee Dispensation Requests

Application Process and Criteria for Determination

Introduction

1. The Standards Committee is responsible for determining requests for dispensation by Members of Redditch Borough Council and Feckenham Parish Council under the Standards Committee (Further Provisions) (England) Regulations 2009.
2. This note explains:
 - the purpose and effect of dispensations;
 - the procedure for requesting dispensations;
 - the criteria which the Standards Committee apply in determining dispensation requests;

Dispensations

3. In certain circumstances Members may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because the Member has a prejudicial interest. Provided Members act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct.

Process for Making Requests

4. Any Member who wishes to apply for a dispensation must complete the attached form at Appendix A and submit it to the Monitoring Officer at least 14 days before the meeting for which the dispensation is required. Applications may be accepted within a shorter period in exceptional circumstances. The Monitoring Officer will arrange a meeting of the Dispensation Sub-Committee to consider the request at the earliest opportunity.
5. In order to avoid delay Members must ensure that they give full details of the grounds for their request and submit it to the Monitoring Officer as soon as they become aware that a dispensation is necessary.
6. A request for dispensation must be made on an individual basis. Group applications are not permitted.
7. Meetings of the Dispensation Sub-Committee will normally be open to the public and any member who has submitted a request will have the opportunity to attend and make representations in support of their application.

Criteria for Determination of Requests

8. The Dispensation Sub-Committee may grant a dispensation where the transaction of the Council's business would otherwise be impeded by, or as a result of, the Code of Conduct because:
 - a) more than 50% of the Members who would be entitled to vote at a meeting are prohibited from voting; or
 - b) the number of Members prohibited from voting at a meeting would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting.

9. Dispensations will not be granted in the following circumstances:
 - a) to allow a Member to vote at an Overview and Scrutiny Committee in respect of a decision made by any body of which that person was a member at the time the decision was taken;
 - b) to allow a member of the Executive Committee with a prejudicial interest in an item of Executive business to take an Executive decision on the matter on their own.

10. The Dispensation Sub-Committee may grant a dispensation:
 - a) for one term of business
 - b) for a period not exceeding 4 years
 - c) allowing the Member to participate in the meeting and vote
 - d) allowing the Member to speak but not vote

11. In reaching a decision on a dispensation request the Dispensation Sub-Committee will:
 - a) have regard to guidance issued by the Standards Board for England - see Appendix B;
 - b) disregard any dispensations that have already been granted to other Members of the same body;
 - c) take into account:
 - (i) the nature of the member's prejudicial interest;
 - (ii) the need to maintain public confidence in the conduct of the Council's business;
 - (iii) the outcome of the proposed vote;
 - (iv) the need for efficient and effective conduct of the Council's business;
 - (v) any other relevant circumstances.

Notification of Decision

12. The Monitoring Officer will notify the Member of the Dispensation Sub-Committee's decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the meeting.
13. Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.
14. A copy of the dispensation will be kept with the Register of Members' Interests.

Application to the Standards Committee for a Dispensation

To: The Standards Committee
c/o Head of Legal, Democratic & Property Services and Monitoring Officer
Town Hall
Walter Stranz Square
Redditch,
Worcestershire
B98 8AH

or email: sue.mullins@redditchbc.gov.uk

1. Full name of Member seeking dispensation

Note: the application must be submitted by the individual Member seeking the dispensation

2. Please indicate which of the following circumstances apply:

- (i) More than 50% of the Members who would be entitled to vote at a meeting are prohibited from voting; or
- (ii) 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. Nature of the interest for which a dispensation is sought

4. Nature and duration of the dispensation sought

Note: dispensations may be granted for speaking only or for speaking and voting. They may be granted for a particular

Standards

Appendix 2

Committee

8th December 2009

<i>meeting or may be granted for a specified period of time (up to a maximum of 4 years)</i>
5. Date of the meeting at which the interest will arise, if relevant
6. Reasons why you think the Standards Committee should grant the request for a dispensation. <i>Note: The Standards Committee has a discretion whether or not to grant the request for a dispensation.</i>

Signed:

Name (block caps):

Dated:

Your request will be considered by the Dispensation Sub-Committee at the earliest opportunity. You will receive written notification of their decision within 5 days of their meeting.

Appendix B
Guidance from the Standards Board for England on Dispensations

Please use the following link:

<http://www.standardsforengland.gov.uk/TheCodeofConduct/Guidance/Standardscommittees/Dispensations%20FINAL.pdf>