

Taunton Deane Borough Council

Standards Committee – 9 December 2009

Leaflet on Dispensations

Report of the Monitoring Officer, Tonya Meers

1. Purpose of the Report

- 1.1 To agree the leaflet to go out to all councillors and parish councils in respect of how to apply for a dispensation in order to allow them to continue with their business.

2. Background

- 2.1 The Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255) came into force on the 15th June 2009 and amongst other things extended the power of Standards Committees to give members dispensations where they would otherwise be prohibited from participating on a matter because of a prejudicial interest.
- 2.2 As a result it was agreed at a previous Standards Committee that a leaflet should go out to all parish councils.
- 2.3 Attached at Appendix A is a draft leaflet which should have approval by the Standards committee.

3. Recommendation

- 3.1 The committee are recommended to approve the attached leaflet for circulation to all parish councils and borough members.

Contact Tonya Meers, Monitoring Officer,
t.meers@tauntondeane.gov.uk Tel: 01823 356391

**Information Leaflet and Application Form
for Town and Parish Councils**

**Guidance
on Dispensations for
Town and Parish Councillors**

Leaflet issued by Taunton Deane Borough Council
Standards Committee

December 2009

Guide to Dispensations

As you may already be aware New Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255), came into force from 15 June 2009. These regulations, amongst other things, revised the rules in relation to the granting of dispensations. They permit the Taunton Deane Borough Council's Standards Committee to grant a dispensation to a member of a Parish or Town Council on a matter with which they would otherwise not be permitted to deal, as a result of a prejudicial interest. Many Parish and Town Councils have adopted the optional provisions in the Code of Conduct that allow members with a prejudicial interest to make representations in relation to the matter that gave rise to the interest. However they are not entitled to vote and have to leave the room. On occasions there would be so many members leaving the room, sometimes in relation to the same interest, the meeting is no longer quorate and the matter cannot be discussed. The Regulations are designed to avoid this happening where possible.

The Regulations specify that dispensations may only be granted if (i) half the members entitled or required to participate in the business of the Parish or Town Council would not otherwise be able to because of prejudicial interests **or** (ii) the business of the Parish or Town Council will be impeded because the absence of members as a consequence of prejudicial interests would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting. A member is required to submit a written request for a dispensation explaining why it is desirable and that the Standards Committee must conclude that having regard to these matters and all the other circumstances of the case, it is appropriate to grant the dispensation. The Committee will consider a number of factors in reaching its decision. It will weigh up the risks and consequences of both granting or refusing an application, the extent to which the request could have been avoided, whether other arrangements could be made, the affect on public perception and confidence in local governance, the extent to which there is some personal benefit and the extent of public benefit obtained by agreeing to a dispensation. The Committee can decide the nature of any dispensation it grants. It could decide to allow a member to speak but not vote or to fully participate and vote. The Regulations also provide that a dispensation cannot be granted in respect of business conducted after four years.

Until such a dispensation is granted a Parish or Town Councillor may not participate in the consideration of the matter before the Parish or Town Council (or any Committee or Sub-Committee).

The Standards Committee will normally consider the dispensation at the first meeting after receipt. The Committee normally meets about every other month (the actual meeting dates can be found on our web site www.tauntondeane.gov.uk , so it is important to send in an application as soon as a potential problem is known, although it may be possible for a sub-committee to deal with the application in cases of extreme urgency.

A written request from each member is required. However where the interest is similar and relates to the same matter e.g. members are on the village hall committee and the matter under consideration is a funding request to the Parish or Town Council, in order to avoid duplication a single form could be submitted by the Clerk on their behalf provided it is signed by each councillor who is making the request. In any event, to ensure that sufficient full and complete information is made available to the Standards Committee it is suggested that the attached application form is used. It should be sent once completed to the Monitoring Officer at Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, TA1 2AH.

Application Form for a Dispensation

under Section 81 of the Local Government Act 2000
in respect of a Prejudicial Interest

Name of Council

1.	Names of Councillor(s) (if combined application the number must be not fewer than half of the total or you must show how the political balance of the council and outcome in relation to the matter would be affected by their non participation– if this is an individual application then the total number of councillors with prejudicial interests must (i) not be fewer than half of the total number of members of the council or committee or (ii) the political balance of the council and outcome in relation to the matter would be affected by the non participating councillors).	
2.	What is the total membership of your Council, Committee or Sub-Committee for which dispensation is sought? Please identify the political makeup of the Council, Committee or Sub-Committee to which this application relates.	
3.	What is the quorum of the Council, Committee or Sub-Committee concerned?	
4.	What is the matter for which dispensation is sought? Please provide full details including amounts where the matter involves funding or finance. It is important that full and complete details are provided. The Standards Committee will not consider applications that lack information. Provide as much detail as possible.	

5.	For which type of meeting is the dispensation sought? (Full Council, Committee or Sub Committee).	
6.	What is the nature of the prejudicial interest or interests? Please give full details.	
7.	For how long is the dispensation needed? Please note that it cannot be longer than 4 years nor exceed the term of office of the Councillors concerned. The dispensation should be no longer than is reasonably required.	
8.	Do you (where this is an application by an individual) or does any member benefit <u>personally</u> from the business to which this application relates. If "yes" the full details must be provided of the nature and extent.	
9.	How is the business of the Council being impeded in the absence of a dispensation (for example, a village hall matter where some members are exempt because they are Village Hall Trustees)?	

10.	Are there any other factors that might help the Standards Committee to reach a decision on the application?	
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Signed: Date:
 Clerk to Parish/Town Council (if appropriate)

Signed: Date:
 Councillor - Name.....

Signed: Date:
 Councillor - Name.....

Signed: Date:
 Councillor - Name.....

Signed: Date:
 Councillor - Name.....

Signed: Date:
 Councillor - Name.....

Please complete and return this form to:-

The Monitoring Officer
Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
TA1 2HE

The dates of the Council's Standards Committee meetings are available on the Council's web site and you should ensure that your application is received by the Monitoring Officer at least 14 days prior to the meeting at which you wish your application to be considered to enable a report to be prepared and your request included on the agenda. **Please remember that full information must be provided otherwise the Standards Committee will not consider your application.**