

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 17TH SEPTEMBER 2009

DISPENSATIONS

REPORT OF HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE

To provide the Committee with details of the new rules for dispensations and to update the process for making dispensation applications.

2. RECOMMENDATIONS

2.1 That the Committee approve the new dispensation application form and guidance attached at Appendix 2 of this report.

2.2 That the Committee agree that a recommendation is made to the Council Constitution Committee to establish a dispensations sub-committee to consider dispensation applications as set out at Appendix 3 of this report.

3. SUMMARY

New legislation has changed the criteria for obtaining dispensations. This has required a change to be made to the dispensation forms which are currently available to elected members. There is also a proposal that a new system is set up to consider dispensation applications.

4. PREVIOUS MINUTES

Standards Committee – 30th April 2002
Standards and Audit Committee – 4th October 2005
Standards and Audit Committee – 4th April 2006
Standards and Audit Committee – 21st June 2006
Standards Committee – 21st April 2009

5. INFORMATION

5.1 Background

At the Standards Committee on 21st April 2009 the Committee were informed about the changes introduced by the Standards Committee (Further Provisions) (England) Regulations 2009. These new regulations made changes to the dispensation rules. Standards for England have

now released guidance on how Standard Committees can deal with dispensation applications. The guidance is attached to this report at Appendix 1.

The Regulations replaced the procedure for applying for dispensation which was previously contained in the relevant authorities (Standards Committee) (Dispensations) Regulations 2002. Previously this Committee has approved a standard application form for elected members to use when applying for a dispensation. The use of a standard application form is not compulsory but the Committee has previously considered it to be helpful to both the applicant and the Committee in ensuring the appropriate information is provided in the dispensation application. If this committee wishes to continue to provide such support and assistance to elected members then the standard form will need to be revised and updated. In addition, guidance to both the applicant and the Standards Committee has been prepared. A copy of the new revised form and guidance is attached to this report at Appendix 2. The Committee are asked to consider the contents of both the form and guidance and provide approval for their use.

The Committee are also asked to consider establishing a dispensations sub-committee. The provision of a sub-committee to consider dispensation applications is allowed for under Section 54A (1) of the Local Government Act 2000. The benefits of using a sub-committee would be the ability to quickly consider applications which are sometimes made at relatively short notice. It would also fit in with the structure already established to assess Code of Conduct complaints. Proposals for seeking a change to the terms of reference and also to establish the sub-committee are set out at Appendix 3. If the Committee are in agreement to establish a sub-committee in the terms set out then this will be subsequently put for the consideration of the Council Constitution Committee before being considered by the Council.

The forms and new structure for considering dispensations can be publicised to elected members by way of directly contacting the Clerks to the Parish Councils, by direct correspondence with elected members, and via the Ethical Standards Bulletin.

5.2 Equality and Diversity

The Monitoring Officer will ensure that the procedure for dispensation applications take into account the equality and diversity policies of the Council.

5.3 Environmental Impact

No implications.

5.4 Legal Comment

The legal comment is contained within the main body of the report.

5.5 Links with Corporate Priorities

Providing a dispensation application form together with guidance to both the applicant and the Standards Committee combined with a smaller sub-committee to consider the applications will assist the Council and meeting its aim of being an efficient and effective Council that provides value for money.

5.6 Opportunities and Risks

The opportunities and risks associated with updating the dispensation application process have been identified and assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.

5.7 Financial Implications

The costs will be met within the existing budget provision

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

Local Government Act 2000 (as amended)

The Standards Committee (Further Provisions) (England) Regulations 2009

Standards Board Guidance in relation to Dispensations (issued July 2009)

End of Report

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