Report 07

BODY: **STANDARDS COMMITTEE**

DATE: **4 September 2006**

SUBJECT: **APPLICATION FOR DISPENSATION**

REPORT OF: **THE MONITORING OFFICER**

Ward(s): All

Purpose: To consider the application from the Liberal Democrat Members of the Planning Committee for a dispensation from the provisions of the Members' Code of Conduct to enable them to participate and vote on a matter in which they have a personal and prejudicial interest.

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Recommendation(s): That the Committee considers the request from the Liberal Democrat members of the Planning Committee for a dispensation to enable them to participate in the consideration of planning application EB/2006/0371, 197-199 Willingdon Road.

1.0 Background

1.1 The Members' Code of Conduct requires that a member who has a personal and prejudicial interest in a matter must disclose the existence and nature of that interest and withdraw from the meeting when the matter is considered.

1.2 The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 provide for Standards Committees to grant dispensations to members to participate in a particular matter from which they would ordinarily be precluded under the code of conduct in the following circumstances:

(a) more than 50% of the Members entitled or required to participate in that business would otherwise be prevented from doing so because they would have to declare prejudicial interests under the Code of Conduct;
(b) the Council would not be able to comply with the political balance principles in the Local Government & Housing Act 1989 as a result of Members having to declare prejudicial interests under the Code of Conduct.

2.0 Application for Dispensation

2.1 Members must submit a written request for a dispensation to the Standards Committee explaining why it is desirable for the dispensation to be given. The

Standards Committee must, having regard to the provisions set out in 1.2 above and the contents of the application, and to all other circumstances of the case, consider whether or not it is appropriate to grant the dispensation. A dispensation can be granted for any period of time up to four years

2.2 A written application has been received from the Liberal Democrat Members of the Planning Committee as set out in the attached letter at appendix 1. The Standards Committee at its meeting held on 17 July 2006 granted a dispensation to the Conservative Planning Committee members for the same application.

2.3 The Deputy Monitoring Officer in a letter dated 1 August 2006 advised the Liberal Democrat members of the Planning Committee that if they considered themselves to have a prejudicial interest they may apply for a dispensation on the grounds as set out in paragraph 1.2 (b) of the report: that the authority would be prevented from complying with the political balance requirements of the Local Government and Housing Act.

2.4 If a dispensation is granted, the existence, duration and nature of the dispensation must be recorded in writing and maintained as a record and kept with the Register of Interests established and maintained under the Local Government Act 2000.

3.0 Resource Implications

3.1 None.

4.0 Other Implications

4.1 None.

5.0 Conclusion

5.1 The Liberal Democrat members of the Planning Committee have concluded that, in all likelihood, a member of the public with knowledge of the facts would consider that they have a personal and prejudicial interest in the planning application relating to 197-199 Willingdon Road. The members would therefore be required to withdraw from the Planning Committee when the application is considered unless a dispensation has been obtained from the Standards Committee.

5.2 Regulations permit the Standards Committee to consider the circumstances of an application for a dispensation and either grant or refuse the request.

Jeremy Chambers - Monitoring Officer

Background Papers:
The Relevant Authorities (Standards Committee)
(Dispensations) Regulations 2002

Letter from the Opposition Spokesperson of the Planning Committee

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