

**BODY:** STANDARDS COMMITTEE  
**DATE:** MONDAY, 20TH OCTOBER, 2008  
**SUBJECT:** APPLICATIONS FOR DISPENSATION  
**REPORT OF:** MONITORING OFFICER

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**Ward(s):** All

**Purpose:** To report applications for dispensation received from the Liberal Democrat Members of the Council's Planning Committee.

**Contact:** Victoria Simpson, Solicitor to the Council and Monitoring Officer. Telephone 01323 415018 or internally on extension 5018. Email address: victoria.simpson@eastbourne.gov.uk

**Recommendations:** The Committee is requested to determine the dispensation applications taking into consideration the relevant guidance issued by the Standards Board for England.

## **1.0 Introduction**

- 1.1 At the Planning Committee on 30th September, 2008, two applications (EB/2008/0547 and 0548) were reported to the Committee relating to the installation of an ATM and associated illuminated sign at 100 Seaside, the local office of the Liberal Democrat Party. The reports on the applications are appended to this report for Members' information.
- 1.2 At the beginning of the meeting the six Liberal Democrat Members of the Committee declared personal and prejudicial interests in the applications. They all left the room while the applications were being considered. The applications were dealt with by the two Conservative Members of the Committee. The quorum of the Committee is two.
- 1.3 The two remaining members could not come to a decision on the applications. They were therefore deferred in order to allow the Liberal Democrat members of the Committee to apply to this Committee for dispensations under Section 81(4) of the Local Government Act, 2000 and the associated Regulations, the Authorities (Standards Committee) (Dispensations) Regulations 2002.
- 1.4 Dispensations can be granted by the Committee in a situation such as this when over half of the Committee members are prevented from taking a full part in the meeting because of a prejudicial

interest. In dealing with dispensation applications the guidance states that the Committee will need to balance the public interest in preventing Members with prejudicial interests from taking part in decisions against the public interest in decisions being taken by reasonably representative group of members of the authority.

## **2.0 The Application**

2.1 At the time of writing this report only one dispensation application had been received i.e. from Councillor Madell, the Chair of the Planning Committee. If this application is the only one submitted and is granted, it will still leave the majority of the Committee, i.e. 5 members unable to participate because of a prejudicial interest. However under the 2002 Regulations the application is valid and must be duly considered in line with the advice in Para. 1.4 above, as it complies with all the necessary requirements.

## **3.0 Resource Implications**

3.1 There are no resource implications arising from this report.

## **4.0 Other Implications**

4.1 There are no other implications arising from this report.

## **5.0 Conclusion**

5.1 The Committee is therefore requested to deal with this application for dispensation in this case.

**VICTORIA SIMPSON  
SOLICITOR TO THE COUNCIL AND MONITORING OFFICER**

### **Background Papers:**

The Planning Committee report of 30th September, 2008.

To inspect or obtain copies of background papers, please refer to the contact officer listed above.

GAJ/DF/LG/160/1