

**COMMITTEE: STANDARDS**

**DATE: 8 DECEMBER 2003**

**SUBJECT: THE RELEVANT AUTHORITIES (STANDARDS COMMITTEE)  
(DISPENSATIONS) REGULATIONS 2002  
APPLICATION FOR DISPENSATION**

**REPORT BY: MONITORING OFFICER**

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**IMPLICATIONS:**

**LEGAL** ☒

**COMMUNITY SAFETY** ☐

**EQUALITIES** ☐

**ENVIRONMENT** ☐

**FINANCIAL** ☐

**OTHER** ☐

**STAFFING** ☐

**OTHER**

**WARDS AFFECTED: STOPSLEY**

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**PURPOSE**

1. The purpose of this report is to place before the Standards Committee a request by Councillor Dolling for a dispensation to enable him to participate in business which he would otherwise be prohibited from participating in under the Council's Code of Conduct for Members.

**RECOMMENDATION(S)**

2. That the Standards Committee determine Councillor Dolling's application.

**BACKGROUND**

3. Under the Code of Conduct for Members a member who has declared a personal and prejudicial interest in any business being considered at a meeting attended by the member, is prohibited from speaking or voting in relation to that business and must withdraw from the meeting room while the business is being considered.
4. Section 81(4) of the Local Government Act 2000 ("the 2000 Act") provides that participation by a member in such circumstances is not a failure to comply with the Council's Code of Conduct for Members ("the Code") if the member has been given a dispensation by the Standards Committee in accordance with Regulations made under the 2000 Act.

5. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 ("the Regulations") empower a local authority's Standards Committee to grant a dispensation to a member in the following circumstances.
  - (1) The transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the provisions of the Code because:-
    - (a) the number of members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to so participate; or
    - (b) the authority is not able to comply with any duty which applies to it under Section 15(4) of the Local Government and Housing Act 1989 ("the 1989 Act") (which relates to political balance);
  - (2) the member has submitted to the Standards Committee a written request for a dispensation explaining why it is desirable; and
  - (3) the Standards Committee concludes that having regard to the matters mentioned in (1) above and to the content of the application made by the member, and to all other circumstances of the case, it is appropriate to grant the dispensation.
6. If the Standards Committee agree to grant a dispensation then the maximum period for which the dispensation may remain in force is 4 years. Further a dispensation may not be granted so as to permit a member to participate in consideration by a Scrutiny Committee of any decision made or action taken by any other Committee, Sub-Committee or Joint Committee of which the member may also be a member.
7. If the Standards Committee grant a dispensation they must specify the duration and nature of the dispensation, which must be recorded in the Register of Members' Interests maintained by me.

## **REPORT**

8. Councillor Dolling has applied for a dispensation to enable him to participate, and to vote, on business relating to Luton Town Football Club. Councillor Dolling is a member of the Luton Town Supporters' Trust and, if no dispensation is granted, would be most likely to have to declare a personal and prejudicial interest in any business relating to Luton Town Football Club which arose at a meeting of a Committee or Sub-Committee or which he is a member. A copy of Councillor Dolling's application and related correspondence is attached as Appendix A to this report.
9. Councillor Dolling is member of this Committee, of Development Control Committee and of the Crawley, Stopsley and Wigmore Area Committee.
10. The Standards Committee may grant the dispensation if either of the criteria specified in paragraph 5 apply. The criterion at Paragraph 5(1)(a) clearly does not apply. However, if Councillor Dolling is not able to participate in business then the political balance on Development Control Committee would be affected and the authority would not therefore, be able to comply with their duty under Section 15(4)

of the 1989 Act. Therefore, the Standards Committee may lawfully grant the dispensation should they chose to.

11. With regard to Councillor Dolling's membership of the Crawley, Stopsley and Wigmore Area Committee, no duty arises under Section 15(4) of the 1989 Act therefore no dispensation may be granted in relation to Councillor Dolling's membership of this Area Committee.
12. With regard to Councillor Dolling's membership of Full Council, again the criterion at Paragraph 5(1)(a) does not apply. The criterion at Paragraph 5(1)(b) does not apply as there is no duty under Section 15(4) of the 1989 Act in relation to the membership of Full Council.
13. Therefore, the Standards Committee may lawfully grant a dispensation to Councillor Dolling in respect of his membership of Development Control Committee, but not in relation to his membership of Crawley, Stopsley and Wigmore Area Committee or of Full Council. Although the Committee may grant the dispensation sought, they are not under an obligation to do so and should consider the application on its merits. If the application is granted then at meetings of Development Control Sub-Committee Councillor Dolling would still have to declare a personal interest but would then indicate, by virtue of a dispensation granted by the Standards Committee, he was free to participate in the business include to vote.

#### **APPENDICES**

14. Appendix A: Application for dispensation by Councillor Dolling and related correspondence.

#### **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

There are no background papers to this report.