

Meeting:	Standards Committee
Date:	8 December 2009
Subject:	Application for Dispensation
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor Paul Osborn, Portfolio Holder for Performance, Communication and Corporate Services
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This report sets out details of an application made by a Member for the Standards Committee to grant a dispensation.

Recommendations:

The Committee is requested to consider whether or not to grant a dispensation in relation to the application.

Reason: (For recommendation)

To ensure compliance with the Local Government Act 2000 and the Standards Committee (Further Provisions) (England) Regulations 2009.

Section 2 – Report

1. The Monitoring Officer has received a request for dispensation from a Member of the Council, Councillor Husain Akhtar.
2. Under the Council's Code of Conduct, where a Member has a prejudicial interest in any business of the authority, that Member must withdraw from the meeting considering that relevant item of business, unless a dispensation has been granted by the Standards Committee.
3. The term prejudicial is defined in the Code of Conduct by meaning any interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
4. The request from Councillor Akhtar relates to granting a dispensation (for a period not exceeding four years) in respect of meetings of the Education Admissions and Awards Advisory Panel, where business relates to the following schools
 - Norbury School
 - Grange First and Middle schools

Councillor Akhtar is a grand parent or a LA appointed governor at these schools and has applied on the grounds that his possible prejudicial interest might cause

- (a) more than 50% of the members of the decision-making body being prohibited from voting on matters like admissions to these schools; or
 - (b) upset to political balance of the meeting to an extent as to prejudice the outcome of voting in that meeting.
5. The make up of the Education Admissions and Awards Advisory Panel consists of two Conservative Members (including Councillor Akhtar) and one Labour Member. The terms of reference of the Panel are as follows:
 - To make recommendations in respect of granting a place (in a County Primary or High School) in accordance with expressed parental preference where, in the Panel's judgement an appeal under Section 423, Schedule 33, of the Education Act 1996 would be likely to be successful.
 - In respect of 1 above, to make recommendations with respect to determining the allocation of school places including, where appropriate, authority to exceed a published admissions limit or standard number.
6. The Standards Committee (Further Provisions) (England) Regulations 2009 provide two grounds for when dispensations may be granted:

- where the business of the authority would be impeded because more than 50% of the members of the decision-making body (Council, Committee, Sub-Committee or Cabinet) would otherwise be prohibited from voting on the matter;
 - where the business of the authority 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.
7. A dispensation can be granted for a particular meeting or for a period, not exceeding four years.
 8. The Standards Committee are requested to consider the application and determine whether the dispensation should be granted.

Financial Implications

There are no financial implications related to this decision.

Risk Management Implications

There are no risks related to this decision.

Risk included on Directorate risk register? No

Separate risk register in place? No

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 8 December 2009		
Name: George Curran	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 8 December 2009		

Section 4 - Contact Details and Background Papers

Contact: Vishal Seegoolam, Acting Senior Professional – Democratic Services, tel: 020 8424 1883 (ext 2883).

Background Papers: Email from Councillor Akhtar, applying for a dispensation to be granted.

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO