

## **REPORT FOR: Standards Committee**

<b>Date of Meeting:</b>	14 December 2011
<b>Subject:</b>	Application for Dispensation
<b>Responsible Officer:</b>	Hugh Peart, Director of Legal and Governance Services
<b>Exempt:</b>	No
<b>Enclosures:</b>	Appendix 1 - names of those members requesting a dispensation

### **Section 1 – Summary and Recommendations**

This report sets out details of an application made by a number of Members 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 a dispensation from a number of members of the Overview and Scrutiny Committee.
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 relates to granting a dispensation in respect of meetings of the Overview and Scrutiny Committee where business relates to general discussions about schools, including academies, (not specific schools) including discussions about education results and Service Level Agreements.
5. The request is limited to a dispensation to stay and speak, not to vote.
6. The Standards Committee (Further Provisions) (England) Regulations 2009 allow dispensations to be granted where the business of the authority would be impeded because either:
  - a. More than 50% of the members of the decision-making body (Council, Committee, Sub-Committee or Cabinet) would, but for the granting of any dispensations, be otherwise prohibited from voting on the matter, or
  - b. The absence of members as a consequence of prejudicial interests would, but for the granting of any dispensations, 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 in respect of a particular meeting or for a period not exceeding four years.
8. In this case the dispensation is requested for a period of one year or when the new provisions on dispensations in the Localism Act come into force, whichever is the earlier.
9. The make up of the Overview and Scrutiny Committee consists of:
  - a. 5 Labour members
  - b. 4 Conservative members
  - c. 4 co-optees (although currently there is one vacancy)
10. The Committee does not have a decision-making function but carries out scrutiny in respect of education issues. The presence of members

who are governors of schools should improve the quality of information that the Committee has before them.

11. The list at Appendix 1 shows all members of the Overview and Scrutiny Committee, their political party and which ones are school governors. The names of members who are requesting a dispensation are highlighted in bold type.
12. 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

## **Equalities implications**

There are no equalities implications associated with this report.

## **Corporate Priorities**

The issue of whether to grant dispensations or not is relevant to the corporate priority of United and involved communities: A Council that listens and leads.

## **Section 3 - Statutory Officer Clearance**

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 6 December 2011		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 6 December 2011		

## **Section 4 - Contact Details and Background Papers**

Contact: Caroline Eccles, Senior Assistant Lawyer, 0208 424 7580

Background Papers: none

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO

## Appendix 1

### Members of overview and scrutiny committee

The names of those members requesting a dispensation are shown in bold.

Name	School Governor?	Party
<b>Jerry Miles</b>	No	Labour
Sue Anderson	No	Labour
<b>Ann Gate</b>	Yes	Labour
<b>Sachin Shah</b>	Yes	Labour
Victoria Silver	No	Labour
<b>Kamljit Chana</b>	Yes	Conservative
Barry Mcleod-Cullinane	No	Conservative
<b>Paul Osborn</b>	Yes	Conservative
Stephen Wright	Yes	Conservative
Nana Asante (reserve)	Yes	Labour
Varsha Parmar (reserve)	Yes	Labour
<b>Krishna Suresh</b> (reserve)	Yes	Labour
Sasikala Suresh (reserve)	No	Labour
Krishna James (reserve)	No	Labour
Chris Mote (reserve)	No	Conservative
<b>Tony Ferrari</b> (reserve)	Yes	Conservative

<b>Christine Bednell</b> (reserve)	Yes	Conservative
Susan Hall (reserve)	No	Conservative
Mrs J Rammelt (co-optee)	No	
Reverend P Reece (co-optee)	Yes	
Mrs A Khan (co-optee)	Yes	