

DISPENSATIONS REGULATIONS

Report By: Democratic Services Officer

Purpose

1. To consider the attached advice from the Standards Board for England in respect of the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002.

Background

2. At the meeting on 20th October the Committee considered a dispensation application from Yarkhill Parish Council in respect of members with an interest in Yarkhill Village Hall. The dispensation was approved, but it was pointed out in discussion that the wording of 3(1)(a)(i) of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 (SI, 2002, No 339) was ambiguous. Did the "50% affected" test apply to all the members of a Council (those "entitled" to take part in a meeting), or was it related to the quorum (those "required" to take part in a meeting). And there was an additional ambiguity in "required": did it refer to the number required -- the quorum -- or to individuals who for some business reason were required to take part in a decision?
3. The Democratic Services Officer sought advice from the Standards Board for England, which is attached. The Board are not prepared to give definitive advice; they say that this is for the Department of Communities and Local Government, who (as the Office of the Deputy Prime Minister) drafted the regulations (as the SBE say "without much input from anyone as I understand it"). But the SBE are clear that there is an ambiguity in the drafting. They feel that individual Standards Committee should take their own view, and they say that "it is not likely that the Board or Ethical Standards Officers would challenge any reasonable interpretation of the Regulations.

RECOMMENDATION

THAT the Committee considers the view of the SBE and decides what interpretation it wishes to put on this provision of the Regulations. The Committee may also wish to ask the Chairman to write to the Minister to ask what interpretation his Department puts upon them, and also to consult the Parliamentary Joint Committee on Statutory Instruments to see whether they took a view upon this point when originally considering the Regulations.