

## **STANDARDS COMMITTEE – 30 SEPTEMBER 2008**

### **DISPENSATION APPLICATIONS**

#### **Report of the City Solicitor**

##### **1. Purpose of the Report**

This report requests the Committee to consider whether to grant dispensations to Members of Cabinet.

##### **2. Description of the Decision**

The Committee is requested to consider the applications for the grant of a dispensation made by the Members listed at Appendix A.

##### **3. Background**

3.1 At a meeting of the Committee held on 11 September 2007 dispensations were granted to enable Cabinet Members to consider an item concerning the disposal of the Council's interest in Ford and Hylton Club, Pennywell in which Councillor Paul Watson declared a personal and prejudicial interest. The dispensations were limited for a period of three months and have expired.

3.2 The Council's Audit and Governance Committee considered a report on that matter on 31 July 2008 and resolved (with the Chairman dissenting from item (i) ) as follows:

- (i) that the Cabinet be recommended to reconsider the disposal of the Council's interest in the Ford and Hylton Club as given the many unsatisfactory aspects and circumstances surrounding the affair the committee considers that it is against the public interest for the present transaction to proceed even if it involves best consideration for the Council's freehold interest; and
- (ii) that the committee requests that the Cabinet consider alternative uses for the land which may better serve the needs of the local community
- (iii) that the learning points and proposed actions be agreed and the District Auditor's further review be referred to the Policy and Co-ordination Review Committee and the Audit and Governance Committee for consideration; and
- (iv) that the City Solicitor be requested to prepare a protocol on business dealings between the Council and elected Members.

3.3 It is anticipated that Cabinet will consider the recommendations at its meeting on 8<sup>th</sup> October 2008.

- 3.4 The Committee is reminded that under the new Code of Conduct the material references are now to the interest affecting the wellbeing or financial position of you, members of your family, or people with whom you have a close association who are affected by the item of business more than the majority of inhabitants of the ward.

The guidance issued by the Standards Board for England in relation to the new Code of Conduct, which was adopted by the Council on 27 June 2007 provides the following guidance:

“Who is a close associate?”

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts”.

- 3.5 Those Members of Cabinet listed in Appendix A have determined to declare a personal and prejudicial interest, and have applied for a dispensation as the business of the Authority would obviously be impeded in circumstances where they all declared and withdrew from the meeting.
- 3.6 It will be evident that if the dispensations are not granted it will not be possible for Cabinet to consider the views of the Audit and Governance Committee.

#### **4. Legal Considerations**

In these circumstances the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 provide that the Standards Committee may grant a dispensation for a period of up to 4 years to Members where a written request for a dispensation has been submitted setting out why the dispensation may be granted.

#### **5. Recommendation**

Members are invited to consider granting a dispensation to the Members of Cabinet listed in the Appendix A for an appropriate period in respect of the consideration of any reports concerning or relating to the Ford and Hylton Club which is leased by Councillor Paul Watson and Councillor Susan Watson.

#### **6. Background Papers**

The Code of Conduct for Members and Co-opted Members.

## APPENDIX A

### CABINET MEMBERS

Councillor F Anderson  
Councillor D Allan  
Councillor P Smith  
Councillor E Timmins  
Councillor J Blackburn  
Councillor K Rolph  
Councillor B Charlton  
Councillor M Speding