

**PREJUDICIAL INTERESTS: APPLICATION FOR DISPENSATION  
(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 An application has been received from Colne Parish Council requesting the Standards Committee to grant dispensations to enable their Councillors to speak and vote on matters relating to the Village Hall and Playing Fields in their Parish.

**2. LEGISLATIVE BACKGROUND**

- 2.1 The Committee are reminded that the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councillors are prescribed in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. These are restricted to cases where the transaction of business of the Authority would, otherwise be impeded because –

- (i) the number of members of the Authority that are prohibited from participating exceeds 50% of those Members that are entitled or required to so participate; or
- (ii) 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.

- 2.2 The reference in the foregoing paragraph to the duty under the 1989 Act relates to the requirement for principal Councils ie. not Town/Parish Councils, to allocate seats on Committees, etc. proportionately according to the representation of political groups in full Council.

- 2.3 Having regard to the circumstances of an application, Standards Committees are required to consider whether it is appropriate to grant dispensations and their extent, ie. whether it is appropriate that the dispensation allows Members to either speak and not vote or to fully participate and vote. The dispensations cannot apply for a period longer than four years.

- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded.

**3. APPLICATION RECEIVED**

- 3.1 Colne Parish Council owns the Village Hall and Playing Fields. The nine members of the Parish Council are also trustees to both facilities and four Members serve in their own right on the Village Hall Management Committee. The Parish Council has applied for dispensation to enable their Members to speak and vote on matters relating to the village hall and playing field should they arise at meetings of the Parish Council.

#### **4. CONCLUSION**

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Parish Council business from being impeded.
- 4.2 That part of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.
- 4.3 Should the Committee look favourably on these applications, it is suggested that consideration should be given to granting dispensations to speak and to vote for the period ending 30th April 2007 after which time applications for the newly elected Councillors would need to be submitted.

#### **BACKGROUND PAPERS**

The Parish Council's Model Code of Conduct Order 2001.

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.

Letter received from the Parish Clerk to Colne Parish Council.

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