

**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 Alconbury Parish Council requesting the Standards Committee to grant dispensations to enable six of their Councillors to speak and vote on matters associated with the Flood Alleviation Scheme proposed in Alconbury.

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 The Environment Agency has published a 'Preferred Option Consultation' in respect of the Alconbury Flood Alleviation Scheme on which stakeholders, including the Parish Council, have been consulted. The scheme will provide flood defences in the form of earth banks and flood walls through the village centre to protect

properties from flooding. It is anticipated that a planning application for the scheme will ultimately be submitted by the Environment Agency to the District Council as local planning authority for determination. Alconbury Parish Council would be a consultee in that process.

- 3.2 Currently, there are ten Members (1 vacancy) serving on Alconbury Parish Council. Of these six Councillors have been affected by flooding in the past and therefore might be seen to benefit from any future Flood Alleviation Scheme. It is considered that those six Councillors have both a personal interest under the Parish Councils Code of Conduct by virtue of their home address and a prejudicial interest because of the improvements the scheme should bring to the safety and security of their properties.
- 3.3 Because the number of Members of the Parish Council that would be prohibited from participating in meetings when the scheme was being discussed exceeds 50% of those entitled or required to participate, the Parish Council have requested the Standards Committee to grant dispensations to allow those six Members to continue to fully participate in the meeting and to speak to and vote on occasions when the Alleviation Scheme is discussed and when the Parish Council is consulted on the planning application.
- 3.4 Should planning consent be granted, the proposed programme for the work suggests a start on site commencing Winter 2005/Spring 2006. Alconbury Parish Council is scheduled for re-election in May 2006 – thus any dispensation granted would be sufficient to meet the requirements of the Parish Council over the consultation period and leading to the construction works.

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 this application, it is suggested that consideration should be given to granting dispensations to speak and to vote to six Members of Alconbury Parish Council for the period ending 30th April 2006 after which time applications for the newly elected Councillors would need to be submitted should it be considered necessary.

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 Alconbury Parish Council

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