

**APPLICATIONS FOR DISPENSATION
(Report by the Director of Central Services and Monitoring Officer)**

1. INTRODUCTION

- 1.1 At their meeting on 10th March 2005, the Committee granted dispensation to speak and vote to six Members of Alconbury Parish Council on matters relating to the Alconbury Flood Alleviation Scheme and related planning applications for the period ending 30th April 2006.
- 1.2 Dispensation to speak and vote on matters relating to Buckden Village Hall and Recreation Ground Trust was granted by the Committee on 26th March 2003 to fifteen Members of Buckden Parish Council for the period ending 30th April 2006.
- 1.3 In each case, the period for which dispensation had been granted to Alconbury and Buckden Parish Councils has expired. Both Parish Councils have requested the Committee to grant further periods of dispensation.

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 refers 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. APPLICATIONS 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. The scheme has been delayed and the Parish Council have not been required to comment formally on the proposal since the original dispensation was granted. It is now anticipated that there will be some progress in late Summer/early Autumn.

3.2 Currently, there are ten Members (one vacancy) serving on Alconbury Parish Council. The Parish Clerk will confirm in advance of the Committee how many of these Councillors have been affected by flooding in the past and therefore might be seen to benefit from any future flood alleviation scheme. Those Councillors would have both a personal interest under the Parish Council's Code of Conduct by virtue of their home address and prejudicial interest because of the improvements a 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 might exceed 50% of those entitled or required to participate, the Parish Council have requested the Standards Committee to grant dispensations to allow those 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 Buckden Parish Council is landlord of property administered by the Buckden Village Hall and Recreation Ground Trust and is party to an agreement with the Millennium Commission under which the present village hall was enlarged into a Millennium Community Centre. The Parish Council contributed to the extension to the Centre via a loan – repayment of which has been secured through an increase in the Parish precept. Given the property and financial interests of the Parish Council, the Monitoring Officer has advised that dispensations are required to enable the Members of the Parish Council to conduct business associated with the village hall and recreation ground trust.

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 to Members of Alconbury and Buckden Parish Councils for the period ending 30th April 2010 after which time applications for the newly elected Councillors would need to be submitted should it be considered necessary.

BACKGROUND PAPERS

The Parish Councils Model Code of Conduct Order 2001.

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

Letters received from the Parish Clerks to Alconbury and Buckden Parish Councils.

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