

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

1. INTRODUCTION

- 1.1 An application has been received from Broughton Parish Council requesting the Standards Committee to grant dispensations to enable four of their Councillors to speak and vote on matters associated with proposed changes by Cambridgeshire County Council to footpath stiles in Broughton.

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 are 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, i.e. 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, i.e. 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 Broughton Parish Council has been advised by Cambridgeshire County Council's Rights of Way Officer (Huntingdonshire Area) that the County has initiated a programme to improve access to footpaths in Broughton Parish involving the replacement of stiles by "kissing" or other types of gates. This conversion would be optional and funding may be available from the County Council for the works. Maintenance of the gates would fall to the land owners.

- 3.2 Currently there are seven Members serving on Broughton Parish Council. Of these, four would be required to declare a prejudicial interest when the business relating to the footpaths scheme appears on their agenda by virtue of their or their partners' land ownership. The quorum of a meeting of the Parish Council is three Members.
- 3.3 Although there would be sufficient Members remaining in the meeting to be able to take any decision on the footpath issues, the Parish Council has requested dispensation to enable discussion to involve all Members of the Parish Council.
- 3.4 The Committee are reminded that under the Regulations, dispensations are granted when the number of Members of the Parish Council that would be prohibited from participating in meetings exceeds 50% of those entitled or required to participate.

4. CONCLUSION

- 4.1 Given the circumstances described above, the Committee are requested to consider the application received for dispensation by Broughton Parish Council.
- 4.2 Should the Committee look favourably on this application, it is suggested that consideration should be given to granting the dispensation to speak and to vote to four Members of the Parish Council for the period ending 30th April 2008 after which time fresh applications would need to be submitted.

BACKGROUND PAPERS

The Parish Councils Model Code of Conduct 2001
The Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002
Letter received from the Parish Clerk to Broughton Parish Council

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