

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

1. INTRODUCTION

- 1.1 The Chairman and Clerk to Folksworth and Washingley Parish Council attended the training session on the new Code of Conduct held at The Priory Centre on 12th September 2007.
- 1.2 From general discussion arising from the various scenarios presented, the Clerk sought further guidance as to whether the Parish Council required dispensation to manage a specific situation within the Parish.
- 1.3 In accordance with the advice given, a written request for dispensation subsequently has been received from the Parish Council.

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 Sections 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. proportionally 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 Folksworth and Washingley Parish Council acts as custodian trustee for land occupied by the Village Hall and as such has a responsibility to dispose of the land should the village hall cease to operate on the site. A Village Hall Management Committee operates separately from the Parish Council and takes every other decision relating to the hall. One Member represents the Parish Council on the Village Hall Management Committee.
- 3.2 However, there are occasions when the Parish Council is required to consider applications for grant assistance received from the Village Hall Management Committee. Financial assistance in the form of a grant from the Parish Council could be essential to the continued operation of the Village Hall and use of land, under the custodian arrangements. Because all nine Members of the Parish Council would be prohibited by virtue of their prejudicial interest from conducting business involving the award of grant to the Village Hall Management Committee and, to enable the Village Hall to continue to benefit from this financial assistance when appropriate, the Parish Council has requested the Standards Committee to grant dispensation to allow those Members to continue to fully participate in meetings and to speak to and vote on the matters when such business arises.

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 Members of Folksworth and Washingley Parish Council for the period ending 30th April 2010 after which time an application for the newly elected Councillors would need to be submitted should it be considered necessary.

BACKGROUND PAPERS

The Local Authorities (Model Code of Conduct) Order 2007.

The Relevant Authorities (Standards Committee) Dispensations Regulations 2002.

E-mail received from the Parish Clerk to Folksworth and Washingley Parish Council.

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