

APPLICATION FOR DISPENSATION

(Report by the Head of Legal and Estates and Monitoring Officer)

1. INTRODUCTION

- 1.1 In response to a request for guidance, advice was given by the Democratic Services Manager to the Chairman of Hemingford Abbots Parish Council on the nature of the interests which were required to be declared by Members of that Council in a specific situation which had arisen in the Parish.
- 1.2 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 the 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, 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 dispensation 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 Under a new scheme drawn up by the Charity Commission for England and Wales, Hemingford Abbots Parish Council has been appointed as the Administrative Trustee to the Hemingford Abbots Playing Fields Charity. This new scheme, which has taken the Charity Commission many years to develop with the holding trustees, has resolved a longstanding situation that had given rise to uncertainty over responsibility for the management and maintenance of the playing fields.
- 3.2 As a consequence of the appointment of the Parish Council as an Administrative Trustee to the Playing Fields Charity, on those occasions in the future when the Parish Council is required to consider applications for grant assistance referred from the Playing Fields Committee, all seven Members of the Parish Council would be required to declare personal and prejudicial interests.
- 3.3 Given these circumstances, the seven Members of the Parish Council would be prohibited by virtue of their prejudicial interests from conducting business involving the award of grant to the Playing Fields Committee.
- 3.4 To enable the Playing Fields Committee to continue to benefit from financial assistance when appropriate, the Parish Council has requested the Standards Committee to grant dispensation to allow the seven Members who would be prohibited from participating, to continue to take part fully in the meetings, to speak and to 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 seven Members of Hemingford Abbots Parish Council for the period ending 30th April 2012 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.
Email received from the Chairman and Parish Clerk to Hemingford Abbots Parish Council.

CONTACT OFFICER:

Christine Deller, Democratic Services Manager
Tel: (01480) 388007