

**APPLICATIONS FOR DISPENSATIONS**  
**(Report by the Head of Law, Property and Governance**  
**and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 Applications have been received from the Parish Clerks to Great and Little Gidding and Southoe and Midloe Parish Councils for dispensation to enable Members of the Parish Councils in question to continue to transact Council business in respect of a specific situation which has arisen in each Parish.
- 1.2 The circumstances of each application are described in Section 3 of the report.

**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 and subsequently varied by the Standards Committee (Further Provisions) (England) Regulations 2009.

The Regulations provide that a member with a prejudicial interest in a matter which was coming before the Authority could apply to the Standards Committee for a dispensation to allow the member to speak and vote on the matter at meetings. The Regulations specify two grounds for dispensation -

- (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) that the business of the Authority will be impeded because the absence of Members as a consequence of prejudicial interests would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting.
- 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. A dispensation can be granted for a particular meeting or for a period not exceeding four years.

- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded in a register for the purpose.

### 3. **APPLICATIONS RECEIVED**

- 3.1 Following Code of Conduct training, it became apparent that Great and Little Gidding Parish Council required to seek dispensation from the Committee to enable Members of that Parish Committee to transact Parish Council business concerning the Village Hall and Recreation Field and the Great Gidding Charity. Great and Little Gidding Parish Council comprises seven Members, of which two serve on the Committee appointed to manage the Village Hall and Recreation Ground. However, all Members of the Parish Council are trustees to the Village Hall and Recreation Ground and the Council is sole Trustee of the Great Gidding Charity. As the number of Parish Councillors prohibited from participating at meetings (when matters arise relating to Village Hall, Recreation Field and the Charity) exceeds 50% of those Members that are entitled or required to participate a dispensation is required. The quorum for meetings of the Parish Council is three.

- 3.2 Southoe and Midloe Parish Council comprises seven Members. It has become apparent that four of the Members have a personal and prejudicial interest in an issue which is currently before the Parish Council. The matter concerns the provision of allotments within the Parish area. Two Councillors are Members of the Southoe and Midloe Allotment Association and two have connections with the land in the Parish under consideration as potential allotment sites. The quorum for meetings of the Parish Council is three. The Parish Council has requested that dispensation be granted to enable the four Members with personal and prejudicial interest to participate in the business under consideration. In this case and given that the Parish Council could continue to manage the business under consideration, the Committee may wish to consider the degree of any dispensation should it be granted as described in paragraph 2.3.

### 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 Regulations 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 -
- ◆ five Members of Great and Little Gidding Parish Council for the period ending 30th April 2012; and
  - ◆ four Members of Southoe and Midloe Parish Council for the period ending 30th April 2014 –

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) Dispensation Regulations 2002 and Standards Committee (Further Provisions) (England) Regulations 2009  
Letter received from the Parish Clerks to Great and Little Gidding and Southoe and Midloe Parish Councils.

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