

**APPLICATIONS FOR DISPENSATION
(Report by the Head of Legal & Democratic Services
and Monitoring Officer)**

1. INTRODUCTION

- 1.1 Applications for dispensation to allow Members with prejudicial interests to participate in meetings of their respective town/parish Councils have been received from the following –

Colne Parish
Folksworth Parish
Great Gransden Parish
St. Neots Town; and
Upwood and The Raveleys Parish.

- 1.2 Each Clerk is re-applying on behalf of his/her Members having been reminded that their previous dispensations had expired on 30th April 2011 at the end of the terms of office of their respective Councils.
- 1.3 The circumstances of each application appears to have remained unchanged but for the benefit of new Members are described in Section 3 of this 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 is coming before the Authority can 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 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 Committee must ensure that their nature and duration are recorded in a register for the purpose.

3. APPLICATIONS RECEIVED

3.1 Colne Parish

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| Committee | - | 5th July 2007; |
| Previously granted | - | to speak and vote on matters relating to the village hall and playing fields in Colne; |
| Details | - | Colne Parish Council own the village hall and playing fields. The nine Members of the Parish Council are also trustees to both facilities and four Members serve in their own right on the Village Hall Management Committee. The Parish Council has re-applied for dispensation to enable their Members to speak and vote on matters relating to the village hall and playing field should they arise at meetings of the Parish Council. <i>(When last granting the dispensation, the Committee reiterated their unease at granting dispensations in a situation where all Members of a Town/Parish Council served as trustees to a community facility. It was the view of Members at that time that other individuals un-related to the local council should be invited to act as trustees given the inevitable conflicts of interest which could arise. The Committee requested the Monitoring Officer to suggest to Colne Parish Council and others in a similar situation that they explore ways of changing their trustee arrangements to encourage people other than Councillors to become trustees.)</i> There is no evidence to suggest this has been done. |

3.2 Great Gransden Parish

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| Committee | - | 5th July 2007 |
| Previously Granted | - | to speak and vote on matters relating to Great Gransden Reading Room and Public Recreation Ground; |
| Details | - | As Members of Great Gransden Parish Council, nine Parish Councillors have declared prejudicial interests in respect of their positions as trustees to charities |

known as the Great Gransden Reading Room and Great Gransden Public Recreation Ground. Financial matters relating to these two charities are discussed at Parish Council meetings from time to time and to enable the business to continue to be conducted, the Parish Council have again requested that dispensation be granted to their Members for this purpose. (See comment in 3.1 above).

3.3 **Folksworth and Washingley**

- Committee - 23rd October 2007
- Previously Granted - to speak and vote on matters relating to the village hall
- Details - The Parish Council acts as a custodian trustee for land occupied by the village hall and there were occasions when the Council might be required to consider applications for grant assistance received from the Management Committee. As grant aid might be essential for the continued operation of the village hall and all Members of the Parish Council would be required to declare a prejudicial interest, the Parish Council have again requested a dispensation to enable this business to be conducted. (See comment in paragraph 3.1 above.)

3.4 **St. Neots Town**

- Committee - 5th July 2007
- Previously granted - to speak and vote on matters relating to St. Neots Outdoor Swimming Pool and Ackerman Street Playing Field, Eaton Socon;
- Details - Members of St. Neots Town Council act as Trustees to the St. Neots Outdoor Swimming Pool and Ackerman Street Playing Field, Eaton Socon both of which are registered as charitable trusts. The Acting Town Clerk has requested that dispensations be granted again to enable the town Councillor who act as trustees to speak at meetings of the town Council or at any of its Committees/Sub-Committees on matters relating to these community facilities to prevent the transaction of town Council business from being impeded. (See comment in paragraph 3.1 above.)

3.5 **Upwood and The Raveleys Parish**

- Committee - 5th July 2007
- Previously granted - to speak and vote on matters relating to the charities associated with allotments for the poor in the Parish;
- Details - All Members of the Upwood and The Raveleys Parish Council have, since the 1850's, acted as trustees to two charities relating to allotments for the poor of the Parish. There are occasions when matters concerning the allotments arise at Parish Council meetings and to enable such business to continue to be conducted, the Parish Clerk has requested that dispensation again be granted to the ten Members of the Council for this purpose. (*See comment in paragraph 3.1 above.*)

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of town/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 dispensations be granted for the period ending 30th April 2015 after which time applications 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
Letters received from town/parish clerks to Colne, Folksworth and Washingley, Great Gransden, St. Neots and Upwood and the Raveleys town/parish Councils.

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