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24 September 2010

To: Chairman – Kathy English
Vice-Chairman – Alan Hampton

Members of the Standards Committee:

| | |
|--------------------|---|
| Diane Best | Independent Member |
| Bob Bryant | Parish Member |
| Georgina Butcher | Independent Member |
| Nigel Cathcart | District Council Member, non-group |
| Michael Farrar | Parish Member |
| Roger Hall | District Council Member, Conservative Group |
| John House | Independent Member |
| Janet Lockwood | District Council Member, Liberal Democrat Group |
| Cicely Murfitt | District Council Member, non-group |
| Tony Orgee | District Council Member, Conservative Group |
| Raith Overhill | Independent Member |
| Mary Pilfold-Allan | Independent Member |
| Eric Revell | Independent Member |
| Alex Riley | District Council Member, Independent Group |
| Jim Stewart | District Council Member, Liberal Democrat Group |
| Chris Tomsett | Parish Member |
| James Williams | Independent Member |

and to I Dewar (Interim County Executive Officer, Cambridgeshire & Peterborough Association of Local Councils (CPALC)), for information.

Dear Sir or Madam

You are invited to attend the next meeting of **STANDARDS COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **MONDAY, 4 OCTOBER 2010** at the conclusion of the **10:00am** meeting of Standards Committee Hearings Panel

Yours faithfully
SJ HAMPSON
Acting Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

PAGES

PROCEDURAL ITEMS

1. Apologies

To receive apologies for absence from committee members.

2. Declarations of Interest

DISPENSATIONS

3. Gamlingay Parish Council - Request for Dispensation

1 - 6

OUR VISION

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

While the District Council endeavours to ensure that visitors come to no harm when visiting South Cambridgeshire Hall, those visitors also have a responsibility to make sure that they do not risk their own or others' safety.

Security

Members of the public attending meetings in non-public areas of the Council offices must report to Reception, sign in, and at all times wear the Visitor badges issued. Before leaving the building, such visitors must sign out and return their Visitor badges to Reception.

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Hearing loops and earphones are available from reception and can be used in all meeting rooms.

Toilets

Public toilets are available on each floor of the building next to the lifts.

Recording of Business

Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet), or any committee, sub-committee or other sub-group of the Council or the executive.

Banners, Placards and similar items

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

Since 1 July 2008, the Council has operated a new Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. Visitors are not allowed to bring food or drink into the meeting room.

Mobile Phones

Visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings or are switched off altogether.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

September 2010

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services Manager

GAMLINGAY PARISH COUNCIL: REQUESTS FOR DISPENSATIONS**Purpose**

1. Councillor Graeme Brown, of Gamlingay Parish Council, has applied formally for dispensation to enable him to remain in meetings and vote on matters concerning the Community Centre's financial affairs or which relate to regulatory issues such as planning permission, licensing or contracts. This is not a key decision, but has been brought to this extraordinary meeting of the Standards Committee due to the matters described below at paragraph 5.

Recommendations and Reasons

2. That the Standards Committee grant dispensation until May 2014, the duration of the current Parish Council, to Gamlingay Parish Councillor Graeme Brown, with the reminder that he is still to declare an interest in any matters concerning Gamlingay Community Centre as described below, and to declare that he has received a dispensation for that interest.

Background

3. Under *The Standards Committee (Further Provisions) (England) Regulations 2009*, the Standards Committee may grant a dispensation to a member in the following circumstances:
 - (a) where the transaction of business of the authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because
 - (i) the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or
 - (ii) the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting;
 - (b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and
 - (c) the standards committee concludes that having regard to the matters mentioned in sub-paragraph (a) above, the written request made pursuant to sub-paragraph (b) above, and to any other relevant circumstances of the case, it is appropriate to grant the dispensation.
4. Nothing in paragraph 3 above shall permit a dispensation to be granted
 - (a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or

- (b) where the effect of the mandatory provisions from which a dispensation is sought is that
 - (i) a member is prohibited from voting on a matter at a meeting of an overview and scrutiny committee of an authority relating to a decision made by any body of which that person was a member at the time the decision was taken; or
 - (ii) a member of the authority's executive is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by that member solely.

- 5. The parish councillor has noted on his application form that, "The Parish Council is seeking to enhance community facilities within the village with a major refurbishment project for the Community Centre, transforming it into an Eco-Hub. This will involve financial input from the Parish Council, grant applications to external bodies and potentially borrowing money. Planning applications for the Hub will be considered by the Parish Council planning committee and its Finance committee will consider the impact of spending. Members need clarification that they are all entitled to discuss and vote on all issues pertaining to the Community Centre / Hub." The Parish Clerk has advised that the Community Centre is a standing agenda item at all full council meetings.

Considerations

- 6. The Deputy Monitoring Officer advised the Parish Council prior to the December 2009 Standards Committee meeting that, as the parish council as a whole is the holding / custodian trustee, all councillors would have a personal interest in the community centre but it is likely that they would have a prejudicial interest only in matters concerning the financial affairs of the centre or which involve any regulatory issue such as planning permission, licensing, or contracts. The Parish Council has been further advised that, while holding a position of authority on the management committee increases the chance of the public perception being that the councillor has a prejudicial interest, it does not mean that those councillors who are just trustees and not members of the management committee do not also have a prejudicial interest. For this reason, the Deputy Monitoring Officer recommended that all members of the Parish Council apply for dispensations.

- 7. The Standards Committee, at its meeting of 9 December 2009, having heard that there were two vacancies then on Gamlingay Parish Council, granted dispensations to the ten current members of Gamlingay Parish Council, and advised the Parish Council that any newly-elected or co-opted members to the two vacancies should apply for similar dispensations upon election or co-option. At the meeting of 10 March 2010, the Standards Committee granted identical dispensations to the two newly co-opted members of Gamlingay Parish Council. At the meeting of 16 June 2010, a dispensation was granted to a member who had been recently co-opted. At an extraordinary meeting on 19 August Standards Committee granted dispensations to a further 7 Gamlingay parish councillors,

Options

- 8. Not to grant a dispensation could leave the Parish Council unable to discuss any regulatory matters relating to Gamlingay Community Centre, as members' holidays and the recent changes in the composition of the Parish Council could mean that more than 50% of the Parish Council would not be covered by a dispensation and therefore unable to participate.

Implications

| | |
|---------------------|---|
| 9. Financial | None. |
| Legal | Parish Council members must still declare an interest in matters in which they have been granted a dispensation. As a matter of good practice, members should also state that they have been granted a dispensation, by stating that, "I declare an interest as a member of the holding / custodian trust for Gamlingay Community Centre, for which I have been granted a dispensation by the Standards Committee". |
| Staffing | None. |
| Risk Management | None. |
| Equal Opportunities | None. |
| Climate Change | None. |

Consultations

10. Ms L Bacon, Gamlingay Parish Clerk.

Effect on Strategic Aims

11. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has already granted thirteen dispensations to the members of Gamlingay Parish Council, and these further requests have been made based on the Committee's own advice that any new elected or co-opted members apply for a similar dispensation upon election or co-option.
12. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Gamlingay Community Centre is a village amenity for which the Parish Council, as the holding / custodian trust, has responsibility.
13. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

Background Papers: the following background papers were used in the preparation of this report:

The Standards Committee (Further Provisions) (England) Regulations 2009
 Agendas and Minutes of Standards Committee 3 October 2002, 7 June 2007, 11 March 2009, 17 June 2009, 9 September 2009, 9 December 2009, 10 March 2010, 16 June 2010 and 19 August 2010
 Letter from Gamlingay Parish Council, 16 November 2009
 Dispensation Applications from Gamlingay Parish Councillors

Contact Officer: Holly Adams – Democratic Services Team Leader
 Telephone: (01954) 713030

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Parish Council Member's Application for a Dispensation

To: Standards Committee, South Cambridgeshire District Council

Under Section 81 of the Local Government Act 2000, a member who has a prejudicial interest in a matter which is under consideration may not participate in the consideration of that matter by the Parish Council unless he / she has first obtained a dispensation from the Standards Committee of South Cambridgeshire District Council. The powers to grant a dispensation are governed by the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002. You may apply for a dispensation by completing this form and sending it to the Monitoring Officer of South Cambridgeshire District Council. Please do so as soon as you are aware of the possible conflict, before South Cambridgeshire District Council Standards Committee is due to meet and before the matter is due to be considered by the Parish Council. Please complete the attached form as fully as possible as the request for dispensation must be written and explain why the dispensation is desirable.

Please note that for Standards Committee to conclude that it is appropriate to grant a dispensation it must have regard to the reason for the request, the content of the written application and to all the other circumstances of the case.

If you are granted a dispensation, please note that the Standards Committee must be notified if the circumstances under which it was granted change.

Your Name and Parish Council / Meeting:

x *Geome Brown* Gamlingay Parish Council

What is the matter which is shortly to be considered and in respect of which you seek a dispensation?

Gamlingay Community Centre – various issues regarding a major refurbishment programme.

Is this matter to be considered by the Parish Council as a whole or by a sub-committee? If the latter please provide the name of the sub-committee.

Parish Council as a whole and by Planning and Finance and General Purposes Committees.

What is the nature of your prejudicial interest?

The Parish Council as a whole is the sole holding/custodian trustee of the Community Centre.

What is the date of the meeting at which this matter is to be considered?

The Community Centre is a standing agenda item at all full council meetings and appears regularly on agendas of the committees named above.

The grounds for dispensation is that the number of Members of the body that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or required to so participate. Please provide details confirming this:

The Parish Council as a corporate body is the sole holding/custodian trustee of the Community Centre, therefore all its members would be prohibited from participating in some discussions – due to prejudicial interests - without this dispensation.

Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period not exceeding four calendar years.

Four calendar years with immediate effect.

Please set out below the reasons why you consider the Standards Committee should grant this dispensation:

The Parish Council is seeking to enhance community facilities within the village with a major refurbishment project for the Community Centre, transforming it into an Eco - Hub. This will involve financial input from the Parish Council, grant applications to external bodies and potentially borrowing money. Planning applications for the Hub will be considered by the Parish Council planning committee and its Finance committee will consider the impact of spending. Members need clarification that they are all entitled to discuss and vote on all issues pertaining to the Community Centre/Hub.


X Signed

Date:14/9/10