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20 July 2011

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

Members of the Standards Committee:

Diane Best	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
James Williams	Independent Member

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

Dear Sir or Madam

You are invited to attend an extraordinary meeting of **STANDARDS COMMITTEE**, which will be held in the **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **THURSDAY, 28 JULY 2011 at 10.00 a.m.**

Yours faithfully
JEAN HUNTER
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**

DECISION ITEMS

3. **BARRINGTON Parish Council: Requests for Dispensations** 1 - 6
4. **BARTON Parish Council: Requests for Dispensations** 7 - 12
Dispensation requests have been received from all members of Barton Parish Council. One is attached to the agenda as an example and the others are available on the Council's website, www.scambs.gov.uk/meetings, as part of the agenda for this meeting.
5. **COTON Parish Council: Requests for Dispensations** 13 - 18
Dispensation requests have been received from all members of Coton Parish Council. One is attached to the agenda as an example and the others are available on the Council's website, www.scambs.gov.uk/meetings, as part of the agenda for this meeting.
6. **FOXTON Parish Council: Requests for Dispensations** 19 - 24
Dispensation requests have been received from all members of Foxtton Parish Council. One is attached to the agenda as an example and the others are available on the Council's website, www.scambs.gov.uk/meetings, as part of the agenda for this meeting.

STANDING ITEM

7. **Date of Next Meeting**
Wednesday 14 September 2011 at 10 am.

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. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can obtain both neck loops and earphones from Reception.

Toilets

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

Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. Until such time as the Council's Constitution is updated to allow public recording of business, the Council and all its committees, sub-committees or any other sub-group of the Council or the Executive will have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) for the duration of that meeting to enable the recording of business, including any audio / visual or photographic recording in any format or use of social media to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

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.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 June 2011

28 July 2011

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

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

1. The eight Barrington Parish Councillors wish to apply formally for dispensations in respect of any issues concerning Barrington Green. This is not a key decision.

Recommendations and Reasons

2. That the Standards Committee grant dispensations until May 2015, the duration of the current Parish Council, to Barrington Parish Councillors Cooper, Day, Fletcher, Hardman, Monk, Petter, Van de Weyer and Whybrow in respect of issues concerning Barrington Green, with the reminder that they are still to declare an interest in any matters concerning Barrington Green as described below, and to declare that they have received a dispensation for that interest
3. That the Parish Council be advised that any new parish councillors elected or co-opted to the Parish Council should apply for similar dispensations as soon as reasonably practicable after election or co-option.

Background

4. Barrington Green, in the centre of the village, was designated as common land and established as a charity in the early twentieth century, of which the Parish Council was nominated as Custodian and sole Trustee of The Green Charity Barrington. The Charity, therefore, can exercise its power as Custodian Trustee only through the members of Barrington Parish Council.
5. The Standards Committee, at its meeting of 3 October 2002, granted a four-year dispensation to the (then) six Parish Councillors in Barrington from any items concerning Barrington Green and noted that any new Barrington Parish Council members would need to apply for a dispensation. This dispensation was renewed by the Standards Committee at its meeting of 7 June 2007.
6. 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.

7. 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.

Considerations

8. 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.
9. The Monitoring Officer, writing to the Parish Clerk in 2002 and again in 2007, noted that, in point of fact, the individual Parish Councillors were not Trustees, but were members of the Custodian Trustee, and therefore should declare that "I am a member of the Custodian Trustee of The Green Charity Barrington".

Options

10. Not to grant a dispensation in respect of issues concerning Barrington Green would leave the Charity unable to operate, as the Charity operates only through the Parish Council as Custodian Trustee.
11. The Standards Committee has been asked to grant dispensations for the duration of the current Parish Council, although it could grant dispensations for a shorter term.

Implications

12. 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 Custodian Trustee of The Green Charity Barrington, for which I have been granted a dispensation by the Standards Committee".
Staffing	None.

Risk Management	None.
Equal Opportunities	None.
Equality Impact Assessment completed	No. Not applicable.
Climate Change	None.

Consultations

13. Mrs M Goding, Barrington Parish Clerk.

Consultations with Children and Young People

14. None.

Effect on Strategic Aims

15. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted similar dispensations to the members of Barton, Bassingbourn-cum-Kneesworth, Coton, Eltisley, Foxton and Gamlingay Parish Councils, all of which were Trustees of local charities.
16. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Barrington Ground is an amenity which the Parish Council maintains for the benefit of residents.
17. 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:

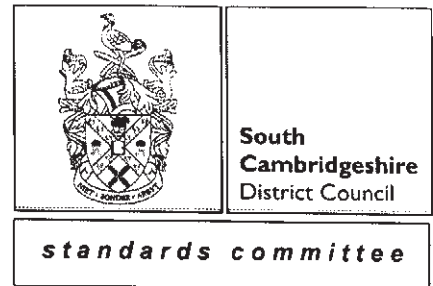
- The Standards Committee (Further Provisions) (England) Regulations 2009
- Dispensation Applications from Barrington Parish Councillors (available on the SCDC website)
- Letter from Barrington Parish Clerk 27 April 2007
- Letter from Monitoring Officer 22 May 2002
- Agendas and Minutes of Standards Committee 3 October 2002, 7 June 2007

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 :

**BARRINGTON PARISH COUNCIL
 Mrs M R Goding, Clerk**

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

**MANAGEMENT OF THE GREEN CHARITY BARRINGTON, OF WHICH BARRINGTON PARISH COUNCIL IS THE CUSTODIAN TRUSTEE
 THE NEWLY ELECTED PARISH COUNCIL SEEKS A DISPENSATION FOR ITS TERM OF OFFICE, AS HAS BEEN ASSIGNED BY SCDC FOR MANY YEARS**

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.

BY BARRINGTON PARISH COUNCIL AS A WHOLE

What is the nature of your prejudicial interest?

BARRINGTON PARISH COUNCIL IS THE CUSTODIAN TRUSTEE

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

ALL AND ANY MEETINGS AS MAY NEED TO BE CALLED

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

**ALL AND ANY MEETINGS AS MAY NEED TO BE CALLED
THE FIRST BUSINESS MEETING OF THE NEW PARISH COUNCIL AND THAT OF THE
GREEN CHARITY TAKE PLACE ON MAY 24 2011, AND THE COUNCILLORS WILL BE
OBLIGED BY LAW TO CONDUCT THEIR USUAL BUSINESS.**

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:

ALL COUNCILLORS FORM THE TRUSTEE OF THE GREEN CHARITY

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.

FOR THE LIFETIME OF THIS PARISH COUNCIL, ie four years May 2011 – May 2015

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

SCDC HAS GRANTED DISPENSATION IN THE MANNER REQUESTED FOR MANY YEARS AND I SEE NO REASON FOR THIS TO BE REFUSED. THIS IS BECAUSE BARRINGTON PARISH COUNCILLORS ARE THE LEGAL CUSTODIAN TRUSTEE OF THIS CHARITY. A DISPENSATION REQUIREMENT IS A MODERN ANOMALY.

Signed: Cllr Cooper Signature

(Clerk) Date **May 24th 2011**

Cllr Cooper:

Cllr Day: Cllr Day Signature

Cllr Fletcher Signature

Cllr Fletcher:

Cllr Hardman: Cllr Hardman Signature

Cllr Monk:

Cllr Monk Signature

Cllr Potter:

Cllr Potter Signature

Cllr Van de Weyer

Cllr Van de Weyer Signature

Cllr Whybrow:

Cllr Whybrow Signature

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

28 July 2011

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

BARTON PARISH COUNCIL – REQUESTS FOR DISPENSATIONS**Purpose**

1. Five of the nine members of Barton Parish Council, all of whom are Trustees and members of the management committee of the Barton Recreation Ground Improvement Group (BRIG), have applied for dispensations to remain in meetings and vote on all matters relating to working with BRIG to provide facilities in the village for recreation and other leisure time occupations.
2. This is not a key decision.

Recommendations

3. That the Standards Committee agree to grant dispensations until May 2015, the duration of the current Parish Council, from items relating to Barton Recreation Ground Improvement Group (BRIG) to Barton Parish Councillors Hugh Greenfield, Mary MacDonald, Margaret Penston, Tim Scott and Nigel Siddall, with the reminder that they are still to declare an interest in any matters concerning BRIG by stating “I declare an interest as a Trustee and member of the management committee of Barton Recreation Ground Improvement Group, for which I have been granted a dispensation by the Standards Committee”.
4. To advise Barton Parish Council that any new elected or co-opted Parish Councillors who are also Trustees and members of the management committee of Barton Recreation Ground must apply for dispensations immediately upon their election or co-option.

Reasons for Recommendations

5. The Standards Committee has the authority to grant dispensations from interests upon written request from District and Parish Councillors. The five Barton Parish Councillors have fulfilled the requirements of the legislation and require dispensations to continue serving an important function by providing access to improved facilities for their residents. The work of parish councils is done by volunteers and, particularly in rural communities, it is usually the same volunteers who also give their time to other community groups. Dispensations will enable the parish council and the BRIG to continue their work to benefit Barton village without any appearance of a conflict of interests.

Background

6. Mr Patrick de Backer, Clerk to Barton Parish Council, wrote on 6 July 2011, “In Barton a mixture of parish councillors and other parishioners set up the Barton Recreation Ground Improvement Group BRIG. To date this group has done considerable fund raising; it got charitable status (charity no.1130968) and arranged

the building of a new Sports and Social Pavilion which is now almost ready. The group will continue to be involved with project management and grant giving organisations in the future

7. "After the May 2011 election 5 of the 9 Parish Councillors are members of the management committee of BRIG and are individual Trustees of the charity.
8. "The 'Objects' of the Charity – "the provision of facilities for recreation and other leisure time occupation" – do not mention the Recreation Ground, but the constitution notes that the Rec is owned by SCDC, yet managed and maintained by the Parish Council, and also that the new Sports and Social Pavilion and other new equipment will be vested in the Parish Council and all investments held on behalf of the charity are vested in the Parish Council. A Deed of Dedication for the Recreation Ground is currently being set up in consultation between our solicitor and SCDC.
9. "I therefore submit application forms for our councillor members of BRIG who need to seek a dispensation from the Standards Committee in relation to approval of BRIG decisions."

Considerations

10. 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.
11. Nothing in paragraph 7 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.

12. The five parish councillors who are also Trustees and members of the management committee of BRIG have submitted written applications for four-year dispensations (up to May 2015) from any matters relating to BRIG which may be considered by the Parish Council from June 2011. The parish councillors have also noted that the Parish Council as a whole may be considering in the following matters in relation to BRIG:
- (a) Provision of part funding for a new Sports and Social Pavilion;
 - (b) Involvement in planning applications;
 - (c) Contractual or licensing matters; and
 - (d) Completion of final stages of building.
13. All five parish councillors have stated that, as parish councillors and residents of Barton, they wish to promote recreational facilities in their village, but have no personal or pecuniary benefit in these matters and are seeking dispensations because they wish to avoid any potential conflicts of interest due to their positions on both the Parish Council and the BRIG management committee.

Options

14. Not to grant dispensations would leave the Parish Council inquorate when matters relating to BRIG were to be discussed.

Implications

15. 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 Trustee and member of the management committee of Barton Recreation Ground Improvement Group, for which I have been granted a dispensation by the Standards Committee".
Staffing	None
Risk Management	None
Equality and Diversity	None
Equality Impact Assessment completed	No Not applicable
Climate Change	None

Consultations

16. Mr Patrick de Backer, Clerk to Barton Parish Council

Consultation with Children and Young People

17. None.

Effect on Strategic Aims

18. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has the authority to grant dispensations as requested by five Barton Parish Councillors.

19. Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all: Barton Parish Council will be able to continue its work with the Barton Recreation Ground Improvement Group to improve leisure and recreation facilities in the village.
20. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: The improvements, including the new Sports and Social Pavilion and new play equipment, benefit all residents of Barton and enhance the existing village amenity of Barton Recreation Ground
21. Commitment to providing a voice for rural life: The work of parish councils is done by volunteers and, particularly in rural communities, it is usually the same volunteers who also give their time to other community groups. Dispensations will enable the parish council and the BRIG to continue their work to benefit Barton village without any appearance of a conflict of interests.

Conclusions / Summary

22. Although every dispensation application must be considered on its own merits, the Standards Committee has granted similar dispensations to members of many other Parish Councils, and these dispensations are all renewals of the seven dispensations granted to Barton Parish Councillors in March 2010.

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 10 March 2010
Letter from Barton Parish Council, 6 July 2011
Dispensation Applications from Barton 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:

HUGH. R. GREENFIELD.
 Barton Parish Council

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

*Provision of part funding for a new Sports and Social Pavilion;
 involvement in planning applications;
 contractual or licensing matters;
 completion of final stages of building.*

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.

As a whole.

What is the nature of your prejudicial interest?

I am a member of the Barton Recreation Ground Improvement Group (BRIG), a charity involved in improving the facilities for recreation and other leisure time activities on Barton Recreation Ground. I am also a Parish Councillor.

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

Matters may be considered from June 2011 onwards.

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:

5 out of 9 Barton Parish Councillors are also members of BRIG, so if any Parish Council decision has to be taken in relation to a new Sports and Social Pavilion or facilities, there would not be a quorum without a dispensation. Although the building work is in the final stages of completion, it would be prudent to seek continuation of the dispensation granted by the Standards Committee in March 2010 to enable discussion of on-going matters.

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.

4 calendar years up to May 2015.

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

Both as a Councillor and a Barton resident I wish to promote recreational facilities in this village, I have no personal or pecuniary benefit in these matters and wish to avoid any potential conflict of interest.

Signature

Signed: .

X

..... Date: *5th July, 2011*

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

28 July 2011

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

COTON PARISH COUNCIL – REQUESTS FOR DISPENSATIONS**Purpose**

1. The members of Coton Parish Council wish to apply formally for a dispensation to enable all eight members to remain in meetings and vote on matters relating to the Coton Recreation Ground.
2. This is not a key decision.

Recommendations

3. That the Standards Committee grant dispensations until May 2015, the duration of the current Parish Council, to Coton Parish Councillors Darling, Geoff Diplock, Godard, McLoughlin, Sadler, Smart, Storkey and Wilson, with the reminder that they are still to declare an interest in any matters concerning Coton Recreation Ground as described below, and to declare that they have received a dispensation for that interest.
4. That the Standards Committee advise Coton Parish Council that any new elected or co-opted Parish Councillors must apply for dispensations immediately upon their election or co-option.

Reasons for Recommendations

5. The Standards Committee has the authority to grant dispensations from interests upon written request from District and Parish Councillors. The eight Coton Parish Councillors have fulfilled the requirements of the legislation and require dispensations to enable Coton Recreation Ground Trust to operate.

Background

6. Coton Recreation Ground is a registered charity, of which Coton Parish Council is the sole Trustee. The charity, therefore, can exercise its power as Trustee only through the members of Coton Parish Council.
7. 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.
8. Nothing in paragraph 7 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.

Considerations

- 9. The eight current members of Coton Parish Council (there is one vacancy), have applied in writing for four-year dispensations in respect of any matters concerning Coton Recreation Ground.
- 10. Coton Parish Council has met the requirements of the 2009 Regulations and there is nothing in their applications to prevent the grant of their request.

Options

- 11. Not to grant a dispensation would leave the Parish Council unable to discuss any matters relating to Coton Recreation Ground as Coton Parish Council is the sole Trustee of the Coton Recreation Ground Trust.

Implications

12. 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 Trustee of the Recreation Ground, for which I have been granted a dispensation by the Standards Committee".
Staffing	None
Risk Management	None
Equality and Diversity	None

Equality Impact Assessment completed	No
	Not applicable
Climate Change	None

Consultations

13. Mrs Gail Stoehr, Clerk to Coton Parish Council.

Consultation with Children and Young People

14. None.

Effect on Strategic Aims

15. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Coton Recreation Ground is a village amenity for which the Parish Council, as sole Trustee, has responsibility.
16. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

Conclusions / Summary

17. Although every dispensation application must be considered on its own merits, these requests are for renewals of previous Standards Committee dispensations granted to the then-members of Coton Parish Council in June 2009.

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

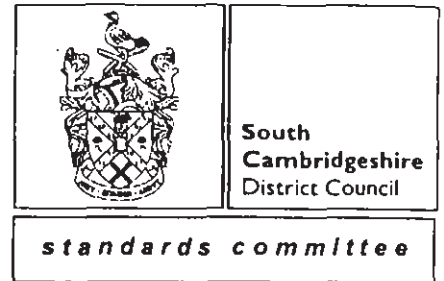
The Standards Committee (Further Provisions) (England) Regulations 2009
 Minutes of Standards Committee 17 June 2009
 Dispensation Applications from Coton Parish Councillors (available on the SCDC website)

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:

ROSEMARY DARLING Coton Parish Council.

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

Coton Recreation ground trust

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 AND/OR RECREATION
GROUND TRUST

What is the nature of your prejudicial interest?

Parish Council is sole trustee

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

Any between now and May 2015

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:

Trustees Cotton Recreation Ground
100% PC is sole trustee

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.

yes. Full 4 years.

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

otherwise no business can be transacted

Signature

Signed



Date:

14/6/11

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 June 2011

28 July 2011

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

FOXTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. The members of Foxton Parish Council wish to apply formally for a dispensation to enable all nine members, who are Trustees of Foxton Recreation Ground, to remain in meetings and vote on matters relating to the Foxton Recreation Ground Trust.

Recommendations and Reasons

2. That the Standards Committee grant dispensations until May 2015, the duration of the current Parish Council, to Foxton Parish Councillors Geoffrey Barnes, Malcolm Bore, Liam Elliott, Colin Grindley, Rachael Macintyre, Ronald McCreery, Christine McFadzean, Nigel Oakley and Peter Sutton in respect of issues concerning Foxton Recreation Ground, with the reminder that they are still to declare an interest in any matters concerning Foxton Recreation Ground as described below, and to declare that they have received a dispensation for that interest
3. That the Parish Council be advised that any new parish councillors elected or co-opted to the Parish Council should apply for similar dispensations as soon as reasonably practicable after election or co-option.

Background

4. Foxton Recreation Ground is a registered charity, created March 2000, of which Foxton Parish Council is the sole Trustee. The charity, therefore, can exercise its power as Trustee only through the members of Foxton Parish Council.
5. The Foxton Parish Council website describes the Recreation Ground Trust thus:
This charity came in to being in March 2000 when Councillors were making preparations for the future management of the new community facilities.

The Trust "owns" that part of the recreation ground acquired by the War Memorial Trust in the 1920's. Other parts of the recreation ground including where the tennis courts and bowls club are situated were purchased by the Parish Council.

The main objective of the Trust is the provision and maintenance of the recreation ground.

The Trust is viewed as the "landlord" of the village hall and sports pavilion under a lease.

All Parish Councillors are automatically Trustees of the Recreation Ground Trust.

The Trust holds in investment accounts the monies raised in overage arising out of the development of former Trust and Parish Council owned land. Income from these investments has enabled the Trustees, for the first time, to pay for maintenance and works on the recreation ground so having a beneficial effect on the level of parish precept.

The Trustees are seeking to establish a sinking fund for the long term repair and maintenance of the village hall, roadway etc. They are also seeking to acquire an extension to the recreation ground to re-establish the long lost allotments, provide cricket nets, provide a garden for pre school children and some general relaxation space. Registration of land held in trust is a precursor to this purchase.

Once these transactions have been completed, a new trust deed will be required dealing with the widened responsibilities of the Trustees.

6. The Standards Committee, at its meeting of 9 September 2009, granted a dispensation until May 2011 to the (then) eight Parish Councillors in Foxton from any items concerning Foxton Recreation Ground and noted that any new Foxton Parish Council members would need to apply for a dispensation. The Standards Committee asked the Parish Council to re-apply, if necessary, following the May 2011 elections, which the Parish Council has now done.
7. 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.
8. 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.

Considerations

9. The members of Foxtton Parish Council have applied in writing for four-year dispensations in respect of any matters concerning Foxtton Recreation Ground.
10. Foxtton Parish Council has met the requirements of the 2009 Regulations and there is nothing in their applications to prevent the grant of their request.

Options

11. Not to grant a dispensation would leave the Parish Council unable to discuss any matters relating to Foxtton Recreation Ground as all Parish Councillors are members of the Trust.

Implications

12. 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 Trustee of Foxtton Recreation Ground Trust, for which I have been granted a dispensation by the Standards Committee”.
Staffing	None.
Risk Management	None.
Equal Opportunities	None.
Equality Impact Assessment completed	No. Not applicable.
Climate Change	None.

Consultations

13. Dr Nigel Oakley, Chairman, Foxtton Parish Council

Consultations with Children and Young People

14. None.

Effect on Strategic Aims

15. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted similar dispensations to the members of Barton, Barrington, Bassingbourn-cum-Kneesworth, Coton, Eltisley and Gamlingay Parish Councils, all of which were Trustees of local charities.
16. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Foxtton Recreation Ground is a village amenity for which the Parish Council, as sole Trustee, has responsibility.

17. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

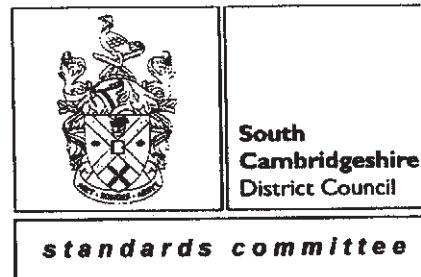
Background Papers: the following background papers were used in the preparation of this report:

The Standards Committee (Further Provisions) (England) Regulations 2009
Dispensation Applications from Foxtton Parish Councillors (available on the SCDC website)
E-mail from Foxtton Parish Council Chairman, 15 April 2011
Agendas and Minutes of Standards Committee 9 September 2009

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Parish Council Member's Application for a Dispensation

To: Standards Committee, South Cambridgeshire District Council

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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:

GEOFFREY D. BARNES

FOXTON PARISH COUNCIL

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

MATTERS CONCERNING FOXTON RECREATION GROUND TRUST

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

What is the nature of your prejudicial interest?

ALL MEMBERS OF THE PARISH COUNCIL ARE DE FACTO TRUSTEES OF FOXTON RECREATION GROUND TRUST AND THIS HAVE TO DECLARE AN INTEREST WHEN DISCUSSING MATTERS CONCERNING THE TRUST.

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

6 JUNE 2011

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:

ALL MEMBERS OF THE PARISH COUNCIL ARE TRUSTEES OF
FOXTON RECREATION GROUND TRUST.

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.

DISPENSATION NEEDED FOR 4 YEARS

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

TO EFFECTIVELY MANAGE THE RECREATION GROUND IT IS NECESSARY
TO DISCUSS THE RECREATION TRUST AND ITS DECISIONS AT PARISH
COUNCIL MEETINGS.

Signed: **Signature** Date: 11 May 2011