

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 November 2006

AUTHOR/S: Chief Executive / Democratic Services Officer

ELTISLEY PARISH COUNCIL – FURTHER REQUEST FOR DISPENSATION

Purpose

1. To consider a request for a dispensation for a co-opted member of Eltisley Parish Council.

Background

2. There are seven seats on Eltisley Parish Council. The quorum is three.
3. In May 2006 four members of Eltisley Parish Council, all residents of Caxton End, Eltisley, sought and received a dispensation from the Standards Committee for any matters regarding Caxton End. No specific issue had precipitated this request: it was made in response to an e-mail from the Monitoring Officer advising that members should leave the meeting for any matters relating to anything in the same road, e.g., school, verges, road maintenance, planning, etc.
4. A dispensation was granted by the Standards Committee on 10 May 2006 as follows:
 - (a) “that a dispensation be granted to Eltisley Parish Councillors:
 - Michael Cropley;
 - David Lee;
 - Roger Pinner; and
 - Daphne Spink“from any item concerning Caxton End, Eltisley, the dispensation to:
 - (i) “be in place initially for twelve months and then reviewed by the Standards Committee;
 - (ii) “fall if the co-option of new members alters the balance of the parish council so that the meeting does not become inquorate if these members must declare an interest and withdraw from the meeting; and
 - (b) “that the above-named Parish Councillors be required still to declare an interest in matters in which they have been granted this dispensation and to declare the existence of this dispensation.”
5. Eltisley Parish Council has since co-opted members to fill the two vacancies with which it was left after the 4 May 2006 elections. One of these co-opted members, Mr John Pettifor, lives at Caxton End, and asks that a dispensation be granted under the same terms accorded on 10 May 2006.

Considerations

6. Under the *Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002*, a standards committee can grant a dispensation to a member if:
 - (a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because:

- i) the numbers of members of the authority that are prohibited from participating in the business of the authority exceeds 50 per cent of those members that are entitled or required to participate; or
 - ii) the authority is not able to comply with any duty which applies under section 15(4) of the Local Government and Housing Act 1989;
- (b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable.

7. All requests to a Standards Committee for dispensations are granted at the Committee's discretion.
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.

Options

9. The Standards Committee could grant a dispensation to Mr Pettifor, in the same terms as those granted in May 2006, but make the dispensation subject to review in May 2007 along with the four previously granted.
10. The co-option of two new members to Eltislely Parish Council has not altered the balance of that authority as specified in the terms of the initial dispensation; however, with the granting of the initial dispensation, the meeting would not become inquorate if those members already granted a dispensation remained during consideration of an item in which they had declared both an interest and the existence of the dispensation in respect of that interest. The Standards Committee therefore could decline to grant a dispensation to Mr Pettifor on the grounds that the meeting would not become inquorate.

Implications

11.	Financial	None.
	Legal	None.
	Staffing	None.
	Risk Management	None.
	Equal Opportunities	None.

Consultations

12. Clerk to Eltislely Parish Council on the frequency of the use of the May 2006 dispensations. The Clerk has reported that the Parish Council meets every second month and three councillors used the May 2006 dispensation at the 12 September 2006 meeting, and all four are expected to use it again at the next meeting when Caxton End Traffic Access is on the agenda.

Effect on Annual Priorities and Corporate Objectives

13.	Affordable Homes	None.
	Customer Service	None.
	Northstowe and other growth areas	None.
	Quality, Accessible Services	None.

Village Life	The Standards Committee has the power to grant a dispensation upon request from a parish council.
Sustainability	None.
Partnership	None.

Conclusions/Summary

14. The Standards Committee has the authority to grant a dispensation to Mr Pettifor in line with those granted in May 2006 to other members of Eltisley Parish Council. If it agrees to grant a dispensation, it should be reviewed at the start of the 2007-08 municipal year along with those previously granted.

Recommendations

15. To grant a dispensation to Mr John Pettifor from any item concerning Caxton End, Eltisley, the dispensation to be in place initially until May 2007 and then reviewed by the Standards Committee; and
16. To require Parish Councillor Pettifor to declare an interest in matters in which he has been granted this dispensation and to declare the existence of this dispensation.

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

Eltisley Parish Council – Request for Dispensation (report to Standards Committee 10 May 2006)
 Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002

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