

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

17 June 2009

AUTHOR/S: Chief Executive / Democratic Services Officer

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, who are Trustees of Coton Recreation Ground, to remain in meetings and vote on matters relating to the Coton Recreation Ground Trust.
2. This is not a key decision.

Background

3. 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.
4. 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.
5. Nothing in paragraph 4 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

- 6. The seven 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.
- 7. 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

- 8. Not to grant a dispensation would leave the Parish Council unable to discuss any matters relating to Coton Recreation Ground as all Parish Councillors are members of the Trustee.
- 9. The Standards Committee could grant a dispensation for four years or until May 2011, the duration of the current Parish Council. Although the Parish Council has asked for a four-year dispensation, the Standards Committee might consider it appropriate to grant the dispensation for the remainder of the term of the current Parish Council and ask the Parish Council to re-apply, if necessary, following the May 2011 elections.

Implications

10.	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.
	Equal Opportunities	None.

Consultations

- 11. None.

Effect on Strategic Aims

12.	Commitment to being a listening council, providing first class services accessible to all.
	None specific.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	None specific.
	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.
Commitment to assisting provision for local jobs for all.
None specific.
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

13. Although every dispensation application must be considered on its own merits, the Standards Committee has granted a similar dispensation to all members of Barrington Parish Council in respect of issues concerning Barrington Green, for which the Parish Council is the Custodian and Sole Trustee of The Green Charity Barrington.
14. If Coton Parish Council should fill the vacancy, the new parish councillor will have to make a separate application to the Standards Committee for a dispensation.

Recommendations

15. To grant a dispensation until May 2011, the duration of the current Parish Council, to Coton Parish Councillors Mrs Rosemary Darling, Mrs Michaela Edwards, Geoff Diplock, Mrs Dawn McLoughlin, Mrs Wendy Sadler, Mrs Beryl Smart, Alan Storkey and Dr Chris Thorne, with the reminder that they are still to declare an interest in any matters concerning Coton Recreation Ground as described above, and to declare that they have received a dispensation for that interest.

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 3 October 2002, 7 June 2007, 11 March 2009
 Dispensation Applications from Coton Parish Councillors (available on the SCDC website)

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