

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

17 June 2009

AUTHOR/S: Chief Executive / Democratic Services Officer

ELTISLEY PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. All seven Eltisley Parish Councillors wish to apply formally for dispensations in respect of Eltisley Village Green Trust and the Allotments for the Labouring Poor.
2. Five of the seven members of Eltisley Parish Council have received dispensations in respect of items concerning Caxton End, Eltisley, at which these five members live. The Standards Committee was to review this dispensation in 2007-08, but this was not done and the Parish Council requests that the original dispensation be extended.
3. This is not a key decision.

Background

4. Eltisley Parish Council is the Trustee of both the Eltisley Village Green and the Allotments for the Labouring Poor. The Trusts can operate only through the members of Eltisley Parish Council.
5. More than 50% of the members of Eltisley Parish Council are residents of Caxton End. On 5 June 2006 the Standards Committee granted a dispensation from issues relating to Caxton End to four parish councillors, with a fifth identical dispensation granted on 8 November 2006 following co-option to the parish council of another Caxton End resident. The Standards Committee was due to review these dispensations in 2007-08, but this and other reviews were deferred pending publication of the new regulations, publication of which was delayed for more than a year. Officers are now contacting all parish councils and meetings with details of the new regulations.
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 6 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. The seven members of Eltisley Parish Council have applied in writing for four-year dispensations in respect of any matters concerning Eltisley Village Green and the Allotments for the Labouring Poor.
- 9. The five members of Eltisley Parish Council who are resident at Caxton End have applied in writing for four-year dispensations in respect of any matters concerning Caxton End.
- 10. Eltisley Parish Council meets the requirements of the 2009 Regulations and there is nothing in their applications to prevent the Standards Committee from granting their requests.

Options

- 11. Not to grant a dispensation in respect of issues concerning Eltisley Village Green and the Allotments for the Labouring Poor would leave the Parish Council unable to discuss any issues concerning these parts of the village.
- 12. Not to grant a dispensation to the five Caxton End residents in respect of issues concerning Caxton End would result in more than 50% of the Parish Council being unable to vote on any business of the authority concerning this part of Eltisley.
- 13. In both cases the Standards Committee has been asked to grant dispensations for four years, the maximum allowed, although the Committee could consider whether it would be more appropriate to grant dispensations until May 2010, the end of the duration of the current Parish Council, and ask the Parish Councillors after the May 2010 elections to re-apply for a four-year term.

Implications

14. 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 Eltisley Village Green and the Allotments for the Labouring Poor, for which I have been granted a dispensation by the Standards Committee", "I declare an interest as a Trustee the Allotments for the Labouring Poor, for which I have been granted a dispensation by the Standards Committee" or "I declare an interest as a resident of Caxton End, for which I have been granted a dispensation by the Standards Committee"
Staffing	None.
Risk Management	None.
Equal Opportunities	None.

Consultations

15. None.

Effect on Strategic Aims

16.	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.
	Eltisley Village Green and the Allotments for the Labouring Poor are amenities which the Parish Council maintains for the benefit of residents.
	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

17. 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.
18. For those parish councillors residing at Caxton End, Eltisley, the 2006-07 dispensation appears to have been used appropriately, with Parish Council minutes

reflecting that members were diligent in declaring both their interest and the existence of the dispensation.

Recommendations

19. To grant a dispensation until May 2010, the duration of the current Parish Council, to Eltisley Parish Councillors Mike Cropley, Charlotte Freeman, David Lee, Martin Lines, John Pettifor, Roger Pinner and Daphne Spink, in respect of issues concerning the Eltisley Village Green Trust and the Allotments for the Labouring Poor.
20. To grant a dispensation until May 2010, the duration of the current Parish Council, to Eltisley Parish Councillors Mike Cropley, David Lee, John Pettifor, Roger Pinner and Daphne Spink in respect of issues concerning Caxton End, Eltisley.

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, 10 May 2006, 8
November 2006, 7 June 2007, 11 March 2009
Dispensation Applications from Eltisley Parish Councillors (available on the SCDC
website)

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