

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

9 September 2009

**AUTHOR/S:** Chief Executive / Democratic Services Officer

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### FOXTON PARISH COUNCIL – REQUESTS FOR DISPENSATIONS

#### **Purpose**

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

#### **Background**

3. Foxtton Recreation Ground is a registered charity, created March 2000, of which Foxtton Parish Council is the sole Trustee. The charity, therefore, can exercise its power as Trustee only through the members of Foxtton Parish Council.
4. The Foxtton 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.*

5. 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.
6. 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**

7. The eight current members (there is one vacancy) of Foxton Parish Council have applied in writing for four-year dispensations in respect of any matters concerning Foxton Recreation Ground.
8. Foxton 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**

9. Not to grant a dispensation would leave the Parish Council unable to discuss any matters relating to Foxton Recreation Ground as all Parish Councillors are members of the Trustee.
10. 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

11.	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

12. None.

### Effect on Strategic Aims

13.	<b>Commitment to being a listening council, providing first class services accessible to all.</b>
	None specific.
	<b>Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.</b>
	None specific.
	<b>Commitment to making South Cambridgeshire a place in which residents can feel proud to live.</b>
	Foxton Recreation Ground is a village amenity for which the Parish Council, as sole Trustee, has responsibility.
	<b>Commitment to assisting provision for local jobs for all.</b>
	None specific.
	<b>Commitment to providing a voice for rural life.</b>
	The Standards Committee has the power to grant a dispensation upon request from a parish council.

### Conclusions / Summary

14. Although every dispensation application must be considered on its own merits, the Standards Committee has granted similar dispensations to all members of Barrington, Coton and Eltisley Parish Councils in respect of issues concerning Barrington Village Green, Coton Recreation Ground Trust, and Eltisley Village Green Trust and the Allotments for the Labouring Poor.

## **Recommendations**

15. To grant dispensations until May 2011, the duration of the current Parish Council, to Foxton Parish Councillors Mr David Allars, Mr Geoffrey Barnes, Mr Steven Bentinck, Dr Colin Grindley, Mrs Rachael Macintyre, Dr David McKeown, Dr Nigel Oakley and Mr Peter Sutton, with the reminder that they are still to declare an interest in any matters concerning Foxton 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, 17 June 2009  
Dispensation Applications from Foxton Parish Councillors (available on the SCDC website)  
Foxton Parish Council website ([www.foxtoncambs.info](http://www.foxtoncambs.info))

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