

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

9 December 2009

AUTHOR/S: Chief Executive / Democratic Services Officer

HORSEHEATH PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. Six of the seven members of Horseheath Parish Council seek dispensations from the Standards Committee from any items land availability for low-cost (affordable) housing and planning applications on exception sites.
2. This is not a key decision and has not been published in the Forward Plan.

Background

3. 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.
4. 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

5. Six of the seven current members of Horseheath Parish Council have applied in writing for four-year dispensations in respect of any matters concerning land availability for low-cost (affordable) housing and planning applications on exception sites. Eight possible sites have been identified across the village, affecting the interests of the majority of the Parish Council, although the number affected should decrease once consultation with the landowners has taken place. No business relating to these sites has yet been scheduled for discussion by the Parish Council.
6. Horseheath Parish Council has met the requirements of the 2009 Regulations and there is nothing in their applications to prevent the grant of their request. The Standards Committee granted a similar dispensation to four members then on Horseheath Parish Council in 2007.
7. One member has declined to apply for a dispensation because, having considered the matter thoroughly, she believes that she will not have a prejudicial interest as the area where she lives will not be affected.

Options

8. Not to grant a dispensation would leave the Parish Council unable to discuss any matters relating to low-cost (affordable) housing and planning applications on exception sites as the meeting would become inquorate.
9. The Standards Committee could grant a dispensation for four years or until May 2011, the duration of the current Parish Council. The Parish Council has asked for four-year dispensations to ensure that meetings remain quorate in the period immediately 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.
Staffing	None.
Risk Management	None.
Equal Opportunities	None.

Consultations

11. Dr BD Yallop, Clerk to Horseheath Parish Council.

Effect on Strategic Aims

12.	Commitment to being a listening council, providing first class services accessible to all. The Parish Council has applied to the Standards Committee for a dispensation which is within the Committee's power to grant, enabling local consideration of issues of significance to the village.
	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.
The Standards Committee is able to grant a dispensation which would enable parish councillors to ensure that their local knowledge informs discussions of matters affecting the availability and provision of affordable housing in their village.
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; in this case, it would be able to grant a dispensation to allow local consideration of issues of importance to the village.

Conclusions / Summary

13. Although every dispensation application must be considered on its own merits, on 14 November 2007 the Standards Committee granted a one-year dispensation to four of the seven members then on Horseheath Parish Council for all meetings at which the issue of land availability for low-cost housing was on the agenda.

Recommendations

14. To grant dispensations for four years from December 2009 from any items land availability for low-cost (affordable) housing and planning applications on exception sites to Horseheath Parish Councillors R Daynes, DV Gouldstone, M Howell, D Lindsell, S Miller, and C Newman, with the reminder that they are still to declare an interest in such items and that they also must 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
 Agenda and Minutes of Standards Committee 14 November 2007
 Dispensation Applications from Horseheath Parish Councillors

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