

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

10 March 2010

AUTHOR/S: Chief Executive / Executive Director (Corporate Services)

BARTON PARISH COUNCIL – REQUESTS FOR DISPENSATIONS

Purpose

1. Seven of the nine members of Barton Parish Council, all of whom are Trustees and members of the management committee of the Barton Recreation Ground Improvement Group (BRIG), have applied for dispensations to remain in meetings and vote on all matters relating to working with BRIG to provide facilities in the village for recreation and other leisure time occupations, including:
 - (a) Seeking funding for a new Sports and Social Pavilion;
 - (b) Consideration of grants to the project from the Parish precept;
 - (c) Involvement in planning applications and overseeing building work; and
 - (d) Eventual contractual, management and licensing matters.
2. This is not a key decision.

Background

3. Mr Patrick de Backer, Clerk to Barton Parish Council, wrote on 4 February 2010, “In Barton a mixture of parish councillors and other parishioners set up the Barton Recreation Ground Improvement Group BRIG. To date this group has done considerable fund raising; it got charitable status (charity no.1130968) and obtained planning permission for the building of a new Sports Pavilion. It recently secured Pathfinder funding for extra play equipment. It will obviously be involved with architects and builders and grant giving organisations in the near future
4. “At present 7 of the 9 Parish Councillors are members of the management committee of BRIG and are therefore individual Trustees of the charity. The constitution of BRIG says that there will not be less than 8 and not more than 14 Trustees.
5. “The ‘Objects’ of the Charity – “the provision of facilities for recreation and other leisure time occupation” – do not mention the Recreation Ground, but the constitution notes that the Rec is owned by SCDC, yet managed and maintained by the Parish Council, and also that the new Sports Pavilion and other new equipment will be vested in the Parish Council and all investments held on behalf of the charity are vested in the Parish Council. A Deed of Dedication for the Recreation Ground is currently being set up in consultation between our solicitor and SCDC.
6. “I therefore submit application forms for our councillor members of BRIG who may need to seek a dispensation from the Standards Committee in relation to approval of BRIG decisions.”

Considerations

7. 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.
8. Nothing in paragraph 7 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.
9. The seven parish councillors who are also Trustees and members of the management committee of BRIG have submitted written applications for four-year dispensations (up to January 2014) from any matters relating to BRIG which may be considered by the Parish Council from March 2010. The parish councillors have also noted that Barton Parish Council has approved a resolution to work in partnership with BRIG towards the aim of improving the provision of recreation and leisure facilities in the village.
10. All seven parish councillors have stated that, as parish councillors and residents of Barton, they wish to promote recreational facilities in their village, but have no personal or pecuniary benefit in these matters and are seeking dispensations because they wish to avoid any potential conflicts of interest due to their positions on both the Parish Council and the BRIG management committee.

Options

- 11. Not to grant dispensations would leave the Parish Council inquorate when matters relating to BRIG were to be discussed.
- 12. Barton Parish Council is scheduled for elections in 2011. The Standards Committee could grant the dispensations for four years as requested, or until the end of the current parish council in just over one year, and invite the members to re-apply in 2011. Depending upon the respective meeting schedules of Barton Parish Council

and the Standards Committee, there could be a period during which no dispensations were in effect, which would disadvantage the residents of Barton if any decisions relating to BRIG needed to be taken.

Implications

13. 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 and member of the management committee of Barton Recreation Ground Improvement Group, for which I have been granted a dispensation by the Standards Committee".
Staffing	None
Risk Management	None
Equal Opportunities	None

Consultations

14. None.

Effect on Strategic Aims

15.	Commitment to being a listening council, providing first class services accessible to all. The Standards Committee has the authority to grant dispensations as requested by seven Barton Parish Councillors.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all. Barton Parish Council will be able to continue its work with the Barton Recreation Ground Improvement Group to improve leisure and recreation facilities in the village.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live. The proposed improvements, including a new Sports and Social Pavilion and new play equipment, will benefit all residents of Barton and enhance and existing village amenity.
	Commitment to assisting provision for local jobs for all. None specific.
	Commitment to providing a voice for rural life. The work of parish councils is done by volunteers and, particularly in rural communities, it is usually the same volunteers who also give their time to other community groups. Dispensations will enable the parish council and the BRIG to continue their work to benefit Barton village without any appearance of a conflict of interests.

Conclusions/Summary

16. Although every dispensation application must be considered on its own merits, the Standards Committee has granted similar dispensations to members of Barrington, Coton, Eltisley, Foxton and Gamlingay Parish Councils.

Recommendations

17. To grant four-year dispensations, until March 2014, from items relating to Barton Recreation Ground Improvement Group (BRIG) to Barton Parish Councillors Hugh Greenfield, Mary MacDonald, Margaret Penston, Tim Scott, Nigel Siddall, Jane Walker and Karen Wilkins, with the reminder that they are still to declare an interest in any matters concerning BRIG by stating "I declare an interest as a Trustee and member of the management committee of Barton Recreation Ground Improvement Group, for which I have been granted a dispensation by the Standards Committee".
18. To advise Barton Parish Council that any new elected or co-opted Parish Councillors who are also Trustees and members of the management committee of Barton Recreation Ground must apply for dispensations immediately upon their election or co-option.

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, 7 June 2007, 11 March 2009, 17 June 2009, 9 September 2009, 9 December 2009
Letter from Barton Parish Council, 4 February 2010
Dispensation Applications from Barton Parish Councillors

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