

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

10 March 2010

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

GAMLINGAY PARISH COUNCIL: REQUEST FOR DISPENSATIONS

Purpose

1. Councillors Gerald Burne and Richard Halpin, newly-co-opted Gamlingay Parish Councillors, have applied formally for dispensations to enable them to remain in meetings and vote on matters concerning the Community Centre's financial affairs or which relate to regulatory issues such as planning permission, licensing or contracts. This is not a key decision.

Background

2. 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.
3. Nothing in paragraph 2 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.

4. The Standards Committee, at its meeting of 9 December 2009, having heard that there were two vacancies then on Gamlingay Parish Council, granted dispensations to the ten current members of Gamlingay Parish Council, and advised the Parish Council that any newly-elected or co-opted members to the two vacancies should apply for similar dispensations upon election or co-option.

Considerations

5. Parish Councillors Burne and Halpin have noted on their application forms that, "The Parish Council is seeking to enhance community facilities within the village with a major refurbishment project for the Community Centre, transforming it into an Eco-Hub. This will involve financial input from the Parish Council, grant applications to external bodies and potentially borrowing money. Planning applications for the Hub will be considered by the Parish Council planning committee and its Finance committee will consider the impact of spending. Members need clarification that they are all entitled to discuss and vote on all issues pertaining to the Community Centre / Hub." The Parish Clerk has advised that the Community Centre is a prominent agenda item at the moment.
6. The Deputy Monitoring Officer advised the Parish Council prior to the December 2009 Standards Committee meeting that, as the parish council as a whole is the holding / custodian trustee, all councillors would have a personal interest in the community centre but it is likely that they would have a prejudicial interest only in matters concerning the financial affairs of the centre or which involve any regulatory issue such as planning permission, licensing, or contracts. The Parish Council has been further advised that, while holding a position of authority on the management committee increases the chance of the public perception being that the councillor has a prejudicial interest, it does not mean that those councillors who are just trustees and not members of the management committee do not also have a prejudicial interest. For this reason, the Deputy Monitoring Officer recommended that all members of the Parish Council apply for dispensations.

Options

7. Not to grant a dispensation would not leave the Parish Council unable to discuss any regulatory matters relating to Gamlingay Community Centre, as the dispensations granted in December 2009 ensure that more than 50% of the Parish Council would be able to participate in such matters. Not granting the dispensation would, however, create two separate tiers of parish councillor on the authority: those who had a dispensation and those who did not, and would prevent Councillors Burne and Halpin from being able to serve on the Parish Council as fully as their colleagues.

Implications

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| 8. | 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 holding / custodian trust for Gamlingay Community Centre, for which I have been granted a dispensation by the Standards Committee". |
| | Staffing | None |
| | Risk Management | None |
| | Equal Opportunities | None |

Consultations

9. Ms L Bacon, Gamlingay Parish Clerk.

Effect on Strategic Aims

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| 10. | Commitment to being a listening council, providing first class services accessible to all. The Standards Committee has already responded to the initial dispensation requests from Gamlingay Parish Council, and this further request has been made based on the Committee's own advice that any new elected or co-opted members apply for a similar dispensation upon election or co-option. |
| | 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. Gamlingay Community Centre is a village amenity for which the Parish Council, as the holding / custodian trust, 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. |

Recommendations

11. To grant four-year dispensations to Gamlingay Parish Councillors Gerald Burne and Richard Halpin with the reminder that they are still to declare an interest in any matters concerning Gamlingay Community Centre 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
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 Gamlingay Parish Council, 16 November 2009
Dispensation Applications from Gamlingay Parish Councillors Gerald Burne and Richard Halpin

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