

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

16 June 2010

**AUTHOR/S:** Executive Director (Corporate Services) / Legal and Democratic Services Manager

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### ELTISLEY PARISH COUNCIL: REQUEST FOR DISPENSATION

#### Purpose

1. Six of the seven Eltisley Parish Councillors wish to apply formally for dispensations in respect of Eltisley Village Green Trust and the Allotments for the Labouring Poor. This is not a key decision.

#### Recommendations and Reasons

2. That the Standards Committee grant dispensations until May 2014, the duration of the current Parish Council, to Eltisley Parish Councillors Sheila Childerley, Mike Cropley, Martin Lines, Roger Pinner John Pettifor, and Angela Weldon in respect of issues concerning the Eltisley Village Green Trust and the Allotments for the Labouring Poor, with the reminder that they are still to declare an interest in any matters concerning Eltisley Village Green Trust and the Allotments for the Labouring Poor as described below, and to declare that they have received a dispensation for that interest.

#### Background

3. Eltisley Parish Council is the sole 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.
4. The Standards Committee previously granted dispensations until May 2010, the duration of the previous parish council, to the seven members of then on Eltisley Parish Council. The new Parish Council was elected on 27 May 2010 and the Annual Meeting was held Thursday 10 June 2010, at which time the new and returning members agreed to seek four-year dispensations in respect of issues concerning the Eltisley Village Green Trust and the Allotments for the Labouring Poor.
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 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**

- 7. Six of 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. The seventh member has not yet submitted a dispensation request, pending clarification from the District Council about a query he raised with the Clerk about his membership of the Standards Committee.
- 8. 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**

- 9. 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.
- 10. The Standards Committee has been asked to grant dispensations for four years, the maximum allowed and the duration of the current Parish Council, although it could grant dispensations for a shorter term.

**Implications**

- 11. 

Financial	None.
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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".
Staffing	None.
Risk Management	None.
Equal Opportunities	None.
Climate Change	None.

### Consultations

12. Mrs G Stoehr, Eltisley Parish Clerk.

### Effect on Strategic Aims

13. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted dispensations to the members of Eltisley Parish Council, and this further request has been made based on the Committee's June 2009 decision to grant one-year dispensations to the end of the duration of the former Parish Council, with the option for members of the new Parish Council to re-apply in June 2010.
14. 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.
15. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

**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, 17 June 2009  
 Dispensation Applications from Eltisley Parish Councillors (available on the SCDC website)

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