

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

August 2010

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CAXTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. Caxton Parish Councillors Richard Bartram, Margaret Harrison, Kirsty Human and Nigel Pearson have applied formally for dispensations to enable them to remain in meetings and to discuss and vote on matters concerning Ermine Street, Caxton. 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 Caxton Parish Councillors Richard Bartram, Margaret Harrison, Kirsty Human and Nigel Pearson with the reminder that they are still to declare an interest in any matters concerning Ermine Street as described below, and to declare that they have received a dispensation for that interest.

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. The parish councillors have noted on their application forms that five of seven members of the Parish Council live on Ermine Street.

Options

- 6. Not to grant a dispensation could leave the Parish Council unable to discuss any matters relating to Ermine Street, which is the main thoroughfare in the village and the road upon which the majority of Caxton's residents live.

Implications

7. 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 resident of Ermine Street, for which I have been granted a dispensation by the Standards Committee".
Staffing	None.
Risk Management	None.
Equal Opportunities	None.
Climate Change	None.

Consultations

- 8. None.

Effect on Strategic Aims

- 9. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted similar dispensations in 2006 and again in 2009 in respect of the five members of the seven-member Eltisleigh Parish Council then resident at Caxton End, Eltisleigh, to enable the Parish Council to conduct business relating to Caxton End; and also in 2008 to the three members of the five-member Madingley Parish Council then resident at Dry Drayton Road, for the same reasons.
- 10. 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 10 May 2006, 8 November 2006, 20 February 2008, 17 June 2009

Dispensation Applications from Caxton Parish Councillors

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