

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

15 September 2010

Update: 19 January 2011

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CROYDON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. All seven members of Croydon Parish Council have applied formally for dispensations to enable them to remain in meetings and to discuss and vote on planning matters. This is not a key decision.

Recommendations and Reasons

2. That the Standards Committee grant dispensations until May 2012, the duration of the current Parish Council, to Croydon Parish Councillors Colin Friend, Tim Hancock, Michelle Hunter, Paul Martin, Susan Slator, Frank Sole and Garth Wheeler with the reminder that they
 - (a) must declare an interest in all specific planning matters in which they have a declarable interest;
 - (b) must declare the nature of that interest;
 - (c) must declare that they have received a dispensation for that interest;the dispensation to be effective only in situations where 50% or more of the Parish Council would otherwise be unable to participate.

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 the small size of the parish increases the likelihood that more than 50% of the parish council could be unable to participate in discussions of planning matters. They add, "Planning matters are of great local importance and the views of Parish Councils are always considered by South Cambs Planning Department, although the Parish itself has no power to determine the outcome of any planning application. A dispensation for all the serving councillors would help with any situations where an interest may preclude their participation."
6. Applications have been received from all seven members, and one is attached to this agenda as an example (all have used identical wording). All seven are available on-line. The maximum time for which a dispensation may be granted is four years; the applicants have asked for dispensations until May 2012, the duration of the current Parish Council.
7. Dispensations should not be granted solely to enable participation in matters in which an elected members has a prejudicial interest; however, the Standards Committee will appreciate that in smaller villages, networks of friends, colleagues and family members can overlap considerably, and members of a parish council often are acquainted with the majority of village residents. Rather than granting general dispensations from all planning matters, the Standards Committee could grant dispensations which came into effect only when certain specific conditions were met:
 - (a) Each individual member must consider his / her interests in relation to each planning application on the agenda and identify a declarable personal and prejudicial interest as defined by the Code of Conduct; **and**
 - (b) More than 50% of the parish council would be unable to participate without dispensations; **and**
 - (c) Each member must state individually his / her interests in relation to the agenda item, the nature of that interest, and that he / she had received a dispensation from the Standards Committee in respect of that interest, all of which must be fully recorded in the minutes of the meeting and on any representations made to the local planning authority.
8. Croydon Parish Council has adopted the Local Authorities (Model Code of Conduct) Order 2007, including Paragraph 12(2), which would enable members with a prejudicial interest to remain in the meeting room during discussion of the planning application, "for the purpose of making representations, answering questions or giving evidence relating to the business", provided that the public were also able to attend the meeting for the same purpose. In circumstances where fewer than 50% of the parish councillors had personal and prejudicial interests, these members would still be able to speak on items without a dispensation, and would be precluded only from voting.

9. The Standards Committee, on 15 September 2010, expressed concern that it could set a precedent if it granted dispensations without receiving any indication of how often Parish Council business was affected by more than half of the Parish Council being unable to participate, or if the requests had been prompted by a forthcoming issue, and deferred a decision pending further information from the Parish Council. The Democratic Services Team Leader wrote to the Parish Clerk and provided guidance from Standards for England on personal and prejudicial interests and on dispensations.
10. The Parish Council considered the guidance but felt that it was unable to provide examples as "Croydon is a small village which may only occasionally require this dispensation" and explained that the Council was trying to be pro-active and prepare for situations in the future where more than 50% of members had prejudicial interests. A copy of the Parish Council's letter is attached as **Appendix A**.

Options

11. Not to grant a dispensation could leave the Parish Council unable to discuss certain planning matters where more than 50% of the members had prejudicial interests.

Implications

12. 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 in this application as [state reason], for which I have been granted a dispensation by the Standards Committee".
Staffing	None.
Risk Management	None.
Equal Opportunities	None.
Climate Change	None.

Consultations

13. Croydon Parish Council.

Effect on Strategic Aims

14. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted similar dispensations in 2007 to the five members of Hatley Parish Council.
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 14 November 2007
 Dispensation Applications from Croydon Parish Councillors
 Letter from Croydon Parish Council, 20 October 2010

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