

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

19 January 2011

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

CROXTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. Croxton Parish Councillors Ian Robson and Nathan Alec Spencer have applied formally for dispensations to enable them to remain in meetings and to discuss and vote on matters concerning High Street, Croxton. 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 Croxton Parish Councillors Ian Robson and Nathan Alec Spencer with the reminder that they are still to declare an interest in any matters concerning High 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 three of the five members of the Parish Council live on High Street. A third member has indicated her intention to apply for a dispensation, but an application has not yet been received. The Standards Committee previously granted a similar dispensation to members of Croxton Parish Council on 8 November 2006.

Options

- 6. Not to grant a dispensation could leave the Parish Council unable to discuss any matters relating to High Street, which one of only two named roads in the village and the road upon which the majority of Croxton's dwellings and facilities are located.

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 High 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 Eltisley Parish Council then resident at Caxton End, Eltisley, 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 Croxton Parish Councillors

Contact Officer: Holly Adams – Democratic Services Team Leader
 Telephone: (01954) 713030