

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Standards Committee

9 March 2011

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

---

### HAUXTON PARISH COUNCIL: REQUEST FOR DISPENSATION

#### Purpose

1. Hauxton Parish Councillor Alan Hooper has applied formally for an eighteen-month dispensation to enable him to remain in meetings and to discuss and vote on matters concerning the Hauxton Parish Plan project, for which he is both a member of the Parish Council and of the Hauxton Parish Plan Steering Group. This is not a key decision.

#### Recommendations and Reasons

2. That the Standards Committee consider whether or not to grant an eighteen-month dispensation to Hauxton Parish Councillor Alan Hooper with the reminder that he is still to declare an interest in any matters concerning the Hauxton Parish Plan 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. Community-led plans (also known as Parish Plans) identify community needs and set out a shared vision for the local community. The resulting action plans are used by the Local Strategic Partnerships to shape its Sustainable Community Strategy. The community-led planning process is managed by Cambridgeshire ACRE on behalf of the District and County Councils.
6. Councillor Hooper is a member of the Hauxton Parish Plan Steering Group and a Hauxton Parish Councillor. The Steering Group has requested core funding from the Parish Council for the printing of a questionnaire and of the final report of the parish plan project, due for completion within eighteen months.
7. There are seven members of Hauxton Parish Council, four of whom are on the Hauxton Parish Plan Steering Group. Applications for dispensations were not received from the other councillors before publication of this agenda.

### Options

8. Not to grant a dispensation could leave the Parish Council unable to discuss any matters relating to grant funding for the Hauxton Parish Plan, as four of the seven councillors share the same interest as members of both the Parish Council and the Parish Plan Steering Group.

### Implications

9.	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, a member should also state that s/he has been granted a dispensation, by stating that, "I declare an interest as a member of the Hauxton Parish Plan Steering Group, for which I have been granted a dispensation by the Standards Committee".
	Staffing	None.
	Risk Management	None.
	Equal Opportunities	None.
	Climate Change	None.

### Consultations

10. None.

## **Effect on Strategic Aims**

11. Commitment to being a listening council, providing first class services accessible to all by working with voluntary organisations, Parish Councils and Cambridgeshire County Council to improve services through partnership; Commitment to Providing a Voice for Rural Life, by working more closely with Parish Councils and local Groups: 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  
Dispensation Application from Hauxton Parish Councillor

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