

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

8 June 2011

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

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### FOXTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

#### Purpose

1. The members of Foxtton Parish Council wish to apply formally for a dispensation to enable all nine members, who are Trustees of Foxtton Recreation Ground, to remain in meetings and vote on matters relating to the Foxtton Recreation Ground Trust.

#### Recommendations and Reasons

2. That the Standards Committee grant dispensations until May 2015, the duration of the current Parish Council, to Foxtton Parish Councillors Geoffrey Barnes, Malcolm Bore, Liam Elliott, Colin Grindley, Rachael Macintyre, Ronald McCreery, Christine McFadzean, Nigel Oakley and Peter Sutton in respect of issues concerning Foxtton Recreation Ground, with the reminder that they are still to declare an interest in any matters concerning Foxtton Recreation Ground as described below, and to declare that they have received a dispensation for that interest
3. That the Parish Council be advised that any new parish councillors elected or co-opted to the Parish Council should apply for similar dispensations as soon as reasonably practicable after election or co-option.

#### Background

4. Foxtton Recreation Ground is a registered charity, created March 2000, of which Foxtton Parish Council is the sole Trustee. The charity, therefore, can exercise its power as Trustee only through the members of Foxtton Parish Council.
5. The Foxtton Parish Council website describes the Recreation Ground Trust thus:  
*This charity came in to being in March 2000 when Councillors were making preparations for the future management of the new community facilities.*

*The Trust "owns" that part of the recreation ground acquired by the War Memorial Trust in the 1920's. Other parts of the recreation ground including where the tennis courts and bowls club are situated were purchased by the Parish Council.*

*The main objective of the Trust is the provision and maintenance of the recreation ground.*

*The Trust is viewed as the "landlord" of the village hall and sports pavilion under a lease.*

*All Parish Councillors are automatically Trustees of the Recreation Ground Trust.*

*The Trust holds in investment accounts the monies raised in overage arising out of the development of former Trust and Parish Council owned land. Income from these investments has enabled the Trustees, for the first time, to pay for maintenance and works on the recreation ground so having a beneficial effect on the level of parish precept.*

*The Trustees are seeking to establish a sinking fund for the long term repair and maintenance of the village hall, roadway etc. They are also seeking to acquire an extension to the recreation ground to re-establish the long lost allotments, provide cricket nets, provide a garden for pre school children and some general relaxation space. Registration of land held in trust is a precursor to this purchase.*

*Once these transactions have been completed, a new trust deed will be required dealing with the widened responsibilities of the Trustees.*

6. The Standards Committee, at its meeting of 9 September 2009, granted a dispensation until May 2011 to the (then) eight Parish Councillors in Foxton from any items concerning Foxton Recreation Ground and noted that any new Foxton Parish Council members would need to apply for a dispensation. The Standards Committee asked the Parish Council to re-apply, if necessary, following the May 2011 elections, which the Parish Council has now done.
7. 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.
8. 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**

- 9. The members of Foxtton Parish Council have applied in writing for four-year dispensations in respect of any matters concerning Foxtton Recreation Ground.
- 10. Foxtton Parish Council has met the requirements of the 2009 Regulations and there is nothing in their applications to prevent the grant of their request.

**Options**

- 11. Not to grant a dispensation would leave the Parish Council unable to discuss any matters relating to Foxtton Recreation Ground as all Parish Councillors are members of the Trust.

**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 as a Trustee of Foxtton Recreation Ground Trust, for which I have been granted a dispensation by the Standards Committee".
Staffing	None.
Risk Management	None.
Equal Opportunities	None.
Equality Impact Assessment completed	No. Not applicable.
Climate Change	None.

**Consultations**

- 13. Dr Nigel Oakley, Chairman, Foxtton Parish Council

**Consultations with Children and Young People**

- 14. None.

**Effect on Strategic Aims**

- 15. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted similar dispensations to the members of Barton, Barrington, Bassingbourn-cum-Kneesworth, Coton, Eltisley and Gamlingay Parish Councils, all of which were Trustees of local charities.
- 16. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Foxtton Recreation Ground is a village amenity for which the Parish Council, as sole Trustee, has responsibility.

17. 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  
Dispensation Applications from Foxtton Parish Councillors (available on the SCDC website)  
E-mail from Foxtton Parish Council Chairman, 15 April 2011  
Agendas and Minutes of Standards Committee 9 September 2009

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