

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

28 July 2011

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

BARTON PARISH COUNCIL – REQUESTS FOR DISPENSATIONS

Purpose

1. Five of the nine members of Barton Parish Council, all of whom are Trustees and members of the management committee of the Barton Recreation Ground Improvement Group (BRIG), have applied for dispensations to remain in meetings and vote on all matters relating to working with BRIG to provide facilities in the village for recreation and other leisure time occupations.
2. This is not a key decision.

Recommendations

3. That the Standards Committee agree to grant dispensations until May 2015, the duration of the current Parish Council, from items relating to Barton Recreation Ground Improvement Group (BRIG) to Barton Parish Councillors Hugh Greenfield, Mary MacDonald, Margaret Penston, Tim Scott and Nigel Siddall, with the reminder that they are still to declare an interest in any matters concerning BRIG by stating “I declare an interest as a Trustee and member of the management committee of Barton Recreation Ground Improvement Group, for which I have been granted a dispensation by the Standards Committee”.
4. To advise Barton Parish Council that any new elected or co-opted Parish Councillors who are also Trustees and members of the management committee of Barton Recreation Ground must apply for dispensations immediately upon their election or co-option.

Reasons for Recommendations

5. The Standards Committee has the authority to grant dispensations from interests upon written request from District and Parish Councillors. The five Barton Parish Councillors have fulfilled the requirements of the legislation and require dispensations to continue serving an important function by providing access to improved facilities for their residents. The work of parish councils is done by volunteers and, particularly in rural communities, it is usually the same volunteers who also give their time to other community groups. Dispensations will enable the parish council and the BRIG to continue their work to benefit Barton village without any appearance of a conflict of interests.

Background

6. Mr Patrick de Backer, Clerk to Barton Parish Council, wrote on 6 July 2011, “In Barton a mixture of parish councillors and other parishioners set up the Barton Recreation Ground Improvement Group BRIG. To date this group has done considerable fund raising; it got charitable status (charity no.1130968) and arranged

the building of a new Sports and Social Pavilion which is now almost ready. The group will continue to be involved with project management and grant giving organisations in the future

7. "After the May 2011 election 5 of the 9 Parish Councillors are members of the management committee of BRIG and are individual Trustees of the charity.
8. "The 'Objects' of the Charity – "the provision of facilities for recreation and other leisure time occupation" – do not mention the Recreation Ground, but the constitution notes that the Rec is owned by SCDC, yet managed and maintained by the Parish Council, and also that the new Sports and Social Pavilion and other new equipment will be vested in the Parish Council and all investments held on behalf of the charity are vested in the Parish Council. A Deed of Dedication for the Recreation Ground is currently being set up in consultation between our solicitor and SCDC.
9. "I therefore submit application forms for our councillor members of BRIG who need to seek a dispensation from the Standards Committee in relation to approval of BRIG decisions."

Considerations

10. 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.
11. Nothing in paragraph 7 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.

12. The five parish councillors who are also Trustees and members of the management committee of BRIG have submitted written applications for four-year dispensations (up to May 2015) from any matters relating to BRIG which may be considered by the Parish Council from June 2011. The parish councillors have also noted that the Parish Council as a whole may be considering in the following matters in relation to BRIG:
- (a) Provision of part funding for a new Sports and Social Pavilion;
 - (b) Involvement in planning applications;
 - (c) Contractual or licensing matters; and
 - (d) Completion of final stages of building.
13. All five parish councillors have stated that, as parish councillors and residents of Barton, they wish to promote recreational facilities in their village, but have no personal or pecuniary benefit in these matters and are seeking dispensations because they wish to avoid any potential conflicts of interest due to their positions on both the Parish Council and the BRIG management committee.

Options

14. Not to grant dispensations would leave the Parish Council inquorate when matters relating to BRIG were to be discussed.

Implications

15. 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 and member of the management committee of Barton Recreation Ground Improvement Group, for which I have been granted a dispensation by the Standards Committee".
Staffing	None
Risk Management	None
Equality and Diversity	None
Equality Impact Assessment completed	No Not applicable
Climate Change	None

Consultations

16. Mr Patrick de Backer, Clerk to Barton Parish Council

Consultation with Children and Young People

17. None.

Effect on Strategic Aims

18. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has the authority to grant dispensations as requested by five Barton Parish Councillors.

19. Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all: Barton Parish Council will be able to continue its work with the Barton Recreation Ground Improvement Group to improve leisure and recreation facilities in the village.
20. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: The improvements, including the new Sports and Social Pavilion and new play equipment, benefit all residents of Barton and enhance the existing village amenity of Barton Recreation Ground
21. Commitment to providing a voice for rural life: The work of parish councils is done by volunteers and, particularly in rural communities, it is usually the same volunteers who also give their time to other community groups. Dispensations will enable the parish council and the BRIG to continue their work to benefit Barton village without any appearance of a conflict of interests.

Conclusions / Summary

22. Although every dispensation application must be considered on its own merits, the Standards Committee has granted similar dispensations to members of many other Parish Councils, and these dispensations are all renewals of the seven dispensations granted to Barton Parish Councillors in March 2010.

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 March 2010
Letter from Barton Parish Council, 6 July 2011
Dispensation Applications from Barton Parish Councillors

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