

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

28 July 2011

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

COTON PARISH COUNCIL – REQUESTS FOR DISPENSATIONS

Purpose

1. The members of Coton Parish Council wish to apply formally for a dispensation to enable all eight members to remain in meetings and vote on matters relating to the Coton Recreation Ground.
2. This is not a key decision.

Recommendations

3. That the Standards Committee grant dispensations until May 2015, the duration of the current Parish Council, to Coton Parish Councillors Darling, Geoff Diplock, Godard, McLoughlin, Sadler, Smart, Storkey and Wilson, with the reminder that they are still to declare an interest in any matters concerning Coton Recreation Ground as described below, and to declare that they have received a dispensation for that interest.
4. That the Standards Committee advise Coton Parish Council that any new elected or co-opted Parish Councillors 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 eight Coton Parish Councillors have fulfilled the requirements of the legislation and require dispensations to enable Coton Recreation Ground Trust to operate.

Background

6. Coton Recreation Ground is a registered charity, of which Coton Parish Council is the sole Trustee. The charity, therefore, can exercise its power as Trustee only through the members of Coton Parish Council.
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 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.

Considerations

9. The eight current members of Coton Parish Council (there is one vacancy), have applied in writing for four-year dispensations in respect of any matters concerning Coton Recreation Ground.
10. Coton 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 Coton Recreation Ground as Coton Parish Council is the sole Trustee of the Coton Recreation Ground 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 member of the Trustee of the Recreation Ground, 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

13. Mrs Gail Stoehr, Clerk to Coton Parish Council.

Consultation with Children and Young People

14. None.

Effect on Strategic Aims

15. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Coton Recreation Ground is a village amenity for which the Parish Council, as sole Trustee, has responsibility.
16. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

Conclusions / Summary

17. Although every dispensation application must be considered on its own merits, these requests are for renewals of previous Standards Committee dispensations granted to the then-members of Coton Parish Council in June 2009.

Background Papers: the following background papers were used in the preparation of this report:

The Standards Committee (Further Provisions) (England) Regulations 2009
Minutes of Standards Committee 17 June 2009
Dispensation Applications from Coton Parish Councillors (available on the SCDC website)

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