

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

14 September 2011

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

DISPENSATION REQUESTS – LONGSTANTON PARISH COUNCIL

Purpose

1. Six of the eleven councillors from Longstanton Parish Council have applied formally for dispensations to enable them to remain in meetings and vote on matters concerning the Village Institute Charity Policies and procedures of the Village Institute Sole Trust. This is not a key decision.

Recommendations

2. That the Standards Committee agrees to grant dispensations until May 2015, the duration of the current Parish Council, to Longstanton Parish Councillors Francoise Close, Andrew Kessell, Brian Meacher, Lindsey Meacher, A Moran, and George Porter in respect of issues concerning the Village Institute Charity policies and procedures, hire charges and fundraising, with the reminder that they are still to declare an interest in any matters concerning the Village Institute Charity and to declare that they have received a dispensation for that interest.

Reasons for Recommendations

3. The number of members of the Parish Council prohibited from voting on issues concerning The Village Institute Charity 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. Not to grant a dispensation would leave the Parish Council unable to discuss any issues concerning these parts of the village.

Background

4. The Village Institute was established by a Trust Document in 1925, whereby the Trustees were authorised to construct a building to act as a centre for the residents of Longstanton where clubs, societies etc. could hold their meetings; and for public use as a general purpose meeting hall. It is still maintained by the Trustees, and is non-profit making - all monies collected from charges for hiring go directly towards the day-to-day running and maintenance of the building. Under the terms of the Charity Scheme, members of the Trust must be Parish Councillors.
5. 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.
6. Nothing in paragraph 5 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

7. 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.

Options

8. Not to grant a dispensation in respect of issues concerning the Village Institute Charity would leave the Charity unable to operate, as it operates only through the Parish Councillors as Trustees.
9. The Standards Committee has been asked to grant dispensations for four years, the maximum allowed and the duration of the current Parish Council, although it could grant dispensations for a shorter term.

Implications

10. 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.
Staffing	None.
Risk Management	None.
Equality and Diversity	None.

Equality Impact Assessment completed	No.
	N/A
Climate Change	None.

Consultations

11. None.

Consultation with Children and Young People

12. None.

Effect on Strategic Aims

13. In granting these dispensations as requested The Standards Committee would be demonstrating a commitment to being a listening council, and providing a voice for rural life by allowing the six Longstanton Parish Councillors to continue their work with regards to the Village Institute Charity without any appearance of a conflict of interests.

Conclusions / Summary

14. 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. Not to grant dispensations would leave the Parish Council unable to discuss any issues concerning the Village Institute Charity.

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

The Standards Committee (Further Provisions) (England) Regulations 2009

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