

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

14 December 2011

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

DISPENSATION REQUESTS – LONGSTANTON PARISH COUNCIL

Purpose

1. Two of the eleven councillors from Longstanton Parish Council have applied 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 2012, the duration of the current Parish Council, to Longstanton Parish Councillors Dennis Harradine and Brian Robins in respect of issues concerning the Village Institute Charity policies and procedures, hire charges, fundraising and feasibility study, 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 Standards Committee, at its 14 September 2011 meeting, granted identical dispensations to the six of the eleven members of Longstanton Parish Council who had requested them, and advised the Parish Council that its other members should similarly apply. Two further requests have been received.
5. 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.
6. 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.
7. 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

8. 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

9. Not to grant a dispensation in respect of issues concerning the Village Institute Charity could leave the Charity unable to operate, as it operates only through the Parish Councillors as Trustees, although more than 50% of the Parish Council hold dispensations.
10. The Standards Committee has been asked to grant dispensations for four years, the maximum allowed, although it could grant dispensations for a shorter term. The dispensations granted in September 2011 were until May 2012, the duration of the current parish council. A new standards regime is likely to be in place by the time of the May 2012 elections, therefore any prior dispensations granted by the Standards Committee will cease to have effect and parish councillors will need to consider whether or not to re-apply under the new arrangements, therefore any dispensation granted for a longer period would still finish by May 2012.

Implications

11. 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

12. None.

Consultation with Children and Young People

13. None.

Effect on Strategic Aims

14. 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 eight of the eleven Longstanton Parish Councillors to continue their work with regards to the Village Institute Charity without any appearance of a conflict of interests.

Conclusions / Summary

15. Although every dispensation application must be considered on its own merit, the Standards Committee has already granted identical dispensations to six members of Longstanton Parish Council. 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
Standards Committee 14 September 2011 agenda and minutes

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