

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 03450 450 500
f: 01954 713149
dx: DX 729500 Cambridge 15
minicom: 01480 376743
www.scambs.gov.uk



30 April 2012

To: Chairman – Kathy English
Vice-Chairman – Alan Hampton

Members of the Standards Committee:

Diane Best	Independent Member
Rick Bristow	Parish Council Member
Nigel Cathcart	District Council Member, non-group
Michael Farrar	Parish Council Member
Roger Hall	District Council Member, Conservative Group
John House	Independent Member
Janet Lockwood	District Council Member, Liberal Democrat Group
Simon Martin	Parish Council Member
Cicely Murfitt	District Council Member, non-group
Tony Orgee	District Council Member, Conservative Group
Raith Overhill	Independent Member
Mary Pilfold-Allan	Independent Member
Eric Revell	Independent Member
Alex Riley	District Council Member, Conservative Group
Jim Stewart	District Council Member, Liberal Democrat Group
James Williams	Independent Member

and to I Dewar (County Executive Officer, Cambridgeshire & Peterborough Association of Local Councils (CAPALC)), for information.

Dear Sir or Madam

You are invited to attend the next meeting of **STANDARDS COMMITTEE**, which will be held in the **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **THURSDAY, 10 MAY 2012 at 10.00 a.m.**

Yours faithfully
JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

PAGES

PROCEDURAL ITEMS

- 1. Apologies**
To receive apologies for absence from committee members.

2. Declarations of Interest

DECISION ITEMS

3. BARRINGTON Parish Council: Request for a Dispensation

1 - 6

OUR VISION

South Cambridgeshire will continue to be the best place to live and work in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment. The Council will be recognised as consistently innovative and a high performer with a track record of delivering value for money by focussing on the priorities, needs and aspirations of our residents, parishes and businesses.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

While the District Council endeavours to ensure that visitors come to no harm when visiting South Cambridgeshire Hall, those visitors also have a responsibility to make sure that they do not risk their own or others' safety.

Security

Members of the public attending meetings in non-public areas of the Council offices must report to Reception, sign in, and at all times wear the Visitor badges issued. Before leaving the building, such visitors must sign out and return their Visitor badges to Reception.

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can obtain both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts.

Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. The Council and all its committees, sub-committees or any other sub-group of the Council or the Executive have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) upon request to enable the recording of business, including any audio / visual or photographic recording in any format.

Use of social media during meetings is permitted to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

Banners, Placards and similar items

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

Since 1 July 2008, the Council has operated a Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. Visitors are not allowed to bring food or drink into the meeting room.

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

10 May 2012

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

BARRINGTON PARISH COUNCIL: REQUEST FOR DISPENSATION**Purpose**

1. A new Barrington Parish Councillor wishes to apply formally for a dispensation in respect of any issues concerning Barrington Green. This is not a key decision.

Recommendations

2. That the Standards Committee grant a dispensation until 30 June 2012, the expected final date of the current standards regime, to Barrington Parish Councillor Rosamund Rhodes-Kemp in respect of issues concerning Barrington Green, with the reminder that she is still to declare an interest in any matters concerning Barrington Green, and to declare that she has received a dispensation for that interest.
3. That the Parish Council be reminded that dispensations granted to any of its parish councillors will become invalid from the commencement of the new standards regime, expected to be 1 July 2012, and that its parish councillors will need to consider whether the new definitions of interests require them to seek new dispensations.

Reasons for Recommendations

4. As the Parish Council is the custodian and sole trustee of The Green Charity Barrington, all members of Barrington Parish Council have a personal and prejudicial interest preventing them from voting on issues concerning Barrington Green. The Standards Committee has already granted dispensations from this interest to all other members of Barrington Parish Council and has encouraged new members of the Parish Council to apply for the same.

Background

5. Barrington Green in the centre of the village was designated as common land and established as a charity in the early twentieth century, of which the Parish Council was nominated as Custodian and sole Trustee of The Green Charity Barrington. The Charity therefore can exercise its power as Custodian Trustee only through the members of Barrington Parish Council.
6. The Standards Committee, at its meeting of 3 October 2002, granted a four-year dispensation to the (then) six Parish Councillors in Barrington from any items concerning Barrington Green and noted that any new Barrington Parish Council members would need to apply for a dispensation. This dispensation was renewed by the Standards Committee at its meeting of 7 June 2007 and again on 28 July 2011.
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. 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.
10. The Monitoring Officer, writing to the Parish Clerk in 2002 and again in 2007 and 2011, noted that, in point of fact, the individual Parish Councillors were not Trustees, but were members of the Custodian Trustee, and therefore should declare that "I am a member of the Custodian Trustee of The Green Charity Barrington" and add, "from which interest I have been granted a dispensation by the Standards Committee".

Options

11. Not to grant a dispensation would not prevent the Parish Council from exercising its power as custodian trustee, as all other parish councillors have dispensations, but it would disadvantage Cllr Rhodes-Kemp as the only parish councillor unable to participate.

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 Custodian Trustee of The Green Charity Barrington, 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 relevant.
Climate Change	None.

Consultations

13. Mrs Margaret Goding, Barrington Parish Clerk.

Consultation with Children and Young People

14. Not relevant.

Effect on Strategic Aims

15. We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money: the Standards Committee has previously granted similar dispensations to the members of many parish councils to enable them to maintain their village amenities and facilities.
16. We will make sure that South Cambridgeshire continues to offer outstanding and sustainable quality of life for our residents: Barrington Green is an amenity which the Parish Council maintains for the benefit of residents.

Conclusions / Summary

17. The Parish Council has been advised of the imminent change to the definitions of interests and that they will have to re-apply for new dispensations if the new definitions create the same conflict, and has replied that Councillor Rhodes-Kemp still wishes to seek a dispensation at this time even though it is unlikely to stand for more than two months. There is no reason not to grant the dispensation.

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 Barrington Parish Councillors (available on the SCDC website)
 Letter from Barrington Parish Clerk 18 April 2012
 Letter from Monitoring Officer 22 May 2002
 Agendas and Minutes of Standards Committee 3 October 2002, 7 June 2007, 28 July 2011

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

This page is left blank intentionally.

Parish Council Member's Application for a Dispensation

To: Standards Committee, South Cambridgeshire District Council

Under Section 81 of the Local Government Act 2000, a member who has a prejudicial interest in a matter which is under consideration may not participate in the consideration of that matter by the Parish Council unless he / she has first obtained a dispensation from the Standards Committee of South Cambridgeshire District Council. The powers to grant a dispensation are governed by the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002. You may apply for a dispensation by completing this form and sending it to the Monitoring Officer of South Cambridgeshire District Council. Please do so as soon as you are aware of the possible conflict, before South Cambridgeshire District Council Standards Committee is due to meet and before the matter is due to be considered by the Parish Council. Please complete the attached form as fully as possible as the request for dispensation must be written and explain why the dispensation is desirable.

Please note that for Standards Committee to conclude that it is appropriate to grant a dispensation it must have regard to the reason for the request, the content of the written application and to all the other circumstances of the case.

If you are granted a dispensation, please note that the Standards Committee must be notified if the circumstances under which it was granted change.

Your Name and Parish Council :

BARRINGTON PARISH COUNCIL
Mrs M R Goding, Clerk

What is the matter which is shortly to be considered and in respect of which you seek a dispensation?

**MANAGEMENT OF THE GREEN CHARITY BARRINGTON, OF WHICH BARRINGTON PARISH COUNCIL IS THE CUSTODIAN TRUSTEE
THE 2011 ELECTED PARISH COUNCIL HAS A DISPENSATION FOR ITS TERM OF OFFICE, AS HAS BEEN ASSIGNED BY SCDC FOR MANY YEARS
WE SEEK A DISPENSATION FOR A CO-OPTED COUNCILLOR,
MRS R H D RHODES-KEMP**

Is this matter to be considered by the Parish Council as a whole or by a sub-committee? If the latter please provide the name of the sub-committee.

BY BARRINGTON PARISH COUNCIL AS A WHOLE

What is the nature of your prejudicial interest?

BARRINGTON PARISH COUNCIL IS THE CUSTODIAN TRUSTEE

What is the date of the meeting at which this matter is to be considered?

**ALL AND ANY MEETINGS AS MAY NEED TO BE CALLED
THE BUSINESS MEETING OF THE PARISH COUNCIL TAKES PLACE EACH MONTH AS
DOES THAT OF THE GREEN CHARITY, AND THE COUNCILLORS WILL BE OBLIGED BY
LAW TO CONDUCT THEIR USUAL BUSINESS.**

The grounds for dispensation is that the number of Members of the body that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or required to so participate. Please provide details confirming this:

ALL COUNCILLORS FORM THE TRUSTEE OF THE GREEN CHARITY

Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period not exceeding four calendar years.

**FOR THE REMAINDER OF THE LIFETIME OF THIS PARISH COUNCIL, ie UNTIL May 2015
WE UNDERSTAND THE DISPENSATION WILL ONLY LAST UNTIL JUNE 30 2012.**

Please set out below the reasons why you consider the Standards Committee should grant this dispensation:

**SCDC HAS GRANTED DISPENSATION IN THE MANNER REQUESTED FOR MANY YEARS
AND I SEE NO REASON FOR THIS TO BE REFUSED. THIS IS BECAUSE BARRINGTON
PARISH COUNCILLORS ARE THE LEGAL CUSTODIAN TRUSTEE OF THIS CHARITY. A
DISPENSATION REQUIREMENT IS A MODERN ANOMALY.**

Signed:



(Clerk) Date **April 20 2012**

Co-opted Councillor Rhodes-Kemp

Signed:



Date **23/4/12**