

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

9 December 2009

AUTHOR/S: Chief Executive / Democratic Services Officer

GAMLINGAY PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. The members of Gamlingay Parish Council wish to apply formally for a dispensation to enable all twelve members remain in meetings and vote on matters concerning the Community Centre's financial affairs or which relate to regulatory issues such as planning permission, licensing or contracts. This is not a key decision.

Background

2. 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.
3. Nothing in paragraph 2 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

4. Gamlingay Parish Council is the holding / custodian trustee of the community centre. There are three parish councillors who are nominated to sit on the community centre management committee. These councillors currently declare a personal interest in the community centre if they wish to speak about it and they are all able to vote. None of them declares a prejudicial interest as they do not hold any office on the management committee, e.g., treasurer. The Parish Clerk has advised that the Community Centre is a prominent agenda item at the moment.
5. The Deputy Monitoring Officer has advised the Parish Council that, as the parish council as a whole is the holding / custodian trustee, all councillors would have a personal interest in the community centre but it is likely that they would have a prejudicial interest only in matters concerning the financial affairs of the centre or which involve any regulatory issue such as planning permission, licensing, or contracts. The Parish Council has been further advised that, while holding a position of authority on the management committee increases the chance of the public perception being that the councillor has a prejudicial interest, it does not mean that those councillors who are just trustees and not members of the management committee do not also have a prejudicial interest. For this reason, the Deputy Monitoring Officer has recommended that all members of the Parish Council apply for dispensations.

Options

6. Not to grant a dispensation would leave the Parish Council unable to discuss any regulatory matters relating to Gamlingay Community Centre as all Parish Councillors are members of the trust.
7. The Standards Committee could grant a dispensation for four years or until May 2010, the duration of the current Parish Council. The Standards Committee might consider it appropriate to grant the dispensation for the remainder of the term of the current Parish Council and ask the Parish Council to re-apply, if necessary, following the May 2010 elections, or to grant four-year dispensations and ask that any new members of Gamlingay Parish Council apply for dispensations immediately following their acceptance of office.

Implications

8.	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 holding / custodian trust for Gamlingay Community Centre, for which I have been granted a dispensation by the Standards Committee".
	Staffing	None
	Risk Management	None
	Equal Opportunities	None

Consultations

9. Ms L Bacon, Gamlingay Parish Clerk.

Effect on Strategic Aims

10.	Commitment to being a listening council, providing first class services accessible to all.
	None specific.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	None specific.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
	Gamlingay Community Centre is a village amenity for which the Parish Council, as the holding / custodian trust, has responsibility.
	Commitment to assisting provision for local jobs for all.
	None specific.
	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

11. Although every dispensation application must be considered on its own merits, the Standards Committee has granted similar dispensations to all members of Barrington, Coton and Eltisley Parish Councils in respect of issues concerning Barrington Village Green, Coton Recreation Ground Trust, Foxton Recreation Ground Trust and Eltisley Village Green Trust and the Allotments for the Labouring Poor.

Recommendations

12. To grant four-year dispensations to Gamlingay Parish Councillors Mrs J Colebrook, Mrs C Emery, Mr M Giles, Mrs S Groom, Mrs M Halliday, Mrs S Round, Mr I Simpson, Mr R Starksfield, Mr N Telford-Reed, Mr C Tomsett, Mrs J Wright and Mr P Wright with the reminder that they are still to declare an interest in any matters concerning Gamlingay Community Centre as described above, and to declare that they have received a dispensation for that interest.
13. To advise Gamlingay Parish Council that any new elected or co-opted Parish Councillors apply for dispensations immediately upon their election or co-option.

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 3 October 2002, 7 June 2007, 11 March 2009, 17 June 2009, 9 September 2009
Letter from Gamlingay Parish Council, 16 November 2009
Dispensation Applications from Gamlingay Parish Councillors

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