

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

15 September 2010

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

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### **BASSINGBOURN-CUM-KNEESWORTH PARISH COUNCIL: REQUESTS FOR DISPENSATIONS**

#### **Purpose**

1. The fifteen Bassingbourn-cum-Kneesworth Parish Councillors wish to apply formally for dispensations in respect of Bassingbourn Recreation Ground Charities. This is not a key decision.

#### **Recommendations and Reasons**

2. That the Standards Committee grant dispensations until May 2014, the duration of the current Parish Council, to Bassingbourn-cum-Kneesworth Parish Councillors Danny Bunton, Bob Clarke, Brian Dickerson, Tony Geraghty, Geoff Goater, Mike Hallett, Brenda Mead-Blandford, Daniel Nichols, Curtis Pidgeon, Lynn Pidgeon, Peter Robinson, Simon Saggars, Mark Sappol, Valerie Vigus and Rupert Webb in respect of issues concerning Bassingbourn Recreation Ground Charities, with the reminder that they are still to declare an interest in any matters concerning Bassingbourn Recreation Ground Charities as described below, and to declare that they have received a dispensation for that interest
3. That the Parish Council be advised that any new parish councillors elected or co-opted to the Parish Council should apply for similar dispensations as soon as reasonably practicable after election or co-option.

#### **Background**

4. Bassingbourn-cum-Kneesworth Parish Council is the sole Trustee of the Bassingbourn Recreation Ground Charities. The Trust can operate only through the members of the Parish Council.
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 3 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. All fifteen members of Bassingbourn-cum-Kneesworth Parish Council have applied in writing for dispensations until May 2014 in respect of any matters concerning Bassingbourn Recreation Ground Charities. Bassingbourn-cum-Kneesworth Parish Council meets the requirements of the 2009 Regulations and there is nothing in their applications to prevent the Standards Committee from granting their requests.

### Options

8. Not to grant a dispensation in respect of issues concerning Bassingbourn Recreation Ground Charities would leave the Parish Council unable to discuss any issues concerning this part of the village, and the Trust can only operate through the Parish Council.
9. The Standards Committee has been asked to grant dispensations for 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, by stating that, "I declare an interest as a Trustee of Bassingbourn Recreation Ground Charities, for which I have been granted a dispensation by the Standards Committee".
Staffing	None.
Risk Management	None.
Equal Opportunities	None.
Climate Change	None.

## **Consultations**

11. Mrs S Walmesley, Bassingbourn-cum-Kneesworth Parish Clerk.

## **Effect on Strategic Aims**

12. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted similar dispensations to the members of Barrington, Barton, Coton, Eltisley, Foxton and Gamlingay Parish Councils, all of which were Trustees of local charities.
13. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Bassingbourn Recreation Ground is an amenity which the Parish Council maintains for the benefit of residents.
14. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

**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, 10 May 2006, 8  
November 2006, 7 June 2007, 11 March 2009, 17 June 2009, 16 June 2010  
Dispensation Applications from Bassingbourn-cum-Kneesworth Parish Councillors  
(available on the SCDC website)

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