

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 June 2011

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BARRINGTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. The eight Barrington Parish Councillors wish to apply formally for dispensations in respect of any issues concerning Barrington Green. This is not a key decision.

Recommendations and Reasons

2. That the Standards Committee grant dispensations until May 2015, the duration of the current Parish Council, to Barrington Parish Councillors Cooper, Day, Fletcher, Hardman, Monk, Petter, Van de Weyer and Whybrow in respect of issues concerning Barrington Green, with the reminder that they are still to declare an interest in any matters concerning Barrington Green 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. 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.
5. 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.
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 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

- 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.
- 9. The Monitoring Officer, writing to the Parish Clerk in 2002 and again in 2007, 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".

Options

- 10. Not to grant a dispensation in respect of issues concerning Barrington Green would leave the Charity unable to operate, as the Charity operates only through the Parish Council as Custodian Trustee.
- 11. 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

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.
Equal Opportunities	None.
Equality Impact Assessment completed	No. Not applicable.
Climate Change	None.

Consultations

13. Mrs M Goding, Barrington Parish Clerk.

Consultations with Children and Young People

14. None.

Effect on Strategic Aims

15. 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 Barton, Bassingbourn-cum-Kneesworth, Coton, Eltisley, Foxton and Gamlingay Parish Councils, all of which were Trustees of local charities.
16. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Barrington Ground is an amenity which the Parish Council maintains for the benefit of residents.
17. 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
Dispensation Applications from Barrington Parish Councillors (available on the SCDC website)
Letter from Barrington Parish Clerk 27 April 2007
Letter from Monitoring Officer 22 May 2002
Agendas and Minutes of Standards Committee 3 October 2002, 7 June 2007

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