

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

5 April 2012

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

COTON PARISH COUNCIL: REQUEST FOR DISPENSATION

Purpose

1. Councillor David Cairns, of Coton Parish Council, has applied formally for dispensation to enable him to remain in meetings and vote on matters relating to the Coton Recreation Ground Trust, for which the Parish Council is the sole Trustee. This is not a key decision, but has been brought to this meeting of the Standards Committee due to the matters described below at paragraph 5.

Recommendations and Reasons

2. That the Standards Committee grant a dispensation until 1 July 2012, to Coton Parish Councillor David Cairns, with the reminder that he is still to declare an interest in any matters concerning Coton Recreation Ground Trust as described below, and to declare that he has received a dispensation for that interest.

Background

3. Coton Recreation Ground is a registered charity, of which Coton Parish Council, as a corporate body, is the sole Trustee. The charity, therefore, can exercise its power as Trustee only through the members of Coton Parish Council.
4. 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.
5. Nothing in paragraph 4 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.

6. The Standards Committee, on 28 July 2011, granted dispensations from this interest to the eight other members of Coton Parish Council. There was one vacancy on the Parish Council at that time, which has since been filled by Councillor Cairns.

Considerations

- 7. Coton Parish Council has met the requirements of the 2009 Regulations and there is nothing in their applications to prevent the grant of their request.
- 8. Dispensations granted by the Standards Committee will cease to have effect upon the expected commencement of the Localism Act 2011 on 1 July 2012, at which time the new categories of interests will become law. The Standards Committee newsletter of March 2012 has advised all parish councils with current dispensations that they will need to reconsider their interests and whether they still need dispensations, then re-apply to the Standards Committee for dispensations under the new regime if required.
- 9. Coton Parish Council generally, and Councillor Cairns specifically, have been advised of the Standards Committee's inability to grant dispensations beyond 30 June 2012, and Councillor Cairns has confirmed that he would still wish to receive a dispensation, as matters concerning the Recreation Ground Trust will be on the Parish Council's 10 April 2012 meeting agenda.

Options

- 10. Not to grant a dispensation is unlikely to leave the Parish Council unable to discuss any regulatory matters relating to Coton Recreation Ground Trust, as more than 50% of the Parish Council would have a dispensation and be able to participate. It would, however, leave Councillor Cairns unable to participate, and would be seen as unfairly discriminating against him when his fellow councillors had received dispensations for the same issue.

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, by stating that, "I declare an interest as a member of the Trustee for Coton Recreation Ground Trust, for which I have been granted a dispensation by the Standards Committee".
Staffing	None.
Risk Management	None.

Equal Opportunities	None.
Climate Change	None.

Consultations

- 12. Mr Ben Stoehr, Head of IT and Communications, Coton Parish Council.

Effect on Strategic Aims

- 13. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has already granted eight dispensations to the members of Coton Parish Council, and this further request has been made based on the Committee’s own advice that any new elected or co-opted members apply for a similar dispensation upon election or co-option.
- 14. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Coton Recreation Ground is a village amenity for which the Parish Council, as the Trustee, has responsibility.
- 15. 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, 7 June 2007, 11 March 2009, 17 June 2009, 9 September 2009, 9 December 2009, 10 March 2010, 16 June 2010, 19 August 2010, 4 October 2010, 28 July 2011
 Dispensation Application from Coton Parish Councillor David Cairns

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