

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

10 May 2012

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

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### 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.
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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

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