

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

11 June 2012

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

SHUDY CAMPS PARISH COUNCIL: REQUEST FOR DISPENSATION

Purpose

1. Councillors Anthony Broscomb, Mark Howell, Roger Lemon, of Shudy Camps Parish Council, have applied formally for dispensations to enable them to remain in meetings and comment on matters relating to planning application S/0914/12 (erection of a dwelling & garage & new vehicular access) as they live in adjacent properties. 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 consider whether or not to grant dispensations until 1 July 2012, to Shudy Camps Parish Councillors Anthony Broscomb, Mark Howell and Roger Lemon, with the reminder that they are still to declare an interest in any matters concerning planning application S/0914/12 as described below, and to declare that they have received a dispensation for that interest.

Background

3. There are five members of Shudy Camps Parish Council and three of the members live in properties adjacent to the development site. Without a dispensation, the Parish Council would not be quorate and therefore unable to comment on the application.
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 14 November 2007, granted dispensations from this same interest to three of the five councillors on Shudy Camps Parish Council when the Parish Council was being consulted about an earlier development on this site.
7. As of 1 September 2007, Shudy Camps Parish Council adopted the Local Authorities (Model Code of Conduct) Order 2007, including Paragraph 12(2), which would enable members with a prejudicial interest to remain in the meeting room during discussion of the planning application, "for the purpose of making representations, answering questions or giving evidence relating to the business", provided that the public were also able to attend the meeting for the same purpose.
8. Determination of the application would not be by the Parish Council, but by the District Council as the local planning authority, of which the Parish Council is a consultee.

Considerations

9. 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.

Options

10. Not to grant a dispensation would not prevent the Parish Council from discussing the planning application under the terms of Paragraph 12(2); however, members with a prejudicial interest would not be entitled to vote, should a vote be required to determine the Parish Council's recommendation to the District Council Planning Committee.

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 owner of the adjacent property, 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. Mrs Elizabeth Gladman, Clerk to Shudy Camps 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 three identical dispensations to the members of Shudy Camps Parish Council.
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 14 November 2007
Dispensation Applications from Shudy Camps Parish Councillors

Contact Officer: Holly Adams – Democratic Services Team Leader
Telephone: (01954) 713030