

## **BRECKLAND COUNCIL**

### **Report of the Monitoring Officer to the STANDARDS COMMITTEE – 5<sup>th</sup> July, 2011**

#### **APPLICATION FOR DISPENSATIONS**

##### **1. Purpose of Report**

- 1.1 The Committee is asked to consider the applications for dispensations from the parish councils detailed at Appendix A attached.

##### **2. Recommendations**

It is recommended that the Committee:

- 2.1 Grants dispensations to all of the named individuals to speak and vote in accordance with Option 3.3.2 to ensure the smooth running of the parish councils listed at Appendix A.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

##### **3. Information, Issues and Options**

###### **3.1 Background**

- 3.1.1 Regulations came into force on 15<sup>th</sup> June, 2009 entitled The Standards Committee (Further Provisions) (England) Regulations 2009 (S.I. 2009 No. 1255).
- 3.1.2 These Regulations prescribe the circumstances in which the Standards Committee may grant dispensations to Breckland members and parish and town councillors in the Breckland area. If a member acts in accordance with the grant of such a dispensation, any participation in business prohibited by the mandatory provisions of the Model Codes of Conduct is not a failure to comply with the authority's Code. These Regulations refer to the circumstance where a member, or more usually a number of members, finds they are in a position where they have to declare a prejudicial interest under the Code of Conduct and leave the room. In the circumstances described in the Regulations, those members might be able to obtain a dispensation (i.e. permission) from a Standards Committee to stay in the meeting after declaring the interest and either just speak, or speak and vote according to any dispensation granted.
- 3.1.3 The Regulations state that a Standards Committee may grant a dispensation to a member or co-opted member of an authority in the following circumstances:
- a) because 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

- b) 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 the voting in that meeting.

### 3.2 Issues

3.2.1 The Clerks to the following Parish Councils have sent in a request for a dispensation on behalf of the named members in connection with the charities mentioned.

Parish Council	Number on Parish Council	Parish Councillors	Charity
Horningtoft Parish Council	5	Andrew Hill Graham Drew Pauline Chapman Tracey Hawke Ivan Baker	Former Highway Land Surveyors Charity
Dereham Town Council	12	Timothy Birt Ann Bowyer Phillip Duigan Michael Fanthorpe Linda Goreham Robin Goreham Stuart Green Robert Hambidge Kate Millbank Linda Monument Tom Monument Haydn Rogers	Bishop Bonner's Cottage Charity Recreation Ground Charity Headborough Estate Charity
Weasenham Saint Peter Parish Council	7	Mr. P. Davies Mr. B. Blower Mr. R. Bowyer Mrs. J. Grimwood Mr. K. Grimwood Mrs. L. Parke Mrs. I Sincock	Former Highway Land Surveyors Charity
Weasenham Saint Peter Parish Council	7	Mrs. J. Grimwood Mr. K. Grimwood Mrs. L. Parke Mrs. I Sincock	Weasenham Recreation Ground Charity

3.2.2 The dispensation sought is to speak and vote. However, the Committee do not have to grant dispensations for both, and can decide not to grant the request at all. The Regulations state that the Committee must decide whether it is "appropriate" to grant the request. The Standards for England Guidance states:

"Clearly there is a difference between being eligible to apply for a dispensation and it being appropriate for that dispensation to be granted. The committee will need to balance the prejudicial interest of the member seeking the dispensation to vote on an item of business, against the potential effect on the outcome of the vote if the member is unable to do so."

### 3.3 Options

3.3.1 To refuse to grant dispensations to the named parish councillors in the table at 3.2.1

3.3.2 To grant a dispensation to the named parish councillors in the table at 3.2.1.

### 3.4 Reasons for Recommendation(s)

3.4.1 To ensure that the parish councils mentioned at 3.2.1 can make decisions on matters regarding the charities mentioned, it is recommended that Option 3.3.2 above is agreed.

## 4. **Risk and Financial Implications**

### 4.1 Risk

4.1.1 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the issues covered by the recommendations are not significant in terms of risk.

### 4.2 Financial

4.2.1 None.

## 5. **Legal Implications**

5.1 None.

## 6. **Other Implications**

- a) Equalities: There are no Equalities implications.
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None
- e) Human Rights: None.
- f) Other: [e.g. Children's Act 2004] None

## 7. **Alignment to Council Priorities**

7.1 Your Council, Your Services:

- a) Strengthen community consultation and involvement.
- b) Involve people in the design and delivery of services which meet their needs.

## 8. **Ward/Community Affected**

8.1 Horningtoft Parish Council, Dereham Town Council, Weasenham St. Peter Parish Council.

### Background Papers

None

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Key Decision Status (Executive Decisions only):

Non-Key decision and not on Forward Plan

Appendices attached to this report:

Appendix A – schedule of dispensationsr

Appendix B -Letters from the Clerks to Horingtoft Parish Council, Dereham Town Council, Weasenham St. Peter Parish Council.