

## **BRECKLAND DISTRICT COUNCIL**

### **Report of Monitoring Officer**

**To:** Standards Committee – 21<sup>st</sup> February, 2012

**(Author:** Susan Allen – Standards Officer)

**Subject:** Application for Dispensation – Weasenham All Saints Parish Council

**Purpose:** The Committee is asked to consider the application for a dispensation from Weasenham All Saints Parish Council as detailed in the attached letter at Appendix A.

#### **Recommendation(s):**

It is recommended that the Committee:  
Grants a dispensation to the parish councillors of Weasenham All Saints Parish Council to speak and vote to ensure the smooth running of Weasenham All Saints Parish Council.

## **1. INTRODUCTION**

### **1.1 Background**

1.1.1 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).

1.1.2 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.

1.1.3 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.

## 1.2 Issues

1.2.1 Weasenham All Saints Parish Council have sent in a request for a dispensation for the parish councillors on Weasenham All Saints Parish Council in connection with the charities mentioned in the letter at Appendix A.

1.2.2 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. Previous 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.”

## 1.3 Options

1.3.1 To refuse to grant a dispensation to Weasenham All Saints Parish Council councillors.

1.3.2 To grant a dispensation to Weasenham All Saints Parish Council councillors.

## 1.4 Reasons for recommendation

1.4.1 To ensure that Weasenham All Saints Parish can make decisions on matters regarding the charities mentioned in the letter at Appendix A it is recommended that Option 1.3.2 above is agreed.

## 2. IMPLICATIONS

### 2.1 Risk

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.

### 2.2 Financial

None.

### 2.3 Legal

None.

### 2.4 Equality and Diversity

- 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

### **3. 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.

### **4. Wards/Communities Affected**

#### **4.1 Weasenham All Saints Parish Council.**

Background papers:- None

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#### **Appendices attached to this report:**

Application for Dispensation Letter