

BRECKLAND COUNCIL

STANDARDS COMMITTEE – 4 MARCH, 2008

REPORT OF THE DEPUTY CHIEF EXECUTIVE **(Author: Susan Allen – Standards Officer)**

APPLICATION FOR DISPENSATION – BAWDESWELL PARISH COUNCIL

Summary: The Committee is asked to consider an application for a dispensation from Bawdeswell Parish Council.

1. INTRODUCTION/BACKGROUND

- 1.1 Regulations came into force on 18th March, 2002 entitled The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 (S.I. 2002 No. 339).
- 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.
- 1.3 The Regulations state that the Standards Committee can only grant dispensations in two circumstances:
 - a) if more than half of the members entitled or required to participate in the business of the authority would not otherwise be able to, or
 - b) the authority would not be able to comply with political balance principles.

2. KEY DECISION

- 2.1 This is not a key decision.

3. COUNCIL PRIORITIES

- 3.1 The matter raised in this report falls within the following Council priorities:
 - A well planned place to live which encourages vibrant communities

4. APPLICATION FOR DISPENSATION

- 4.1 Bawdeswell Parish Council consists of seven councillors.
- 4.2 The Clerk to the Parish Council has sent a letter and plans, see appendix attached, requesting a dispensation in respect of Former Highway Surveyors Land in Bawdeswell.

- 4.3 The seven parish councillors, namely Carl Beane, David Cockburn, Mark Hipperson,, James Lilwall, John Mallen, William Mason and David Shannon, are all trustees of the Former Highway Surveyors Land and as such would have to declare an interest.
- 4.4 As the councillors would be required to declare both a personal and prejudicial interest and leave the room when any matters concerning the Former Highway Surveyors Land were before the parish council, it is necessary for a dispensation to be requested.

5. OPTIONS AVAILABLE

- 5.1 To grant a dispensation to Bawdeswell Parish Council.
- 5.2 To refuse to grant a dispensation to Bawdeswell Parish Council.

6. REASONS FOR RECOMMENDATION(S)

- 6.1 To ensure the smooth running of Bawdeswell Parish Council in connection with the Former Highway Surveyors Land.

7. RISK

- 7.1 This report does not require a risk assessment because the issue covered by the recommendation is not significant in terms of risk.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee grants a dispensation until the end of May 2011 to the named parish councillors of Bawdeswell Parish Council to allow them to speak and vote on any matters relating to the Former Highway Surveyors Land.

Attached: letter and plans received from the Clerk to Bawdeswell Parish Council

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| <p>Where appropriate, this report has taken account of the need for compliance with</p> <ul style="list-style-type: none">▪ The Council's Equal Opportunities Policies▪ Section 17, Crime & Disorder Act 1998▪ Human Rights Act 1998▪ Section 40, Natural Environment and Rural Communities Act 2006 |
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