

BRECKLAND COUNCIL

Report of the Deputy Chief Executive to the STANDARDS COMMITTEE – 23 JUNE 2009

APPLICATION FOR DISPENSATION – BAWDESWELL PARISH COUNCIL

(Author: Susan Allen, Standards Officer)

1. Purpose of Report

- 1.1 The Committee is asked to consider an application for a dispensation from Bawdeswell Parish Council in connection with Adam's Pit.

2. Recommendations

It is recommended that the Committee:

- 2.1 Grants a dispensation to all of the named individuals in accordance with Option 3.3.2 to ensure the smooth running of Bawdeswell Parish Council in connection with Adam's Pit.

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 18th March, 2002 entitled The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 (S.I. 2002 No. 339).

- 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 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 the political balance principles.

3.2 Issues

- 3.2.1 Bawdeswell Parish Council consists of 7 members.

- 3.2.2 The Clerk to the Parish Council has sent an e-mail, see appendix attached, on behalf of all 7 members requesting a dispensation in connection with Adam's Pit
- 3.2.3 The seven parish councillors, namely Carl Beane, David Cockburn, Alexandra Kirby, James Lilwall, John Mallen, William Mason and David Shannon, are all trustees of Adam's Pit and as such would have to declare personal and prejudicial interests.
- 3.2.4 As the councillors would be required to declare both a personal and prejudicial interest and leave the room when any matters concerning Adam's Pit were before the parish council, it is necessary for a dispensation to be requested.
- 3.2.5 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 Board for England Guidance states:

"The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions against the public interest in decisions being taken by a reasonably representative group of members of the authority. If failure to grant a dispensation will result in an authority or committee not achieving a quorum, this may well constitute grounds for granting a dispensation."

3.3 Options

- 3.3.1 To refuse to grant a dispensation to the parish councillors of Bawdeswell Parish Council in connection with Adam's Pit.
- 3.3.2 To grant a dispensation to the parish councillors of Bawdeswell Parish Council in connection with Adam's Pit.

3.4 Reasons for Recommendation(s)

- 3.4.1 To ensure the smooth running of Bawdeswell Parish Council in connection with Adam's Pit 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 Bawdeswell.

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:

E-mail from Clerk to Bawdeswell Parish Council