

## **BRECKLAND COUNCIL**

### **STANDARDS COMMITTEE – 12 JULY, 2007**

#### **REPORT OF THE OPERATIONS MANAGER (CABINET)** **(Author: Susan Allen – Standards Officer)**

#### **APPLICATION FOR DISPENSATION – YAXHAM PARISH COUNCIL**

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

#### **1. INTRODUCTION/BACKGROUND**

- 1.1 Regulations came into force on 18<sup>th</sup> 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 Yaxham Parish Council consists of seven councillors.
- 4.2 The Clerk to the Parish Council has sent a letter requesting a dispensation in respect of the Yaxham Parish Charity.
- 4.3 The seven parish councillors, namely Mr. P. Bennett, Mrs. A. Cheeseman, Mr. G. Crummett, Mr. J. Hull, Mr. P. Lowings, Mr. D. Myhill and Mrs. M. Oechsle, are all members of the Yaxham Parish Charity 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 Yaxham Parish Charity were before the parish council, it is necessary for a dispensation to be requested.

**5. OPTIONS AVAILABLE**

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

**6. REASONS FOR RECOMMENDATION(S)**

- 6.1 To ensure the smooth running of Yaxham Parish Council in connection with the Yaxham Parish Charity.

**7. RECOMMENDATION(S)**

- 7.1 It is recommended that the Committee grants a dispensation until the end of May 2011 to the named parish councillors of Yaxham Parish Council to allow them to speak and vote on any matters relating to the Yaxham Parish Charity.