

<b>NAME OF COMMITTEE</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>12 June 2012</b>
<b>REPORT TITLE</b>	<b>Application for Dispensations from South Tawton Parish Council</b>
<b>REPORT OF</b>	<b>Deputy Monitoring Officer</b>
<b>WARDS AFFECTED</b>	<b>South Tawton</b>

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**Summary of report:**

To consider the applications from nine South Tawton Parish Councillors for a dispensation from the Standards Committee in order that they can participate in matters relating to South Tawton Victory Hall.

**Financial implications:**

There are none

**RECOMMENDATIONS:**

That the Standards Committee considers the applications attached in Appendix A and decides whether to grant the dispensations to the members of South Tawton Parish Councillors, and on what terms and for what period.

**Officer contact:**

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**1. BACKGROUND**

- 1.1 Under the Standards Committee (Further Provisions) (England) Regulations 2009, the Standards Committee has power to grant dispensations to borough and parish councillors allowing them to speak and vote at a meeting when they have a prejudicial interest.
- 1.2 A dispensation may be granted for speaking only or for speaking and voting.
- 1.3 The regulations allow for only two situations where the Standards Committee grant dispensations:
  - Where more than 50% of the members who would be entitled to vote a meeting are prohibited from taking part in the meeting because of a prejudicial interest, or

- The number of members who cannot take part in the meeting would upset the political balance rules to the extent that the outcome of the voting would be prejudiced (this doesn't apply to Parish Councils).

1.4 Applications may be granted in respect of one meeting or it may be applicable on an ongoing basis up to maximum of four years.

## **2. APPLICATION BY SOUTH TAWTON PARISH COUNCILLORS**

2.1 Applications for dispensations have been received from nine of the ten South Tawton Parish Councillors, and these are attached at Appendix A (together with a covering letter from the Parish Clerk). The tenth member has been appointed since the applications were made but the Clerk has confirmed that the remaining member will not be making an application at this time.

2.2 All South Tawton Parish Council members are trustees of the Victory Hall. A prejudicial interest affecting more than 50% of the Parish Council would therefore arise, and therefore satisfy the criteria in paragraph 1.3 above.

2.3 The applications relate to Victory Hall Committee issues, and the dispensations are requested in order to deal with grants and applications for financial support in respect of the Victory Hall.

2.4 The requests are for dispensations for 4 years. However, any dispensation can now only last until the end of the current standards regime as different rules will apply in the future.

## **3. LEGAL IMPLICATIONS**

3.1 The power for Standards Committees to grant Dispensations is set out in the Standards Committee (Further Provisions) (England) Regulations 2009.

3.2 The decision whether or not to grant a dispensation is entirely a matter for the Standards Committee depending on whether members think it "appropriate" having regard to the particular circumstances of each case.

3.3 A dispensation allows a councillor to participate in a meeting without being in breach of the Members' Code of Conduct. If a councillor does not have a dispensation from the Standards Committee, then the rules on prejudicial interests contained in the Code of Conduct mean that the councillor concerned must withdraw from the meeting. This would leave the Parish Council inquorate and unable to determine such matters.

## **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications to this report.

## 5. RISK MANAGEMENT

5.1 The risk management implications are:

<b>Opportunities</b>	<b>Benefits</b>
To grant a dispensation to allow members to participate in a meeting when otherwise they would be in breach of the Code	Complying with the Regulations and enabling, where appropriate, members to legally take part in meetings where they would otherwise have a prejudicial interest.
<b>Issues/Obstacles/Threats</b>	<b>Control measures/mitigation</b>
Failure to apply for a dispensation (or the Standards Committee exercises its discretion not to grant a dispensation) will mean that the member cannot participate in the meeting on the item in which s/he has a prejudicial interest	Apply for dispensation in a timely manner

## 5. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	Community Life
<b>Statutory powers:</b>	Standards Committee (Further Provisions) (England) Regulations 2009.
<b>Considerations of equality and human rights:</b>	N/a
<b>Biodiversity considerations:</b>	N/a
<b>Sustainability considerations:</b>	N/a
<b>Crime and disorder implications:</b>	N/a
<b>Background papers:</b>	
<b>Appendices attached:</b>	Appendix A: applications for dispensations from South Tawton Parish Councillors