

Dispensation Request – Chaffcombe Parish Council

Head of Service: Ian Clarke - Assistant Director (Legal and Corporate Services)
Lead Officer: Ian Clarke - Assistant Director (Legal and Corporate Services)
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Purpose of the report

To consider a request from three members of Chaffcombe Parish Council that they be granted a dispensation to enable them to consider a request from the Village Hall Committee to make a contribution towards work on the Hall.

Recommendations

That this committee agrees to grant dispensations to the three members of Chaffcombe Parish Council referred to in this report for the purposes set out in their request.

Background

As members will recall the Local Government Act 2000, Section 81, allows the Standards Committee to grant dispensations to councillors and co-opted members prohibited by the model code of conduct from participating in consideration of an item of business. The circumstances in which such dispensations can be given are set out in the The Standards Committee (Further Provisions) (England) Regulations 2009 (attached to this report as Appendix A).

Paragraph 17(1)(a)(i) of the Regulations specifies that dispensations may only be granted if half the members entitled or required to participate in the business of the Council would not otherwise be able to. It specifies further that a member must submit a written request for a dispensation explaining why it is desirable and that the Standards Committee must conclude that having regard to these matters and all the other circumstances of the case, it is appropriate to grant the dispensation. The application form is attached to this report as Appendix B.

Paragraph 17(2) provides that a dispensation cannot be granted in respect of business conducted after four years. It also specifies that the circumstances in which dispensations can be granted do not extend to allowing a member of a scrutiny committee to participate in the scrutiny of the decision of another committee in which they were involved or to allowing an individual to exercise executive functions where they are prohibited by the Model Code from doing so.

The existence, duration and nature of any dispensation granted will be recorded and kept with the register of interests.

Dispensation Request

Chaffcombe Parish Council has 5 elected members. Out of those five members, three have, in the Monitoring Officers opinion, personal and prejudicial interests in relation to the Village Hall Committee. Two are Trustees of the Village Hall Committee (Alfred Drewer and Stanley Robinson) and the third (Josie Miles) is married to another Trustee of the Village Hall Committee.

The Village Hall Committee are seeking funding to replace the windows in the hall and in order to apply for match funding from certain organisations, the Village Hall Committee must demonstrate that they have supportive match funding from their Parish Council.

The committee would need to be mindful of the fact that in some communities where the elected representatives are also the main players on other local groups it would be difficult if not impossible to see any other way of dealing with a matter. Members are encouraged to be community champions and that will sometimes involve them in being appointed to and participating in a whole variety of local community groups. As set out above the committee must consider, having regard to all the circumstances, whether the granting of the dispensation is “appropriate”; it would need to act reasonably in reaching that decision. The committee would need to be concerned that serious harm would result from the giving of the dispensation that would not be covered by the other rules that relate and govern the behaviour. They need to compare or assess the consequences of granting the dispensation with the consequences of a refusal. The committee should also be mindful of the quorum that is required for meetings to take place and that it should not be assumed that all other members i.e. the members without any personal and prejudicial interests will attend or be able to attend the meeting.

Financial Implications

There are no financial implications at this stage that cannot be met within existing budgets.

Other Implications

There are no other implications of agreeing the recommendation. If the committee did not agree the recommendation then the members involved would not be able to discuss the grant request to the Village Hall and neither would the council.

Background Papers: *The Standards Committee (Further Provisions) (England) Regulations 2009*

(Ian Clarke – Assistant Director (Legal & Corporate Services) 01935 462184)
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Application Form for a Dispensation

under Section 81 of the Local Government Act 2000
in respect of a Prejudicial Interest

Name of Council: CHAFFCOMBE PARISH COUNCIL

1.	Names of Councillor(s) and position held e.g Chairman, Vice Chairman etc (if combined application the number must be not fewer than half of the total or you must show how the political balance of the council and outcome in relation to the matter would be affected by their non participation– if this is an individual application then the total number of councillors with prejudicial interests must (i) not be fewer than half of the total number of members of the council or committee or (ii) the political balance of the council and outcome in relation to the matter would be affected by the non participating councillors).	JOSIE MILES (CHAIR) ALFRED JAMES DREWER STANLEY ROBINSON
2.	What is the total membership of your Council, Committee or Sub-Committee for which dispensation is sought? Please identify the political makeup of the Council, Committee or Sub-Committee to which this application relates.	5 All independent with no formal political affiliation on the Council.
3.	What is the quorum of the Council, Committee or Sub-Committee concerned?	3
4.	What is the matter for which dispensation is sought? Please provide full details including amounts where the matter involves funding or finance. It is important that full and complete details are provided. The Standards Committee will not consider applications that lack information. Provide as much detail as possible.	The Council has been asked by the Village Hall Committee to consider making a grant to the Village Hall as a contribution towards work on the Hall. The grant involved from the Parish Council would be small - no more than £50 - £200 but amounts have not been discussed because of the need to seek a dispensation for the 3 members who have a prejudicial interest.
5.	For which type of meeting is the dispensation sought? (Full Council, Committee or Sub Committee).	Full Council

6.	<p>What is the nature of the prejudicial interest or interests? Please give full details.</p>	<p>Alfred Drewer and Stanley Robinson are both members of the Village Hall Committee. Josie Miles is married to a member of the Village Hall Committee.</p>
7.	<p>For how long is the dispensation needed? Please note that it cannot be longer than 4 years nor exceed the term of office of the Councillors concerned. The dispensation should be no longer than is reasonably required.</p>	<p>For 3 years until May 2015 when the terms of office of all 3 councillors will end. We would like the 3 years in case the Parish Council wishes to support the Village Hall again in the future.</p>
8.	<p>Do you (where this is an application by an individual) or does any member benefit <u>personally</u> from the business to which this application relates. If "yes" the full details must be provided of the nature and extent.</p>	<p>No</p>
9.	<p>How is the business of the Council being impeded in the absence of a dispensation (for example, a village hall matter where some members are exempt because they are Village Hall Trustees)?</p>	<p>The Council is unable to support the Village Hall.</p>
10.	<p>Are there any other factors that might help the Standards Committee to reach a decision on the application?</p>	<p>Chaffcombe is a small village with a very active Village Hall Committee. The Hall is used regularly by a large number of residents in the village for various activities. However there are limited numbers of people willing to serve on the Committee or stand as Parish Councillors. Consequently several village residents are involved in both the Council and the Hall.</p>

Signed: Date:
Clerk to Parish/Town Council (if appropriate)

Signed: Date:
Councillor - Name.....

Signed: Date:
Councillor - Name.....

Signed: Date:
Councillor - Name.....

Signed: Date:
Councillor - Name.....

Signed: Date:
Councillor - Name.....

Please complete and return this form to:-

The Monitoring Officer
South Somerset District Council
PO Box 25
Brympton Way
Yeovil
Somerset.
BA20 2DS

The dates of the Council's Standards Committee meetings are available on the Council's web site and you should ensure that your application is received by the Monitoring Officer at least 14 days prior to the meeting at which you wish your application to be considered to enable a report to be prepared and your request included on the agenda. **Please remember that full information must be provided otherwise the Standards Committee will not consider your application.**