



Ryedale District Council

REPORT TO: Standards Committee

DATE: 19 June 2008

REPORTING OFFICER: Council Solicitor & Monitoring Officer
Anthony Winship

SUBJECT: **Applications for a Dispensation**

1.0 PURPOSE OF REPORT

To consider applications for dispensations from members of Harome Parish Council

2.0 RECOMMENDATIONS

The Standards Committee is recommended:-

- (1) To receive this report;
- (2) Consider granting a dispensation in the following terms :
 - (i) The Standards Committee considered that it was appropriate to Grant a dispensation to the applicants having regard to the fact that the transaction of the business of the Parish Council would, on each occasion on which the dispensation would apply, be otherwise be impeded because the numbers of Members of the Harome Parish Council that were prohibited from participating in the business of the Council exceeded 50% of those Members that are entitled to participate.
 - (ii) That accordingly, the Standards Committee for the Ryedale District hereby grants a dispensation for a period of 3 years to Mr Trevor Andrews, Mr C G Pickard, Mr Edward Wardle and Mr Ian B Rooke being members of Harome Parish Council pursuant to the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 allowing them to participate by speaking and voting at a meeting of Harome Parish

Council when considering any matter relating to Harome Village Hall Committee.”

3.0 INTRODUCTION

Members can be advised that an application for a dispensation has been received from four members of Harome Parish Council, namely, Mr Trevor Andrews, Mr C G Pickard, Mr Edward Wardle and Mr Ian B Rooke. A copy of the applications are attached.

Applications for a dispensation were originally considered by the Standards Committee meeting on 3 April 2008 in relation to three members of Harome Parish Council. Because of the illness of one member, an application has subsequently been submitted in respect of four members. It is considered expedient to consider all the applications together.

The Harome Village Hall Committee has entered discussions with Harome Parish Council regarding all aspects of the proposed relocation of the Parish Hall to Harome Sportsfield. The four members of the Harome Parish Council named above are also trustees/members or are spouses of trustees/the secretary of the Harome Village Hall Committee. Against this background, the Parish Council members may be considered to have a personal and prejudicial interest under the Members Code of Conduct at a Parish Council meeting when matters relating to the Harome Village Hall Committee are being considered. In these circumstances, without a dispensation the Parish Councillors would be obliged to leave the Council meeting during consideration of those matters. This would render the meeting of the Parish Council inquorate. The members of the Parish Council have therefore lodged an application for a dispensation enabling them to participate.

The Parish Council has a total membership of five members and the quorum for a Parish Council meeting is three or one third of the membership whichever is the greater - (paragraph 12 of schedule 12 of the Local Government Act 1972).

4.0 BACKGROUND

Members can be advised that the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 “the 2002 Regulations” prescribes the circumstances in which a Standards Committee may grant dispensations to members of relevant authorities in England. If a member or a co-opted member acts in accordance with the grant of a dispensation, any participation in business prohibited by the mandatory provisions of a model Code of Conduct is not a failure to comply with the authority’s Code of Conduct.

The key points relating to dispensations may be summarised as follows:-

- (i) Regulation 3 of the 2002 Regulations sets out the circumstances in which Standards Committees may grant dispensations;
- (ii) Dispensations may only be granted if half the members entitled or required to participate in the business of the authority would not otherwise be able to, or the authority would not be able to comply with political balance principles.
- (iii) The regulation specifies that a member must submit a written request for a dispensation explaining why it is desirable.
- (iv) For Parish and Town Councils, the District Council's Standards Committee is responsible for granting dispensations.
- (v) The dispensation must be agreed by the Standards Committee, in writing, before the meeting of the Parish Council is held.
- (vi) 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.

In making its decision the Standards Committee needs to weigh up the public interest in the ability of the Parish Council to function properly with its members against the public interest in maintaining public confidence in local government by providing that members who have a personal and prejudicial interest should not normally participate in the decision making process of a Council in circumstances where they have a personal and prejudicial interest.

The circumstances of this case are that Harome Parish Council is a small parish with fewer than 200 people on the electoral roll and given the population of the parish, the members of the Parish Council are also involved in other local organisations of a public nature.

The reasons why the members of Harome Parish Council consider it desirable to be granted a dispensation are as follows:-

"It is considered desirable to have a dispensation for the despatch of Parish Council Business."

It can be confirmed that the Parish Councillors have not been appointed to the Harome Village Hall Committee as the Parish Council representatives.

If members are minded to grant a dispensation, regulation 4 of the 2002 Regulations provides that:-

"The authority's Standards Committee must ensure that -

- (a) the existence, duration and nature of any dispensation is recorded in writing; and
- (b) that such record is kept with the register of interests established and maintained under section 81(1) of the Act."

5.0 CONCLUSION

Members' views are requested.

Background Papers:

Applications for a dispensation from Members of Harome Parish Council .

OFFICER CONTACT:

Please contact Anthony Winship, Council Solicitor, if you require any further information on the contents of this Report. The Officer can be contacted at Ryedale House, Telephone 01653 600666 ext. 267 or e-mail: anthony.winship@ryedale.gov.uk