

STANDARDS COMMITTEE

THURNHAM PARISH COUNCIL – REQUESTS FOR DISPENSATIONS 24th January 2008

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to consider requests for dispensations from three members of Thurnham Parish Council.

This report is public

RECOMMENDATIONS

- (1) That the Committee consider granting dispensations to parish councillors M.J. Hornshaw, S. Bibby and T.A. Stalker of Thurnham Parish Council to enable them to take part in parish council business affecting Glasson Dock Bowling Club.

1.0 Introduction

- 1.1 As Members will be aware, under the Code of Conduct, a Member who has a prejudicial interest in any business of the authority must withdraw from the room or chamber where a meeting considering the business is being held, unless the Member has obtained a dispensation from the authority's Standards Committee. (There is another exemption whereby a Member with a prejudicial interest may attend a meeting to make representations where members of the public are allowed to attend the meeting for the same purpose).
- 1.2 The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 set out the circumstances in which Standards Committees may grant dispensations.
- 1.3 The Regulations provide that 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 do so; or
 - the authority would not be able to comply with the political balance principles.

The first of these situations would apply for example when more than 50% of the membership of the Cabinet or a Committee or Sub-committee, or a parish council are prohibited from participating in an item of business which comes before that body.

- 1.4 Any member requiring a dispensation must submit an application to the Standards Committee in writing, explaining why it is desirable. In considering such an application, the Standards Committee must decide whether it is appropriate to grant the dispensation, having regard to the basis upon which a dispensation may be granted, as set out above, the content of the application and all the other circumstances of the case.
- 1.5 The Regulations prohibit Standards Committees from granting a dispensation for more than four years.
- 1.6 The Standards Committee must ensure that the existence, duration and nature of any dispensation is recorded in writing and that such a record is kept within the Register of Members' Interests.

2.0 Proposal Details

- 2.1 Requests have been received from Councillors S. Bibby, M. Hornshaw, and T. A. Stalker of Thurnham Parish Council for dispensations to participate in matters relating to Glasson Dock Bowling Club of which they are all members, but in which they do not hold an executive position. Copies of the requests for dispensations are attached at Appendix A.
- 2.2 Thurnham Parish Council has seven members, and five of the members are members of Glasson Dock Bowling Club. Accordingly, unless dispensations are given, only two members would be able to participate in business relating to the Bowling Club, and these two members would not constitute a quorum. It would therefore be impossible for the Parish Council to consider issues relating to the Bowling Club.
- 2.3 The Committee is asked to consider the requests for dispensations.
- 2.4 If it is minded to grant the applications, the Committee may wish to do so for the period to the next parish council election in May 2011.
- 2.5 Some Members may recall that a similar application from Thurnham parish councillors was considered by the Standards Committee in June 2005, when dispensations were granted in similar circumstances until May 2007 to parish councillors Bibby, Hornshaw and Quick.

3.0 Options and Options Analysis (including risk assessment)

- 3.1 The options open to the Committee are to grant the dispensations or not to grant the dispensations. The Monitoring Officer would recommend that the dispensations be granted, on the basis that the requirements of the relevant Regulations are met, and, without the dispensations, the parish council would be unable to consider any business relating to the Bowling Club. All three councillors have indicated in their applications that they do not hold any executive position in the Bowling Club.

5.0 Conclusion

- 5.1 The Committee is asked to consider the requests for dispensations.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising from this report.

FINANCIAL IMPLICATIONS

Financial Services have been consulted and have confirmed that there are no financial implications arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

The applications comply with the relevant Regulations.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her role as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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