

DISPENSATIONS TO TOWN AND PARISH COUNCILS**Report By: Head of Legal and Democratic Services****Purpose**

1. To consider an application for a dispensation received from Lyonshall Parish Council.

Financial Implications

2. None

Background

3. Under the Code of Conduct, town and parish councillors are prohibited from participating in matters in which they have a prejudicial interest. In the normal course of events this would not prejudice the proper working of their councils. There are instances, however, when the number of councillors who would be prohibited from participating will impede the transaction of business.
4. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 give Standards Committees the power to grant dispensations in circumstances where the number of councillors that are prohibited from participating in the business of the council exceeds 50% of those who are entitled or required to participate.
5. In each case, the councillor must request the dispensation in writing, setting out why the dispensation is desirable. The Standards Committee must then decide whether, in all the circumstances, it is appropriate to grant the dispensation.
6. The 2002 regulations also specify two circumstances where a dispensation may not be granted; first, in respect of participation in business conducted more than 4 years after the date on which the dispensation was granted; and, secondly in relation to prejudicial interests concerning attendance at a scrutiny committee meeting which is scrutinising the activity of any other committee to which the member belongs, or for executive members in relation to their own portfolios.

Lyonshall Parish Council

7. Six out of ten members of Lyonshall Parish Council have requested a dispensation for as long a period as allowable, in relation to a housing needs survey, and possible housing developments containing affordable houses. The dispensation would enable them to discuss possible locations for the proposed developments. Five members live in properties adjacent to the development boundary, which are therefore possible exception sites. One member is a Managing Director of a local company which owns several of the possible exception sites. The Parish Council's quorum is three. The members requiring the dispensation are:

Mr Geoffrey Mitchell
Mr John Parker
Mr Ray Richards
Mr Paul Avery
Mr Graham Rutherford
Mr Malcolm Thompson

RECOMMENDATION

THAT the Committee considers granting the six members of Lyonshall Parish Council named in the report, a dispensation in relation to the housing needs survey and the proposed sites for development in and around Lyonshall.

BACKGROUND PAPERS

- Application from the Clerk to Lyonshall Parish Council dated 20 January 2008