

MEETING:	STANDARDS COMMITTEE
DATE:	24 JUNE 2011
TITLE OF REPORT:	APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS
REPORT BY:	DEMOCRATIC SERVICES OFFICER

Classification: Open

Purpose

1. To consider an application for a block dispensation received from Kington Town Council.

Recommendations

THAT

- (a) **the Standards Committee considers whether members of Kington Town Council require a dispensation in relation to their roles as members of the Kington Recreation Ground Trust;**
- (b) **if the Committee decides that a dispensation is necessary, it considers the granting of a block dispensation to Kington Town Council in respect of the Kington Recreation Ground Trust for a further four year period, to run concurrently with.**

Background

2. 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.
3. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, amended by the Standards Committee (Further Provisions) (England) Order 2009, 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, **or** where the number of members that are prohibited from voting at a

meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

4. 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.
5. The 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.

Kington Town Council

6. Kington Town Council has requested a block dispensation in relation to its councillors' roles as members of the Kington Recreation Ground Trust (a registered charity). All town councillors are automatically members of the Trust on acceptance of office. Individual councillors are not trustees; rather, the Town Council as a corporate body is the trustee. Issues relating to the management of this facility frequently arise on the agenda for the Town Council.
7. A block dispensation was initially granted on 17 February 2006 for four years, and subsequently for the period 16 April 2010 to the date of the Town and Parish Council elections in May 2011. The latter decision ensured that the dispensation was in place until the end of the current Town Council mandate, and that any future dispensations would run concurrently with each election period. The granting of a block dispensation has eliminated the need to request a new dispensation every time there is a change of councillor.
8. The exceptional reasons for granting a block dispensation in Kington Town Council's particular instance remain the same as in previous requests, namely:
 - The proposed block dispensation relates entirely to the Kington Recreation Ground and to no other matter;
 - The Town Council has documentary evidence to support the fact that all members without exception are automatically Trustees and there is no other mechanism for becoming a Trustee;
 - In accordance with the Regulations, the block dispensation will apply for a limited period from the date of the Committee's resolution and will be subject to review at the end of the period.
9. The most recent dispensation has now expired. The Town Council has requested that the Standards Committee considers a new block dispensation which would capture all current and future Councillors for a further period of four years.

Financial Implications

10. None.

Appendix

Letter and from Kington Town Council dated 16 May 2011 (application form to follow).