

## **DISPENSATIONS TO TOWN AND PARISH COUNCILS**

**Report By: County Secretary and Solicitor**

### **Wards Affected**

Pontrilas and Sutton Walls

### **Purpose**

1. To consider applications for dispensations received from Garway Parish Council and Sutton Parish Council.

### **Background**

2. Under the Code of Conduct, town and parish councillors are prohibited from participating in matters in which they have a prejudicial interest. Normally, this would not disrupt the operation of town and parish council business. However, there will be occasions when the number of councillors who would be prohibited from participating in a matter would impede the transaction of business.
3. The Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002 allows the Standards Committee to grant dispensation 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.
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 2002 Regulations also specify two circumstances where a dispensation may not be granted. Firstly, this is in respect of participation in business conducted more than 4 years after the date on which the dispensation was granted. 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 belong or for executive members in relation to their own portfolios.

### **Garway Parish Council**

6. Four members of Garway Parish Council have requested a dispensation in relation to their commoners rights on Garway Common.
7. The four members requesting dispensation are as follows:
  - Mr David Redmand Atkinson, Cae Duff, Garway, Herefordshire
  - Mr Anthony Robert Phillips, The Oaks, Garway, Herefordshire
  - Mr Mark Hedley Jones, Yew Tree Farm, Garway Common, Herefordshire
  - Mrs Jane Caroline Trew, Frugaro, Broad Oak, Herefordshire

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Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

8. The request advised that Garway has approximately 230 acres of common land comprising Garway Hill (209 acres), and Lower Common in the centre of the village which has been used as a sports ground and village centre focal point for many years. The Parish Council has been registered as owners of the common in 1965, following the absence of any known Lord of the Manor, when the Commons Registration Act 1965 came into force. The Parish Council have continued to manage the common and have obtained relevant consents to build a children's playground, maintain and mow the sports field, as well as dealing with issues that arise between commoners. There is currently a proposal for a new village hall to be developed to replace the old one following a postal vote of all parishioners. However, the proposal does not have unanimous support across the community and there is a small group of commoners who have objected to the project.
9. The four members named above all have commoner rights on Garway Common. Additionally, there are currently only five serving members of the council and unless a dispensation is granted, it will not be possible for the Parish Council to continue its role in both managing the common and seeking to develop this important community initiative.

#### **Sutton Parish Council**

10. Sutton Parish Council comprises 7 councillors. An important recent community initiative is to develop a new school and community centre for the Sutton St Nicholas village. The Parish Council has raised funds for the community centre. Additionally, of the 7 councillors, Mr Richard Andrews owns the land on which the proposed new community centre is to be built, Mr Max Jenman is Chairman of the Village Hall Committee, Mrs Anne Burke is a member of the Village Hall Committee, and Mr A Walmsley is Chairman of the School Governors.
11. The four councillors have asked the Standards Committee for a dispensation to allow them to discuss the Community Hall Project at parish council meetings. If the dispensation is not granted, these four members would be excluded and the parish council would be unable to progress these important community initiatives.

#### **RECOMMENDATION**

- THAT (a) the request for dispensations received from the parish councillors named in the report at Garway Parish Council and Sutton Parish Council be granted; and**
- (b) consideration be given to any other request for dispensation received prior to the meeting.**

#### **BACKGROUND PAPERS**

- Letter from the Clerk to Garway Parish Council requesting dispensation received 25 August 2005.
- Letter from the Clerk to Sutton Parish Council dated 2 September 2005 requesting dispensation.