

DISPENSATIONS TO TOWN AND PARISH COUNCILS

Report By: Legal Practice Manager

Purpose

1. To consider two applications for dispensation received from Holme Lacy Parish Council and Kington Town 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.

HOLME LACY PARISH COUNCIL

7. Four members of Holme Lacy Parish Council have requested a dispensation in relation Holme Lacy Village Hall. The four members are:

Mrs Christina Harris
Mrs Belinda Gwynne
Mr Kevin Lofthouse
Mr Keith Bishop

8. The Clerk states that the Parish Council is custodian trustee of the village hall, and the dispensation request is on this basis.

KINGTON TOWN COUNCIL

8. 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.

9. A dispensation is currently in place for certain named councillors to enable them to discuss the purchase or donation of items for the recreation ground. In addition, issues relating to the management of this facility frequently arise on the agenda. The Town Council has asked the Standards Committee to consider whether it is possible to grant a block dispensation to prevent the need to request a new dispensation every time there is a change of councillor. If the Standards Committee agrees that a block dispensation cannot be granted, the Town Council requests that a dispensation be granted for the following named councillors:

Mrs E. Banks	Mrs R. Bradbury
Mrs V. Carpenter	Mr H. Jones
Mr D. East	Mr S. Reynolds
Mrs E. Newman	Mr B. Thomas
Mr J. Ford	Mr T. Bounds
Mrs B. Trumper	Mrs S. Reeves
Mr M. Turner	Mr A. Lloyd

10. There is also the question of whether a dispensation is necessary at all because individual councillors are not trustees.

RECOMMENDATION

- THAT**
- (a) the four members of Holme Lacy Parish Council named in the report be granted a dispensation in respect of Holme Lacy Village Hall;**
 - (b) 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;**
 - (c) if the Committee decides that a dispensation is necessary, it considers whether it is possible to grant a block dispensation to Kington Town Council, or whether instead, the fourteen members of Kington Town Council named in the report be granted a dispensation in respect of the Kington Recreation Ground Trust.**

BACKGROUND PAPERS

- Letter from the Clerk to Holme Lacy Parish Council dated 19 December 2005;
- Letter from the Clerk to Kington Town Council dated 18 January 2006.