

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

**Report By: Legal Practice Manager**

### **Purpose**

1. To consider an application for dispensation received from Brilley 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.

7. Two out of the five members of Brilley Parish Council have requested a dispensation in relation Brilley Village Hall. The two members are:  
  
    Mr R. Lloyd, Fernhall, Brilley  
    Mr P. Bufton, Llanhedry, Brilley
8. The Clerk states that the Parish Council feels that the dispensation is necessary on the basis that, under the present circumstances, if one of the five councillors is not present at a meeting when village hall matters need to be discussed, the Parish Council will not be quorate.

### **RECOMMENDATION**

**THAT (a) the Committee considers granting the two members of Brilley Parish Council named in the report, a dispensation in respect of Brilley Village Hall.**

### **BACKGROUND PAPERS**

- Letter from the Clerk to Brilley Parish Council dated 11 June 2006;
- Letter from the Head of Legal and Democratic Services dated 13 June 2006.