

BABERGH DISTRICT COUNCIL

FROM: The Monitoring Officer

REPORT NUMBER: **K117**

TO: STANDARDS COMMITTEE

DATE OF MEETING: 15 October 2010

DISPENSATION FOR MEMBERS OF GREAT WALDINGFIELD PARISH COUNCIL

1. PURPOSE OF REPORT

- 1.1 A dispensation is sought for 4 Members of Great Waldingfield Parish Council to allow them to participate and vote on items concerning expenditure on the village hall. The 4 Members are all members of the Village Hall Management Committee, which is a registered charity.

2. RECOMMENDATION

- 2.1 That a dispensation be granted to Councillors Steele, Misslebrook, Backhouse and Sowman to allow those members to participate and vote on items affecting or relating to the financial interests of Great Waldingfield Village Hall and its Management Committee in circumstances where the meeting would otherwise be inquorate.

or

- 2.2 That the application for a dispensation for Councillors Steele, Misslebrook, Backhouse and Sowman to allow those members to participate and vote on items affecting or relating to the financial interests of Great Waldingfield Village Hall and its Management Committee, be refused.

The Committee is able to resolve this matter.

3. FINANCIAL IMPLICATIONS

- 3.1 None

4. RISK MANAGEMENT

- 4.1 This report is most closely linked with the Council's Significant Business Risk No. 5 (Governance).

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
A dispensation is incorrectly granted.	Low	Significant	Quorum checked and numbers on the Council who would have a personal & prejudicial interest.

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
The Parish Council is unable to conduct its affairs effectively.	Low	Critical	Careful consideration of application for a dispensation.

5. EQUALITY AND DIVERSITY IMPACT

5.1 Not directly relevant to this report.

6. KEY INFORMATION

6.1 In 1996 Great Waldingfield Parish Council established a Trust to manage the village hall. The Trust is a registered charity and 4 members of the Parish Council were appointed to its Management Committee.

6.2 The Parish Council comprises 8 members although it currently has 1 vacancy which it has so far been unable to fill (since May 2010).

6.3 The Parish Council has secured major grant contributions to enable the complete refurbishment of the village hall and a number of decisions will need to be taken by the Parish Council which will clearly affect the financial interests of the Trust. In the circumstances, it is likely that the members of the Management Committee would have a personal and prejudicial interest in items of business at the Parish Council concerning the works to Village Hall. A dispensation has been sought by those members to enable them to participate and vote on any such items of business without giving rise to a breach of the Code.

6.4 The power of the Standards Committee to grant dispensations is provided under The Standards Committee (Further Provisions) (England) Regulations 2009. The Regulations provide that a dispensation may only be granted where:-

- the business of the Parish Council would be impeded because more than 50% of its members would otherwise be prohibited from voting on the matter.

6.5 Members are asked to note that the number of members with a prejudicial interest must exceed 50% for a dispensation to be granted. Therefore, if the Parish Council were to co-opt an eighth member, then a dispensation could only be applied if 1 of the 4 members not serving on the Management Committee were absent. Even in that scenario there would still be a quorum of 3.

6.6 The dispensation is therefore sought as a temporary measure whilst 4 of the 7 members would be precluded from dealing with village hall matters affecting its financial position. Also where a meeting would be inquorate even with 8 members.

6.7 Members will need to decide, if satisfied that there is basis to grant a dispensation, whether it should be for all 4 members generally whilst the Parish Council membership remains at 7. Alternatively, whether it should be for 1 member in circumstances where the meeting would be inquorate.

- 6.8 A decision is then needed on whether to grant a dispensation even when there are 8 members to address circumstances in which the meeting might otherwise be inquorate.
- 6.9 A dispensation may be granted for any number of meetings over a period not exceeding 4 years from the date of grant.

7. **APPENDICES**

None

8. **BACKGROUND PAPERS REFERRED TO:**

Email exchanges between the Monitoring Officer and the Clerk to Great Waldingfield Parish Council

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