

## **STANDARDS COMMITTEE**

### **DATE**

## **REQUESTS FOR DISPENSATIONS**

Report from: Deborah Upton

Author: Deborah Upton, Monitoring Officer

### **Summary**

The purpose of this report is to enable the Committee to consider requests from members of St Mary Hoo Parish Council for dispensation from the requirement of the Members' Code of Conduct to withdraw from a meeting when matters in which they have a personal and prejudicial interest are considered.

#### **1. Budget and Policy Framework**

This is a matter for the Standards Committee to decide

#### **2. Background**

2.1.1 A request has been received from three Parish Councillors from St Mary Hoo Parish Council, for dispensation to speak and vote on matters relating to the Parish Council's Conservation Area, which lies rear to the Councillors' properties notwithstanding that the Councillors have a prejudicial interest. The letters of request received from Councillors Bob Beckey, Bill Budd, and Paul Hassell are attached at Appendix 1.

2.1.2 The request is made due to the number of Members of the Parish Council that are prohibited from participating in the in a decision on the conservation area exceeding 50% of those Members entitled to participate. With three members of the Parish Council having prejudicial interests in the matter, due to the proximity of their houses to the conservation area, the Parish Council would not be able to discuss the matter (due to there being no quorum) unless a dispensation were to be granted.

2.2 The interests arise as the three Councillors have personal and prejudicial interests as they live adjacent to the Conservation Area (as set out in the letters attached to this report at appendix one).

### **3. Options**

- 3.1 To grant the dispensation requested
- 3.2 Not to grant the dispensation requested

### **4. Advice and analysis**

- 4.1 Following adoption of the Code of Conduct the Standards Committee of this Council is responsible for granting dispensations to members who have personal or prejudicial interests who wish to participate in meetings of this Council or a Parish Council. Regulations have been passed dealing with the granting of dispensations. A member can apply to a Standards Committee for a dispensation if:
  - (i) Over 50% of the authority or committee members would otherwise be prevented from taking part because of prejudicial interests; or
  - (ii) When the political balance of the authority or committee would be upset. (This does not apply to Parish Councils).
- 4.2 The application must be made individually by the member in writing before the meeting is held. Group dispensations cannot be given.
- 4.3 Dispensations must not be granted as a matter of course, as the Standards Committee must be satisfied in the light of all the circumstances of the case that it is appropriate to grant a dispensation. The Committee is required to weigh the public interest in members with prejudicial interests being involved in decisions against the public interest in decisions being taken by a reasonably representative group of members. Standards Board guidance states that “if failure to grant a dispensation will result in an authority or committee not achieving the minimum number of members required for the group, this may be sufficient grounds for granting a dispensation”.
- 4.4 For information, the Standards Board for England strongly recommends that Members relying on a dispensation in order to participate in consideration of a matter, in which they have a prejudicial interest, state this publicly at the same time as they declare the existence of the nature of the interest.
- 4.5 If the Council’s Standards Committee grants a dispensation they must ensure that the existence, duration and nature of a dispensation is recorded in writing and such record is kept with the Register of Interests.
- 4.6 Members are requested to use their discretion on deciding whether to agree to the dispensation requested and if so, for what duration.

**5. Consultation**

5.1 None

**6. Financial and legal implications**

6.1 The legal implications are contained in the body of the report. There are no financial implications.

**7. Recommendations**

7.1 That the Committee considers whether or not dispensations are granted and if so, for what duration.

**8. Suggested reasons for decision(s)**

**Lead officer contact**

Deborah Upton  
Monitoring Officer  
Gun Wharf, Dock Road, Chatham, Kent ME4 4RT  
01634 332133; [Deborah.upton@medway.gov.uk](mailto:Deborah.upton@medway.gov.uk)

**Background papers**

None

Cllr Bob Beckey  
5 Forge Cottages  
Fenn Street  
St Mary Hoo  
ROCHESTER  
Kent ME3 8QT

Ms Deborah Upton  
Monitoring Officer  
Medway Council  
Gun Wharf  
Dock Road  
CHATHAM  
Kent ME4 4TR

Dear Ms Upton,

**St Mary Hoo Parish Council**

As a member of St Mary Hoo Parish Council, I understand that I have a personal and prejudicial interest in matters relating to the Parish Council's Conservation Area, which lies to the rear of my property.

The Parish Council consists of five members and a quorum of three is necessary to consider any matter. This also applies to the Council's Amenity Committee, which has been set up to make recommendations to the full council about the management of the Council's property.

Apart from myself, two other members also live adjacent to the Conservation Area. This only leaves two members who would not have personal and prejudicial interests. In the event that the Conservation Area is discussed, the three of us would have to withdraw, making the Council inquorate. Clearly the Council would not be able to proceed with its business and furthermore would not be able to manage its own property.

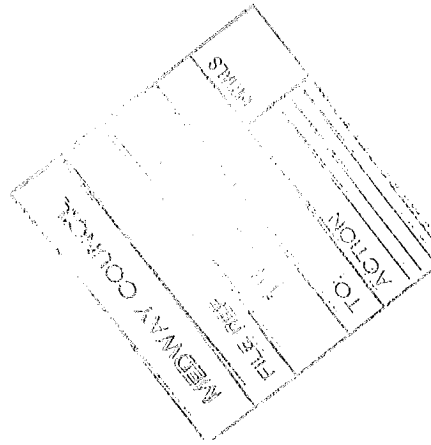
I am therefore seeking a dispensation on this matter from the Standards Committee, so that the Parish Council can undertake its responsibilities in managing this piece of land.

Yours sincerely,



Robert J Beckey

Cllr Paul Hassell  
Fenn House Farm  
Fenn Street  
St Mary Hoo  
ROCHESTER  
Kent ME3 8QT



Ms Deborah Upton  
Monitoring Officer  
Medway Council  
Gun Wharf  
Dock Road  
CHATHAM  
Kent ME4 4TR

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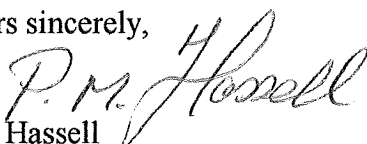
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Yours sincerely,

  
Paul Hassell

Cllr Bill Budd  
2 Forge Cottages  
Fenn Street  
St Mary Hoo  
ROCHESTER  
Kent ME3 8QT

Ms Deborah Upton  
Monitoring Officer  
Medway Council  
Gun Wharf  
Dock Road  
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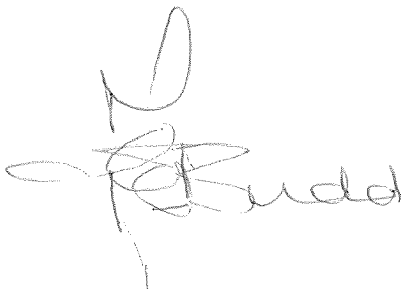
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Yours sincerely,

Bill Budd

A handwritten signature in black ink, appearing to read 'Bill Budd', with a large, stylized initial 'B' at the top.