

STANDARDS COMMITTEE

15 JUNE 2011

REQUEST FOR DISPENSATION

Report from/Author: Deborah Upton, Monitoring Officer

Summary

To enable the Committee to consider a request from three members of St Mary Hoo Parish Council for a dispensation from the requirement of the Members' Code of Conduct to withdraw from a meeting, when matters in which they have a prejudicial interest, are considered.

1. Budget and Policy Framework

1.1 This is a matter for the Standards Committee to decide.

2. Background

2.1 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 Area, which lies within the vicinity of the Parish Councillors' properties, notwithstanding that the Parish Councillors have a prejudicial interest. The letter of request received from Councillors Mrs Heyburn, Bill Budd and Paul Hassell are attached at Appendix 1.

2.2 The request is made due to the Councillors having prejudicial interests in this matter in that their properties lie within the vicinity of the Parish Council's Conservation Area/Nature Reserve. The Council has also set up an Amenity Committee, designed to make recommendations to the full Council about the management of the Council's property.

2.3 With three members of the Parish Council having prejudicial interests in the matter, due to the proximity of their properties to the area, the Parish Council would not be able to discuss the matter, (since attendance of only two members would mean that the meeting would not be quorate), unless a dispensation were to be granted.

3. Options

3.1 To grant the dispensation requested for a specific duration.

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 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.
- 4.4 The Standards 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.
- 4.5 It is recommended that where Members rely on a dispensation in order to participate in consideration of a matter, in which they have a prejudicial interest, it should be stated publicly at the same time as they declare the existence of the nature of the interest.
- 4.6 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.
- 4.7 Dispensations cannot be granted for periods longer than 4 years.
- 4.8 Members are requested to use their discretion on deciding whether to agree to the dispensation requested and if so, for what duration.

5. Financial and legal implications

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

6. Recommendations

- 6.1 That the Committee considers whether or not a dispensation is granted and if so, for what duration.

Lead officer contact

Deborah Upton
Monitoring Officer
Gun Wharf, Dock Road, Chatham, Kent ME4 4RT
01634 332133; Deborah.upton@medway.gov.uk

Background papers

Letters from Councillors Mrs Heyburn, Bill Budd and Paul Hassell

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

21 May 2011

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

RECEIVED 26 MAY 2011

Dear Ms Upton,

St Mary Hoo Parish Council

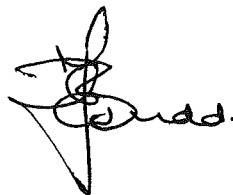
As a member of St Mary Hoo Parish Council, I understand that I have a personal and prejudicial interest in matters relating to the Parish Council's Conservation Area/Nature Reserve, which lies to the rear of my property.

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 Council's land. 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,

A handwritten signature in black ink, appearing to read 'Bill Budd', with a stylized flourish above the name.

Bill Budd

MEDWAY COUNCIL	
FILE REF	
24 MAY 2011	
TO:	
ACTION:	INITIALS:

Cllr Mrs Carol Heyburn
Campsie
Fenn Street
St Mary Hoo
ROCHESTER
Kent ME3 8QT

21 May 2011

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

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St Mary Hoo Parish Council

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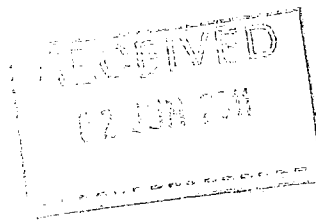
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Yours sincerely,


Carol Heyburn

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



21 May 2011

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

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St Mary Hoo Parish Council

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Yours sincerely,

Paul Hassell