

BABERGH DISTRICT COUNCIL

FROM: The Monitoring Officer

REPORT NUMBER **F162**

TO: STANDARDS COMMITTEE

DATE OF MEETING 26 January 2007

DISPENSATION FOR MEMBERS OF THORPE MORIEUX PARISH COUNCIL

1. **SUMMARY**

1.2 A dispensation is sought for 4 Members of Thorpe Morieux Parish Council to allow them to participate and vote on an item concerning the budget precept and allocation of funding for the provision of equipment for the village hall to be considered by the Parish Council before 31 March 2007.

2. **RECOMMENDATIONS**

2.1 That having considered the application submitted by Councillors Gagen, Nicholls, Lee and Dalley, a dispensation be granted to those members to allow consideration by them of items concerning a contribution by the Parish Council towards the cost of equipment for Thorpe Morieux Village Hall at meetings of Thorpe Morieux Parish Council between 26 January 2007 and 31st March 2007

or

2.2 That having considered the application submitted by Councillors Gagen, Nicholls, Lee and Dalley, a dispensation be refused in respect of items concerning a contribution by the Parish Council towards the cost of equipment for Thorpe Morieux Village Hall at meetings of Thorpe Morieux Parish Council between 26 January 2007 and 31st March 2007

The Committee is able to resolve this matter

3. **FINANCIAL IMPLICATIONS**

3.1 None

4. **KEY INFORMATION**

4.1 Thorpe Morieux Parish Council is due to consider its budget precept at a meeting or meetings to be arranged after 26 January 2007, but before 31 March 2007. Consideration is to be given to whether the Parish Council should commit funding for expenditure on equipment at Thorpe Morieux Village Hall. 4 of the 7 members of the Parish Council are also members of the Village Hall Committee that would be responsible for expending any monies allocated by the Parish Council. The Committee is a separate legal body to the Parish Council.

4.2 The 4 parish councillors have taken the view that they have a personal and prejudicial interest in the part of the budget that concerns the possible allocation of monies to the Village Hall Committee.

- 4.3 A personal interest will arise where the well-being of a councillor may reasonably be regarded as affected to a greater extent than other Council Tax payers, rate payers or inhabitants of the authority's area or the matter relates to an interest required to be registered in the councillor's Register of Interests. The interest will also be prejudicial if it is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the councillor's judgement of the public interest. A councillor with a prejudicial interest must leave the room for that particular item. A failure to do so, will amount to a breach of the Code of Conduct.
- 4.4 The Standards Committee may, however, grant a dispensation to allow a councillor to remain in the room, participate fully in the discussion and vote on the item without giving rise to a breach of the Code. The power of the Standards Committee to grant dispensations is provided under The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.
- 4.5 The 4 councillors have made written application via the Monitoring Officer for a dispensation (see Appendix 1.) on the grounds that the transaction of parish council business will be impeded because more than 50% of the parish council would be prohibited from participating in the item.
- 4.6 The quorum for a meeting of the parish council is 3.
- 4.7 In order to grant a dispensation, the Standards Committee must be satisfied that it would be appropriate to grant the dispensation having regard to:-
- the business of the Parish Council being impeded by or as a result of more than 50% of the Parish Council being prohibited from participating in the item of business by reason of having a personal and prejudicial interest, and
 - the content of the application for dispensation, and
 - all other circumstances of the case
- 4.8 A dispensation may be granted for any number of meetings over a period not exceeding 4 years from the date of grant.

5. **APPENDICES**

- (a) Application for dispensation from Councillors Gagen, Lee, Nicholls and Daley dated 23 November 2006 (received 3 January 2007)

6. **BACKGROUND PAPERS REFERRED TO:**

None

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