

REPORT TO	DATE OF MEETING
STANDARDS COMMITTEE	22 July 2009

Report template revised June 2008



SUBJECT	PORTFOLIO	AUTHOR	ITEM
REQUEST FOR DISPENSATION – Penwortham Priory – Dual Use Centre	Not Applicable	Martin O’Loughlin	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

The report relates to the possible granting of dispensation to relevant members in accordance with the Town Council’s Code of Conduct.

RECOMMENDATION

That the Standards Committee considers whether to grant dispensation to enable relevant Penwortham Town Council members to take part and vote in any debates relating to the issue of making a financial contribution to works to be undertaken at Penwortham Priory High School and Penwortham Leisure Centre.

DETAILS AND REASONING

South Ribble Borough Council is currently renegotiating a dual use agreement with Penwortham Priory High School. Penwortham Town Council is considering making a financial contribution to works to be undertaken at Penwortham Priory High School and Penwortham Leisure Centre which will be the subject of the dual use agreement and it will be necessary for Penwortham Town Council to debate issues relating to this matter. In accordance with the provisions of the Town Council’s Code of Conduct it could be argued that any member of the Penwortham Town Council who is also a South Ribble Borough Councillor would have a prejudicial interest in respect of any such debates. The argument is that such members would have a prejudicial interest as the issue could have a bearing on the financial interests of South Ribble Borough Council. On this basis they would not be able to take part in any such discussions nor indeed to actually vote.

Notwithstanding having a prejudicial interest, under the Code of Conduct, a member may apply to the Standards Committee for a dispensation to allow him/her to take part in any such meeting if over 50% of the authority or committee members as appropriate would be prevented from so taking part because of prejudicial interests. 12 of the 18 Town Councillors are also Borough Councillors. Penwortham Town Council’s constitution requires a quorum of 7, so if the South Ribble members declare a prejudicial interest, the Town Council meeting would not be quorate and would be unable to consider the issue.

Only the Standards Committee can grant the dispensation applied for – it is a matter of discretion for the members of the Standards Committee. Standards Committee will need to balance the public interest in preventing members with possible prejudicial interests from taking part in decisions, against the public interest in decisions being able to be made. Such dispensation may only be granted to those members who have specifically applied for it.

Members of Standards Committee will be provided at the Committee meeting with details of precisely which councillors have indeed applied for such dispensation.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

FINANCIAL	None		
LEGAL	The decision whether to grant dispensation is entirely a matter for this Committee. The Standards Board does not have authority to decide on such matters.		
RISK	The Council must always ensure that it acts in a transparent fashion in order to avoid any possible reputational damage.		
OTHER (see below)	None		
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Efficiency Savings</i>	<i>Equality, Diversity and Community Cohesion</i>
<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>
<i>Respect Agenda</i>	<i>Staffing</i>	<i>Sustainability</i>	<i>Training and Development</i>

BACKGROUND DOCUMENTS

Penwortham Town Council's Code of Conduct.