

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>STANDARDS COMMITTEE</b>	<b>3 September 2009</b>

Report template revised June 2008



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

## **SUMMARY AND LINK TO CORPORATE PRIORITIES**

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

## **RECOMMENDATION**

That the Standards Committee considers whether to grant dispensation to enable a Penwortham Town Council member 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**

Members will recall that on the 22 July 2009 the Committee considered whether to grant dispensation to enable certain 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

South Ribble Borough Council is currently renegotiating a dual use agreement with Penwortham Priory High School. In accordance with the provisions of the Town Council’s Code of Conduct it was 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 was 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 could 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.

Members will further recall that at that Committee meeting it was resolved that:

- 1) dispensations not be granted to Councillor Stephen Robinson due to his role as South Ribble

Borough Cabinet Member for Finance and Resources, nor to Councillor Mrs Robinson as his spouse,

2) after careful consideration, and, mindful of the fact that without dispensations the democratically elected Town Council would not be able to discuss an item of its business nor make a decision thereon, dispensations be granted to Councillors Best, Mrs Blow, Clegg, Mrs D Gardner, M Gardner, Hancock, Mrs Jenny Hothersall, Jim Hothersall and Mrs Woollard, to allow them to take part in, and vote on, 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, and

3) that the dispensations granted in 2) above be valid for a period of six months from the date of this resolution (from 22 July 2009 to 22 January 2010).

Since that meeting a further request for dispensation has been received in writing from Councillor Julie Buttery who is also both a Penwortham Town Councillor and a South Ribble Borough Councillor. Councillor Buttery was on holiday at the time of the previous request and consequently unable to make such a request at that time.

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.

#### **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.

<b>FINANCIAL</b>	None		
<b>LEGAL</b>	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.		
<b>RISK</b>	The Council must always ensure that it acts in a transparent fashion in order to avoid any possible reputational damage.		
<b>OTHER (see below)</b>	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.