

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>STANDARDS COMMITTEE HEARING</b>	<b>12 AUGUST 2010</b>

Report template revised February 2007



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
<b>REQUEST FOR DISPENSATION FROM MEMBERS OF PENWORTHAM TOWN COUNCIL</b>	<b>NOT APPLICABLE</b>	<b>DAVID WHELAN</b>	<b>4</b>

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

The report relates to the possible granting of dispensations to certain dual hatted members of Penwortham Town Council and South Ribble Borough Council.

It is considered that the administration of the Standards regime impacts on a number of the Corporate priorities – in particular “Efficient, effective and exceptional Council.”

## **RECOMMENDATIONS**

That the Standards Committee considers whether to grant dispensations 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 Priory Sports & Technology College and Penwortham Leisure Centre.

## **DETAILS AND REASONING**

South Ribble Borough Council has been involved in some lengthy discussions with Lancashire County Council and Priory Sports & Technology College with regard to negotiating a new Dual Use Agreement in respect of the provision of leisure facilities at the school site. A verbal update on where these negotiations have reached will be provided at Committee.

Penwortham Town Council is considering making a financial contribution to works to be undertaken at Priory Sports & Technology College and Penwortham Leisure Centre which will be covered by the new Dual Use Agreement. It will be necessary for Penwortham Town Council to debate issues relating to this matter. On the basis of Penwortham Town Council’s Code of Conduct (and in the light of national guidance) it could be argued that any member of Penwortham Town Council who is also a South Ribble Borough Councillor would have a prejudicial interest in 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 only have a limited right to speak in such discussions and they would not be able to vote.

The Standards Committee (Further Provisions) (England) Regulations 2009 set out the grounds on which a Standards Committee may grant dispensations to local authority members. Of particular relevance is that 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. Twelve of the eighteen Town Councillors are also Borough Councillors. Penwortham Town Council’s constitution

requires a quorum of seven, 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 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 dispensations may only be granted to those members who have specifically applied for them.

At the date of writing this report the Council has received requests for dispensations from the following members:

Cllr A Best  
Cllr Mrs R Blow  
Cllr Mrs J Buttery  
Cllr P Clegg  
Cllr Mrs D.A Gardner  
Cllr M Gardner  
Cllr H Hancock  
Cllr J Hothersall  
Cllr Mrs J R Hothersall  
Cllr Mrs L Woollard

We understand that both Councillors Mr and Mrs Robinson will not be applying for dispensation.

Members will recall that on the 22 July 2009 (min. no.10 refers) very similar requests for dispensations were considered in relation to this issue. On that occasion Committee decided:

“1) that 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) that, 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).”

On the 3 September 2009 Standards Committee also granted a dispensation (in the same terms as the other nine councillors) to Cllr Mrs Buttery (min. no.17 refers).

Whilst the Standards Committee is not bound by its previous decisions in relation to this issue nevertheless it is considered proper to remind members of such earlier decisions.

## 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>	There are no financial implications.		
<b>LEGAL</b>	<p>It is a matter of discretion for the Standards Committee whether or not to grant the dispensations applied.</p> <p>There is no right of appeal from the decision.</p> <p>If minded to grant the dispensations then Standards Committee should also decide how long the dispensation should apply – in no circumstances should it be longer than 4 years.</p> <p>Any decision to grant a dispensation must be recorded in writing and must be kept with the register of interests maintained by the Monitoring Officer.</p>		
<b>RISK</b>	<p>The Council must always ensures that it acts in a transparent fashion.</p> <p>We must ensure that the public continue to have confidence in the way the Council conducts its business.</p>		
<b>OTHER (see below)</b>			
<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  
 Requests for dispensation from dual hatted members of Penwortham Town Council