

REPORT TO	DATE OF MEETING
STANDARDS COMMITTEE	28 SEPTEMBER 2010

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

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 South Ribble Borough Council for the provision of Christmas trees and the renovation/refurbishment of bus shelters

DETAILS AND REASONING

South Ribble Borough Council’s Penwortham Area Committee has requested a contribution from Penwortham Town Council for the provision of Christmas trees in the Penwortham area. The amount of any contribution to be made is ultimately of course a matter for the Town Council to decide upon. However, the borough council has indicated a contribution of 50% of the total costs would be helpful – this amounts to a contribution in the region of £2,000.

South Ribble Borough Council’s Neighbourhood Directorate has also sought a financial contribution from Penwortham Town Council in relation to the cost of renovating/refurbishing two bus shelters in the Penwortham area. The amount of the contribution sought is approximately £900 – this being 50% of the costs of the works.

It will be necessary for Penwortham Town Council to debate issues relating to this matter and decide on whether it wishes to make any financial contributions to the Borough Council in this instance. 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.

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

Cllr A Best
Cllr H Hancock
Cllr J R Hothersall
Cllr Mrs J R Hothersall

If any further applications for dispensations are received this will be reported on verbally at the committee meeting.

Only the Standards Committee can grant the dispensations 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.

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	There are no financial implications.		
LEGAL	<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 for..</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>		
RISK	<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>		
OTHER (see below)			
<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