



East
Northamptonshire
Council

Joint Standards Complaints Committee – 3 September 2015

Requests for Dispensations

Purpose of report: To present for consideration by the Committee two requests for dispensations in relation to disclosable pecuniary interests from Stanwick and Ashton Parish Councils

1.0 Legislative basis for Dispensations

- 1.1 The Localism Act 2011 prohibits councillors taking part in discussions and debates when they have a disclosable pecuniary interest in the matter being considered unless they have a dispensation. The Act also provides that dispensations can be granted in the following circumstances –
- a) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would “impede the transaction of the business”. (In practice this usually means that the decision-making body would be inquorate as a result)
 - b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - c) That the authority considers that the dispensation is in the interests of persons living in the authority’s area.
 - d) That the authority considers that it is otherwise appropriate to grant a dispensation
- 1.2 Under Part 9 of the EBC Constitution delegation has been given to the Monitoring Officer to grant dispensations to ENC councillors under (a) or (b) above and to this committee for (c) and (d). The arrangements at town and parish councils vary with some giving the delegation for (a) and (b) to the Clerk with (c) and (d) to the Joint Standards Committee. The latter is the position for Stanwick and Ashton Parish Councils where an individual councillor in each has a DPI in an area where the parish council has overall management responsibility.

2.0 Ashton Parish Council

- 2.1 Cllr I Campbell has a Disclosable Pecuniary Interest in the Green at Ashton by virtue of his tenancy of the Chequered Skipper Public House. The pub has a legal agreement which allows some uses of the Village Green which has recently been acquired by Ashton Parish Council.
- 2.2 Previously on 17 November 2014, the Committee agreed that:
“a dispensation be granted under S33 (2) (c) of the Localism Act to Cllr I Campbell, member of Aston Parish Council, until August 2015 to enable his involvement in Parish Council discussions and decisions relating to the management of the Green at Ashton unless these discussions involve any changes in rights, responsibilities or charges for the use of the Green by the Chequered Skipper public house.”
- 2.3 It is proposed to extend this dispensation, which provides reassurance that, where it would not be in the public interest for him to participate or vote because of his role as landlord of the business, Cllr Campbell does not do so. However, for the majority of issues related to the running of the Village Green, the dispensation enables him to participate as a councillor and represent the interests of the wider community.

3.0 Stanwick Parish Council

3.1 Cllr D Munday has a Disclosable Pecuniary Interest in a plot in Stanwick Cemetery which is managed by Stanwick Parish Council. The following activities are undertaken by the Parish Council and may be the subject of discussion or decision there:

- Annual headstone inspection
- Site maintenance
- Review of memorial and cemetery fees
- Requests by 3rd parties to erect monuments
- Purchase of land to increase the size of the cemetery
- The amount of the cemetery fund within the council's capital reserves

3.2 The majority of these decisions will affect the whole of the cemetery area and will not be specific to the plot in which Cllr Munday has an interest. It is proposed that a dispensation be granted under S33 (2) (c) of the Localism Act to Cllr D Munday, member of Stanwick Parish Council, until August 2019 to enable his involvement in Parish Council discussions and decisions relating to the management of Stanwick Cemetery unless these discussions involve any changes in rights, responsibilities or charges for the use of the cemetery plot in which he has a disclosable pecuniary interest.

4.0 Equality and diversity issues

4.1 There are no known negative equality and diversity issues arising from this paper.

5.0 Legal implications

5.1 As noted in 1.1, if a councillor with a disclosable pecuniary interest takes part in any discussion or decision about that interest without a dispensation, they will be committing a criminal offence under the Localism Act 2011 for which penalties, including the potential for imprisonment, can apply.

6.0 Risk management

6.1 Granting of these dispensations reduces the risk of parish councils being iniquorate when general discussions about the management of these spaces take place.

7.0 Financial implications

7.1 There are no known additional financial implications arising from this report.

8.0 Corporate outcomes

8.1 The work reported here contributes to the Corporate Outcomes of Effective Management and Strong Community Leadership

9.0 Recommendations

9.1 Members are recommended to agree the following:

- a) That a dispensation be granted under S33 (2) (c) of the Localism Act to Cllr I Campbell, member of Aston Parish Council, until August 2019 to enable his involvement in Parish Council discussions and decisions relating to the management of the Green at Ashton unless these discussions involve any changes in rights, responsibilities or charges for the use of the Green by the Chequered Skipper public house.
- b) That a dispensation be granted under S33 (2) (c) of the Localism Act to Cllr D Munday, member of Stanwick Parish Council, until August 2019 to enable his involvement in Parish Council discussions and decisions relating to the

management of Stanwick Cemetery unless these discussions involve any changes in rights, responsibilities or charges for the use of the cemetery plot in which he has a disclosable pecuniary interest.

[Reason: to allow these councillors to represent their communities on issues of wider community concern in relation to the Parish Council's management of these spaces whilst acknowledging the personal interest they have in part of the space].

Legal	Power: Localism Act 2011				
	Other considerations: Constitution Part 9				
Background Papers:					
Person Originating Report: Sharn Matthews, Monitoring Officer, ☎ 01832 742108, ✉ smatthews@east-northamptonshire.gov.uk					
Date: 17/8/15					
CFO		MO		CX	

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