



Committee and date
Standards Committee

26 January 2011

Item No

Public

APPLICATIONS FOR DISPENSATION

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Summary

To consider whether dispensations should be granted to members of Shrewsbury Town Council who consider they have a personal/prejudicial interest when discussing agreements with Shropshire Council - for example taking over toilets, or managing areas of land and who have submitted a written request for a dispensation.

Recommendations

- A. That the Committee grants dispensations to Town Councillors Adams, Mrs Chebsey, Durnell, Mrs Jones, Kenny, Mosley, Nutting, Price, Roberts and Tandy in respect of personal and prejudicial interests arising out of their membership of Shropshire Council when matters relating to the transfer of functions and responsibilities from Shropshire Council to the Town Council are discussed at meetings of
- the Town Council; and
 - Committees of the Town Council where more than 50% of the membership of such Committee consists of Town Councillors who are also Shropshire Councillors.
- B. That the dispensations granted in A above last for a period of four years or until the abolition of the Standards regime, whichever is the sooner.

Report

- 1 The Code of Conduct for members of Town/Parish councils requires a member with a personal and prejudicial interest in any matter to declare that interest and withdraw from the room or chamber where the matter is being considered unless he/she has obtained a dispensation from the Standards Committee.
2. Regulation 17 of the Standards Committee (Further Provisions) (England) Regulations 2009 sets out the circumstances in which Standards Committees may grant dispensations to members with personal and prejudicial interests.

Paragraph (1)(a)(i) specifies that a dispensation may only be granted if 50% of the members or more entitled to participate in the Authority's business would not otherwise be able to.

3. The Regulations also state that a member must submit a written request for a dispensation explaining why the dispensation is desirable. The Standards Committee must decide, having regard to these matters and to any other relevant circumstances of the case, if it is appropriate to grant the dispensation.
4. Any dispensation granted cannot cover participation in respect of the relevant business after four years from the date of dispensation.
5. Shropshire Council has resolved to approach Town/Parish Councils requesting that they assume responsibility for a number of functions which could legitimately be delivered by them.
6. Applications for dispensations to speak and vote on such matters at meetings of the Town Council have been received from the following Town councillors who have a personal and prejudicial interest as a consequence their membership also of Shropshire Council:
 - Councillor Adams
 - Councillor Mrs Chebsey
 - Councillor Durnell
 - Councillor Mrs Jones
 - Councillor Kenny
 - Councillor Price
 - Councillor A Mosley
 - Councillor P Nutting
 - Councillor Roberts
 - Councillor Tandy

The current membership of Shrewsbury Town Council stands at 17, with ten of those members also members of Shropshire Council.

6. The Committee needs to consider whether Councillors Adams, Mrs Chebsey, Durnell, Mrs Jones, Kenny, Mosley, Nutting, Price, Roberts and Tandy have personal and prejudicial interests and if so, whether all, some or none be granted dispensations.
7. When the matter is discussed at the Town Council, it is considered that they will have a personal interest as the matter will affect Shropshire Council, which is another public body listed on their register of interests. That interest might also be prejudicial as it will have a financial impact on Shropshire Council. It may be reasonable for a member of the public to consider that it will have a significant impact on the Shropshire Council or it would not be asking the question and that the members judgement of the public interest would be prejudiced as a consequence. Consequently, the member would have a personal and prejudicial interest, must declare it as such and must leave the room during the debate on the matter.
8. In reaching decisions on each applicant, the Committee needs to have in mind the circumstances and nature of the item of business to be considered and the public interest in having their views represented.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998
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Environmental Appraisal

N/A

Risk Management Appraisal

The need to maintain confidence in the local democratic process.
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Community / Consultations Appraisal
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N/A

Cabinet Member

N/A

Local Member

N/A

Appendices

Written applications.
