
REQUEST FOR DISPENSATION – BARLING MAGNA PARISH COUNCIL

1 SUMMARY

- 1.1 A written request has been received from the Clerk of Barling Magna Parish Council for a dispensation to allow a decision to be taken on an extension to the village hall in circumstances where the Members of the Parish Council have all declared a prejudicial interest.

2 INTRODUCTION

- 2.1 Under Section 81(4) of the Local Government Act 2000, Standards Committees may grant dispensations allowing participation by Council Members in matters from which they would normally be prohibited by reason of the statutory provisions relating to Members' interests. Under Rochford District Council's Constitution the power to exercise this function in respect of Members of Parish Councils lies with this Committee.
- 2.2 Such dispensations may only be granted in the limited circumstances set out in the Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002 where more than half the Members entitled or required to participate in the business of the authority would not otherwise be able to, or the authority would not be able to comply with political balance principles.

3 PREJUDICIAL INTEREST

- 3.1 Barling Magna Parish Councillors are all trustees of the Barling Village Hall. The Management Committee of the Hall consists of three councillors together with representatives of the Women's Institute and regular Hall users.
- 3.2 The Management Committee is responsible for funding the running of the Hall and its internal maintenance. An extension is proposed involving the replacement of a flat roof with an apex roof incorporating an additional room. Arrangements, including funding, planning and grant applications, cannot proceed because all Councillors have declared a personal and prejudicial interest under the Members' Code of Conduct as it affects the finances of a body set out in paragraph 8 of the Code.
- 3.3 In such circumstances, a prejudicial interest will arise where a member of the public with knowledge of all the relevant facts would reasonably regard a personal interest as so significant as to prejudice judgement of the public interest.
- 3.4 It is a matter of judgement for each Councillor to decide whether a member of the public would arrive at such a conclusion.

4 RISK IMPLICATIONS

- 4.1 No direct risks to the District Council have been identified. Any risks relating to considerations by the Parish Council will need to be addressed by them at the appropriate time.

5 LEGAL IMPLICATIONS

- 5.1 Statutory authority to grant dispensations is set out in the report. The existence, nature and duration of any dispensation must be recorded in writing and a copy included with the register of Declarations of Interest.

6 PARISH IMPLICATIONS

- 6.1 As this matter concerns parish council business a Parish Representative must be present when the Committee considers this report.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

To grant a dispensation to Barling Magna Parish Council to allow decisions to be taken by its Members on all matters concerning the current proposals for provision of an extension to Barling Village Hall.

John Honey

Corporate Director (Internal Services)

Background Papers:-

Letter from Barling Magna Parish Council dated 18 February 2008

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If you would like this report in large print, braille or another language please contact 01702 546366.