

REQUEST FOR DISPENSATION – BARLING MAGNA PARISH COUNCIL

1 SUMMARY

- 1.1 On 12 March 2008 this Committee granted a dispensation to Barling Magna Parish Council to allow decisions to be taken by its Members on all matters concerning proposals for provision of an extension to Barling Village Hall.
- 1.2 When considering that request it was deemed suitable to impose a two year time limit on the dispensation granted.
- 1.3 A further request has been received from the Clerk of Barling Magna Parish Council for a two year extension to the dispensation to allow further modernisation decisions to be made (see attached letter as Appendix).

2 INTRODUCTION

- 2.1 Under Section 81(4) of the Local Government Act 2000, Standards Committees may grant dispensations allowing participation by Council Members on 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 dispensation 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. Further modernisation works are proposed and arrangements 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 an appropriate time.

5 LEGAL IMPLICATIONS

- 5.1 Statutory authority to grant dispensations is set out in the report. The existence, nature and durations of the 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 extend the two-year dispensation granted to Barling Magna Parish Council on 12 March 2008 for a further two years to allow decisions to be taken by its Members on all matters concerning modernisation to Barling Village Hall.

John Honey
Corporate Director (Internal Services)

Background Papers:-

Original request for dispensation from Barling Magna Parish Council dated 18 February 2008.

For further information please contact John Honey on:-

Tel:- 01702 318004
Email:- john.honey@rochford.gov.uk

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

BARLING MAGNA PARISH COUNCIL

www.barling-magna.org.uk

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**Mr John Honey,
Standards Committee (Code of Conduct),
Internal Services,
Rochford District Council,
South Street,
Rochford,
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SS4 1BW.**

18th February 2008.

Dear Mr Honey,

re: Request for a Code of Conduct dispensation for Barling Magna Parish Council

The Barling Magna parish councillors are all trustees of the Barling Village Hall.

The Village Hall Management Committee consists of three councillor representatives, together with representatives of the WI and regular hall users.

The Village Hall Management Committee are responsible for funding the daily running of the Hall and internal maintenance. The BMPC are responsible for funding the external maintenance of the Village Hall.

Today, an extension to the Village Hall's flat roof (an apex roof with a room) is planned but, funding arrangements for a roof extension inc: planning, grant applications, etc cannot be taken at this point, as all Councillors have a pecuniary/personal interest as trustees.

Barling Magna Parish Council request that the Standards Board grant a dispensation to the BMPC, in order that all future Village Hall financial decisions may be progressed.

Thank you for your help in this matter.

Yours Sincerely

Barry Summerfield BMPC Clerk.