
SUTTON PARISH COUNCIL – REQUEST FOR DISPENSATION

1 SUMMARY

- 1.1 This report seeks the Committee's agreement to a dispensation under S81(4) of the Local Government Act 2000 for Sutton Parish Council.

2 INTRODUCTION

- 2.1 Sutton Parish Council comprises 5 members. The Parish Council would like to commission lighting for its Parish Council sign. Three members of the Council have declared an interest as members of the Friends of Sutton who erected the sign and the whole Council has declared an interest by virtue of a millennium grant to the Friends of Sutton. On the advice of the Essex Association of Local Councils the Parish seeks a dispensation under the Local Government Act 2000 to allow the Council to make a decision on letting a contract for work to be undertaken at an estimated cost of £1300.

3 LOCAL GOVERNMENT ACT 2000

- 3.1 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 the this Committee.
- 3.2 Such dispensations may only be granted in the limited circumstances set out in the Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002. An extract of the regulation is attached as Appendix 1.

4 RISK IMPLICATIONS

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 The Statutory authority for the granting of dispensations and the relevant consideration requirements for the Committee are set out in Appendix 1 to this report.

6 PARISH IMPLICATIONS

- 6.1 The 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 Sutton Parish Council to allow a decision to be taken by the full council on work to be carried out to provide lighting for the Sutton Parish Council sign.

John Honey

Corporate Director (Law, Planning & Administration)

Background Papers:-

Letter from Sutton Parish Council dated 17 December 2004.

Letter from Essex Association of Local Councils dated 23 February 2005.

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APPENDIX 1

Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002

3. - (1) The authority's standards committee may, subject to paragraph (2) below, grant a dispensation to a member in the following circumstances –

(a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because -

- (i) the number of members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to so participate; or
- (ii) (ii) the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989;

(b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and

(c) the standards committee concludes that having regard to the matters mentioned in paragraph (a) above, the content of the application made pursuant to paragraph (b) above, and to all the other circumstances of the case, it is appropriate to grant the dispensation.

(2) Nothing in sub-paragraph (1) above shall permit a dispensation to be granted -

(a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or

(b) where the effect of the mandatory provisions from which a dispensation is sought is that -

- (i) a member is prohibited from participating in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority, or sub-committee of that committee, where that consideration relates to any decision made or action taken by any other of the authority's committees, sub-committees, joint committees, or joint sub-committees of which he may also be a member; or
- (ii) a member of the authority's executive is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by him solely.”