

AGENDA SUPPLEMENT (1)

Meeting: Standards Dispensation Sub-Committee
Place: Committee Room III - County Hall, Trowbridge
Date: Thursday 19 August 2010
Time: 2.00 pm

The Agenda for the above meeting was published on 11 August 2010. There is an additional urgent item which is attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Pam Denton, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

4. **Urgent Items** (*Pages 1 - 6*)

Consideration of a dispensation request by Councillor Russell Hawker - Wiltshire Council

DATE OF PUBLICATION: 13 August 2010

This page is intentionally left blank

WILTSHIRE COUNCIL

STANDARDS DISPENSATION SUB-COMMITTEE 19 August 2010

Consideration of a Dispensation Request

Consideration of a Request for Dispensation from Councillor Russell Hawker of Wiltshire Council

Introduction

1. On 13 August 2010, the Monitoring Officer received a request for dispensation from Councillor Russell Hawker, a member of Westbury Town Council and Wiltshire Council. Councillor Hawker's completed Dispensation Request Form is attached at **Appendix A**.
2. As a member of Wiltshire Council, Councillor Hawker sits on the Westbury Area Board. His request for dispensation relates to any grant applications made by Westbury Town Council which are to be considered by the Westbury Area Board.
3. There are four voting members of Westbury Area Board, three of whom are members both of Westbury Town Council and of Wiltshire Council. Membership of Westbury Town Council means that these three members, representing 75% of the membership of the Area Board, have a personal and prejudicial interest in any grant application made by Westbury Town Council for determination by the Area Board.
4. The existence of a personal and prejudicial interest described above precludes 75% of the members of the Area Board from voting on grant applications made by Westbury Town Council, rendering the Area Board inquorate.
5. Councillor Hawker was granted a dispensation by the Standards Board in November 2009 on the following terms:
 - (a) to enable him to participate and vote at meetings of the Westbury Area Board on matters pertaining to grant applications from Westbury Town Council, but only where one of the remaining voting members of Westbury Area Board, who is not also a member of Westbury Town Council, is absent from the meeting.
 - (b) the dispensation granted in (a) above is to apply until 30 April 2013, subject to review in the event of any material change of circumstances.

6. The circumstances in which the dispensation was originally granted have changed in two material aspects:
 - the member who was regularly absent from meetings because of illness has since recovered;
 - there is now an additional dual-hatted Westbury Town Councillor, making three out of four (75%) members of the Area Board.

Because there has been a material change in the circumstances from those in which a dispensation was originally granted, Councillor Hawker is making a fresh application.

7. Councillor Hawker is requesting a dispensation to apply to future meetings of the Westbury Area Board in respect of the consideration of grant applications from Westbury Town Council.

Criteria for Determination of Requests

8. Under Section 17(1)(a)(i) of The Standards Committee (Further Provisions) (England) Regulations 2009 (**enclosed**), the Dispensation Sub-Committee may grant a dispensation where the transaction of the Council's business would otherwise be impeded by, or as a result of, the Code of Conduct because more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting.
9. The Dispensation Sub-Committee may grant a dispensation:
 - a. for one item of business
 - b. for a period not exceeding 4 years
 - c. allowing the member to participate in the meeting and vote
 - d. allowing the member to speak but not vote
10. In reaching a decision on a dispensation request the Dispensation Sub-Committee must:
 - a. have regard to guidance issued by the Standards Board for England (**enclosed**);
 - b. disregard any dispensations that have already been granted to other members of the same body; and
 - c. take into account:
 - i. the nature of the member's prejudicial interest;
 - ii. the need to maintain public confidence in the conduct of the Council's business;
 - iii. the impact on the outcome of the proposed vote;
 - iv. the need for efficient and effective conduct of the Council's business;
 - v. any other relevant circumstances.

9. The Dispensation Sub-Committee is therefore requested to determine this request for a dispensation.

Ian Gibbons, Monitoring Officer

Report Author: Anna Browne, Governance Support Officer

Tel: 01225 718454

Date of report: 13 August 2010

Background Papers

None

This page is intentionally left blank

Appendix A
Wiltshire Council
Standards Committee
Dispensation Request Form

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying guidance “Dispensation Requests - Application Process and Criteria for Determination”

If you need any help completing this form please contact Ian Gibbons, Monitoring Officer on 01225 713052 or by e-mail ian.gibbons@wiltshire.gov.uk

Full Name **Russell Hawker**

Address 25 Caspian Gardens, Leigh Park, Westbury, BA13 3GP

Telephone / E-mail 07971 572903
russell.hawker@wiltshire.gov.uk

Name of Council Wiltshire Council

Please set out below your reasons for applying for a dispensation having regard to the criteria set out in the accompanying guidance. Your statement in support of your application should cover the following:

- the decision-making body in respect of which you require a dispensation, including details of membership;
- details of the matter for which you require a dispensation (meeting(s) and item(s) of business);
- details of your interest in the business for which you require a dispensation;
- reasons why you consider a dispensation is necessary;
- the terms of the dispensation you are seeking;

Statement in Support of Application for Dispensation

I am applying for a dispensation as I am a dual-hatted member, being a member of both Westbury Town Council and Wiltshire Council. I sit on Westbury Area Board which has 4 members. Until now, 2 of the 4 members were dual-hatted and this presented problems at Area Board meetings where grant applications were received from the Town Council, as I was unable to speak or vote due to it constituting a prejudicial interest. In light of this situation I previously had a dispensation awarded to permit me to speak and vote on Westbury Town Council grant applications provided that another member of the Area Board who could vote on the application was not present at the meeting.

Circumstances have now changed in that a third member of Westbury Area Board is now a member of the Town Council, resulting in 75% of the Area Board members being dual-hatted and unable to vote on Town Council grant applications (hence I am advised by the Monitoring Officer that the previous dispensation is void and needs to be reviewed).

I am applying for the dispensation on the basis that, without it, the Area Board would be unable to consider and/or determine any grant applications from Westbury Town Council.

(Continue on a separate sheet as necessary)



Signed:

Dated: **12th August 2010**

Please send your completed form to the Monitoring Officer, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire BA14 JN, by post, by fax (01225 718399) or by e-mail to ian.gibbons@wiltshire.gov.uk

Your request will be considered by the Dispensation Sub-Committee at the earliest opportunity. You will receive written notification of their decision within 5 days of their meeting