

STANDARDS DISPENSATION SUB-COMMITTEE

MINUTES OF THE STANDARDS DISPENSATION SUB-COMMITTEE MEETING HELD ON 17 JUNE 2010 AT COMMITTEE ROOM VIII, COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Mrs Jane Bayley, Cllr Ian McLennan and Miss Pam Turner

1. Election of Chairman

Mrs Jane Bayley was confirmed as Chairman.

2. Declarations of Interest

There were no Declarations of Interest.

3. Consideration of a dispensation request by Councillor Philippa Ridout of Wiltshire Council

The Monitoring Officer corrected an error in paragraph 4, page 1 of the agenda, which should state Warminster Town Council (not Trowbridge).

The Monitoring Officer then introduced a report presenting a dispensation request received from Councillor Philippa Ridout, a member of Wiltshire Council and Warminster Town Council, on 25 May 2010. The request related to future grant applications and community asset transfer requests made by Warminster Town Council to the Warminster Area Board, who are the decision makers in these matters on behalf of Wiltshire Council

He explained the law and guidance relevant to this request and advised that, in his view, a personal and prejudicial interest would arise as those matters affect the financial position of the Town Council. He also stated that the legal criteria had been met as three out of the five members (more than 50%) of the Area Board were dual hatted members (members of Warminster Town Council as well as Wiltshire Council) and would be prohibited from voting at a meeting as a result of their prejudicial interest under the Code of Conduct.

He reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England and must take into account the local criteria listed in paragraph 8 c. on page 2 of the agenda, except item iii., the impact on the outcome of the proposed vote, as it did not apply in this case. He stated that he was not aware of any other relevant circumstances. He also reminded them that there were different options when granting a dispensation, as listed in paragraph 7, on page 1 of the agenda.

The Monitoring Officer pointed out that each application for a dispensation had to be considered on its own merits and any dispensations that have already been granted to other members of the same body would have to be disregarded.

Members of the Sub-Committee noted the ongoing situation with dual-hatted members on area boards and the operation of the Code of Conduct and recognised that the use of dispensations to resolve the difficulty is only available where the legal requirements are met. Having satisfied themselves that the requirements were met in this case they went on to consider the appropriate duration for the dispensation. They had regard to earlier decisions of the Sub-Committee in similar cases, in particular where dispensations had been granted for one year only to April 2011, but were concerned about the administrative time and cost of bringing these back for reconsideration. They were, therefore, minded to opt for a longer term until April 2013.

The Sub-Committee, therefore,

Resolved:

1. To grant a dispensation to Councillor Philippa Ridout to speak and vote on any item of business of Warminster Area Board concerning the consideration of grant applications and community asset transfer requests by Warminster Town Council.

2. The dispensation in 1. above to be effective until 30 April 2013.

4. Consideration of a dispensation request by Councillor Keith Humphries of Wiltshire Council

The Sub-Committee were satisfied that the circumstances of this request were essentially the same as that in 3 above and therefore approached it on the same basis.

Whilst Councillor Keith Humphries had not mentioned community asset transfers in his dispensation request, the Sub-Committee felt it was appropriate for this to be included and it was, therefore,

Resolved:

1. To grant a dispensation to Councillor Keith Humphries to speak and vote on any item of business of Warminster Area Board concerning the consideration of grant applications and community asset transfer requests by Warminster Town Council.

2. The dispensation in 1. above to be effective until 30 April 2013.

5. Consideration of a dispensation request by Councillor Andrew Davis of Wiltshire Council

The Sub-Committee were satisfied that the circumstances of this request were essentially the same as those in 3 and 4 above and therefore approached it on the same basis.

Whilst Councillor Andrew Davis had not mentioned community asset transfers in his dispensation request, the Sub-Committee felt it was appropriate for this to be included and it was, therefore,

Resolved:

1. To grant a dispensation to Councillor Andrew Davis to speak and vote on any item of business of Warminster Area Board concerning the consideration of grant applications and community asset transfer requests by Warminster Town Council.

2. The dispensation in 1. above to be effective until 30 April 2013.

(Duration of meeting: 2.00 - 2.40 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713 597, e-mail marie.gondlach@wiltshire.gov.uk

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