

STANDARDS DISPENSATION SUB-COMMITTEE

DRAFT MINUTES OF THE STANDARDS DISPENSATION SUB-COMMITTEE MEETING HELD ON 19 AUGUST 2010 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Ernie Clark, Mr Ian McGill and Mr Paul Neale

Also Present:

Nina Wilton

1. Declarations of Interest

There were no declarations of interest

2. Consideration of a dispensation request by Councillor Michael Cuthbert - Murray of Wiltshire Council

The Deputy Monitoring Officer introduced the report and explained that as a member of Wiltshire Council Councillor Cuthbert-Murray 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. She added that in further correspondence received from Councillor Cuthbert-Murray he had requested that the dispensation also covered community asset transfers from Wiltshire Council to Westbury Town Council.

The Deputy Monitoring Officer explained the law and guidance relevant to this request and advised that, in her view, a personal and prejudicial interest would arise as those matters affect the financial position Westbury Town Council, of which Councillor Cuthbert-Murray is a member. She also stated that the legal criteria had been met as three out of the four members (more than 50%) of the Area Board were dual hatted members (members of Westbury 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.

She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

Resolved

That it is in the public interest to grant a dispensation to run until the next election in May 2013, subject to there being no material change in the circumstances under which this dispensation is granted.

The dispensation is to enable Councillor Cuthbert-Murray to speak and vote at meetings of Westbury Area Board on matters pertaining to grant applications by Westbury Town Council and community asset transfers from Wiltshire Council to the Town Council.

3. Consideration of a dispensation request by Councillor David Jenkins of Wiltshire Council

The Deputy Monitoring Officer introduced the report and explained that as a member of Wiltshire Council Councillor Jenkins 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. She added that, in further correspondence received from Councillor Jenkins, he had requested that the dispensation also covered community asset transfers from Wiltshire Council to Westbury Town Council.

The Deputy Monitoring Officer explained the law and guidance relevant to this request and advised that, in her view, a personal and prejudicial interest would arise as those matters affect the financial position of Westbury Town Council, of which Councillor Jenkins is a member. She also stated that the legal criteria had been met as three out of the four members (more than 50%) of the Area Board were dual hatted members (members of Westbury 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.

She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

Resolved

That it is in the public interest to grant a dispensation to run until the next election in May 2013, subject to there being no material change in the circumstances under which this dispensation is granted.

The dispensation is to enable Councillor Jenkins to speak and vote at meetings of Westbury Area Board on matters pertaining to grant applications by Westbury Town Council and community asset transfers from Wiltshire Council to Westbury Town Council.

4. **Urgent Items**

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

The Chairman agreed to the consideration of the following late item of business as it could not be deferred to a later meeting.

The Deputy Monitoring Officer introduced the report and explained that as a member of Wiltshire Council Councillor Hawker sits on the Westbury Area Board. His request for dispensation related to any grant applications made by Westbury Town Council, of which Councillor Hawker is a member, which are to be considered by the Westbury Area Board. She added that, in further correspondence received from Councillor Hawker, he had requested that the dispensation to any situation where he had to declare a prejudicial interest as a result of being a town councillor at the Area Board until May 2013.

The Deputy Monitoring Officer advised the sub-committee that, in her opinion, it would not be prudent to grant a dispensation for any situation that might arise given that there could be instances where the prejudicial interest was of a financial nature and would not therefore have been granted under these circumstances, she therefore advised the sub-committee to consider the dispensation in the same way as for Councillors Cuthbert-Murray and Jenkins.

The Deputy Monitoring Officer explained the law and guidance relevant to this request and advised that, in her view, a personal and prejudicial interest would arise as those matters affect the financial position of the Town Council. She also stated that the legal criteria had been met as three out of the four members (more than 50%) of the Area Board were dual hatted members (members of Westbury 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.

She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

Resolved

That it is in the public interest to grant a dispensation to run until the next election in May 2013, subject to there being no material change in the circumstances under which this dispensation is granted.

The dispensation is to enable Councillor Hawker to speak and vote at meetings of Westbury Area Board on matters pertaining to grant applications by Westbury Town Council and community asset transfers from the Wiltshire Council to Westbury Town Council.

(Duration of meeting: 2.00 - 2.25 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
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