

WILTSHIRE COUNCIL

STANDARDS DISPENSATION SUB-COMMITTEE

Consideration of a Dispensation Request

Consideration of a Request for Dispensation from Councillor Deborah Pemberton of Steeple Langford Parish Council

Introduction

1. On 8 March 2011 the Monitoring Officer received a request for a dispensation from Councillor Pemberton, a member of Steeple Langford Parish. Councillor Pemberton's completed Dispensation Request Form is attached
2. The Steeple Langford Allotments are managed by a charitable trust. Four of the Steeple Langford Parish Council members are trustees of the allotment trust and have personal and prejudicial interests arising from their position as trustees.
3. There is a proposal to build affordable housing on some of the allotment site. This proposal is likely to affect the financial position of a body directed to charitable purposes of which Councillor Pemberton, as a trustee, is in a position of management or control. This, and any other business that comes before the Parish Council that affects the financial position of the trust would constitute a personal and prejudicial interest for Councillor Pemberton.
4. There are seven councillors on Steeple Langford Parish Council. Four of them, including Councillor Pemberton, are trustees of the allotment trust and another one has a personal and prejudicial interest in the allotments by virtue of being an allotment holder and living next to the allotments.
5. Neither Councillor Pemberton nor the other allotment trust trustees has a prejudicial interest in matters coming before the parish council relating to the allotments that do not affect the financial position of the allotments. Councillor Pemberton has requested a dispensation for all matters relating to the allotments that come before the parish council. This is not necessary, since a dispensation is only required where an interest that is not only personal but also prejudicial exists.
6. 5 of the 7 members of Steeple Langford Parish have a personal and prejudicial interest in the Steeple Langford Allotments, representing 71% of the total membership of the parish council. The parish council is inquorate when considering matters relating to the allotments.

7. Councillor Pemberton is requesting a dispensation to apply to future meetings of Steeple Langford Parish Council at which the allotments are considered. She has requested the dispensation to last for the duration of the council. Members of the Standards Committee are asked to bear in mind that not all matters relating to the allotments coming before the parish council actually require a dispensation (see paragraph 5 above).

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 Standards 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.

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Background Papers: None