

Consideration of a Dispensation Request

Consideration of a Request for Dispensation from Councillor Brian Miflin of Langley Burrell Parish Council

Introduction

1. On 7 December 2011 the Monitoring Officer received a request for a dispensation from Councillor Miflin, a member of Langley Burrell Parish Council. Councillor Miflin's completed Dispensation Request Form is attached
2. Langley Burrell Parish Council, from time to time, makes financial grants to Langley Burrell Village Hall, which is a Registered Charitable Trust.
3. Councillor Miflin is one of three members of the parish council who also hold positions on the Langley Burrell Village Hall Management Committee and he is therefore a Trustee of the Charity. He has a personal and prejudicial interest in grants relating to the Village Hall.
4. Three of the five members of Langley Burrell Parish Council therefore have a personal and prejudicial interest in grants relating to the Village Hall, representing 60% of the total membership of the parish council. The parish council is inquorate when considering matters relating to the Village Hall grants.
5. Councillor Miflin is requesting a dispensation to apply to future meetings of Langley Burrell Parish Council at which financial grants to Langley Burrell Village Hall are considered. He has requested the dispensation for a duration of four years.

Criteria for Determination of Requests

6. 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.
7. 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
8. 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