

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 assets 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 were concerned that there were ongoing difficulties

- the fact that the issue of dual hated members had not been resolved yet;
- that the low number of members on some Area Boards would carry on being an issue regarding dispensation;
- the possibility to look into a sleeker administrative process for the review of dispensations, which the Monitoring Officer offered to look into.

However, in the interests of consistency he informed the Sub-Committee of previous decisions taken regarding dispensation requests.

Resolved:

1. That the dispensation should allow the member to participate in the meeting and vote.

2. That the dispensation should apply to all future meetings of the Warminster Area Board in the respect of the consideration of grant applications from Warminster Town Council and community asset transfer.

3. That the dispensation in 1 and 2 above should be effective from present until 30 April 2013, but would be subject to review in the event of any material change of circumstances.

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

The members felt the circumstances and motivation surrounding the dispensation request were near identical to the previous case, and that the arguments outlined under Item No.5, applied equally to this case.

However the Monitoring Officer pointed out that Councillor Keith Humphries had omitted community assets transfer in his dispensation request. The Sub-Committee decided to include the community assets transfer and it was therefore

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

The members felt the circumstances and motivation surrounding the dispensation request were near identical to the previous case, and that the arguments outlined under Item No.5, applied equally to this case.

Again the Monitoring Officer pointed out that Councillor Andrew Davis had omitted community assets transfer in his dispensation request. The Sub-Committee decided to include the community assets transfer and it was therefore

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3. That the dispensation in 1 and 2 above should be effective from present until 30 April 2013, but would be subject to review in the event of any material change of circumstances.

(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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