

WILTSHIRE COUNCIL

STANDARDS DISPENSATION SUB-COMMITTEE

19 August 2010

Consideration of a Dispensation Request

Consideration of a Request for Dispensation from Councillor Mike Cuthbert-Murray of Wiltshire Council

Introduction

1. On 10 August 2010, the Monitoring Officer received a request for dispensation from Councillor Michael Cuthbert-Murray, a member of Westbury Town Council and Wiltshire Council. Councillor Cuthbert-Murray's completed Dispensation Request Form is attached at **Appendix A**.
2. 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.
3. There are four voting members of Westbury Area Board, three of whom are members both of Westbury Town Council and of Wiltshire Council. Membership of Westbury Town Council means that these three members, representing 75% of the membership of the Area Board, have a personal and prejudicial interest in any grant application made by Westbury Town Council for determination by the Area Board.
4. The existence of a personal and prejudicial interest described above precludes 75% of the members of the Area Board from voting on grant applications made by Westbury Town Council, rendering the Area Board inquorate.
5. Councillor Cuthbert-Murray was granted a dispensation by the Standards Board in December 2009 for the purpose of speaking and voting at meetings of the Westbury Area Board at which grant applications made by Westbury Town Council were to be considered. However, the dispensation was granted under a different set of circumstances to those which now pertain. Because there has been a material change in the circumstances giving rise to a need to apply for a dispensation, Councillor Cuthbert-Murray is making a fresh application.
6. Councillor Cuthbert-Murray is requesting a dispensation to apply to future meetings of the Westbury Area Board in respect of the consideration of grant applications from Westbury Town Council.

Criteria for Determination of Requests

7. 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.
8. 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
9. In reaching a decision on a dispensation request the Dispensation Sub-Committee must:
 - a. have regard to guidance issued by the Standards Board 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.

Ian Gibbons, Monitoring Officer

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Date of report: 11 August 2010

Background Papers

None