

WILTSHIRE COUNCIL

STANDARDS DISPENSATION SUB-COMMITTEE

19 August 2010

Consideration of a Dispensation Request

Consideration of a Request for Dispensation from Councillor Russell Hawker of Wiltshire Council

Introduction

1. On 13 August 2010, the Monitoring Officer received a request for dispensation from Councillor Russell Hawker, a member of Westbury Town Council and Wiltshire Council. Councillor Hawker's completed Dispensation Request Form is attached at **Appendix A**.
2. As a member of Wiltshire Council, Councillor Hawker 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 Hawker was granted a dispensation by the Standards Board in November 2009 on the following terms:
 - (a) to enable him to participate and vote at meetings of the Westbury Area Board on matters pertaining to grant applications from Westbury Town Council, but only where one of the remaining voting members of Westbury Area Board, who is not also a member of Westbury Town Council, is absent from the meeting.
 - (b) the dispensation granted in (a) above is to apply until 30 April 2013, subject to review in the event of any material change of circumstances.

6. The circumstances in which the dispensation was originally granted have changed in two material aspects:
 - the member who was regularly absent from meetings because of illness has since recovered;
 - there is now an additional dual-hatted Westbury Town Councillor, making three out of four (75%) members of the Area Board.

Because there has been a material change in the circumstances from those in which a dispensation was originally granted, Councillor Hawker is making a fresh application.

7. Councillor Hawker 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

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 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.

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Background Papers

None