

## WILTSHIRE COUNCIL

### STANDARDS DISPENSATION SUB-COMMITTEE

21 October 2010

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#### Consideration of a Dispensation Request

#### Consideration of a Request for Dispensation from Councillor Howard Marshall of Wiltshire Council

##### Introduction

1. On 14 September 2010, the Monitoring Officer received a request for dispensation from Councillor Howard Marshall, a member of Calne Town Council and Wiltshire Council. Councillor Marshall's completed Dispensation Request Form is attached at **Appendix A**.
2. As a member of Wiltshire Council, Councillor Marshall sits on the Calne Area Board. His request for dispensation relates to any grant applications and community asset transfer applications made by Calne Town Council which are to be considered by the Calne Area Board.
3. There are five voting members of Calne Area Board, three of whom are members both of Calne Town Council and of Wiltshire Council. Membership of Calne Town Council means that these three members, representing 60% of the membership of the Area Board, have a personal and prejudicial interest in any grant application made by Calne Town Council for determination by the Area Board.
4. The existence of a personal and prejudicial interest described above precludes 60% of the members of the Area Board from voting on grant applications made by Calne Town Council, rendering the Area Board inquorate.
5. Councillor Marshall is requesting a dispensation to apply to future meetings of the Calne Area Board in respect of the consideration of grant applications and asset transfer applications from Calne Town Council. The next meeting of the Calne Area Board is on 26 October 2010.

##### 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 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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**Background Papers**

None