

## STANDARDS DISPENSATION SUB-COMMITTEE

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MINUTES of the STANDARDS DISPENSATION SUB-COMMITTEE held at COUNTY HALL, TROWBRIDGE on FRIDAY 11 SEPTEMBER 2009.

PRESENT:

Independent Member - Mrs I McCord (Chairman)  
Town/Parish Members - Miss P Turner  
Wiltshire Council Members - Mr J Johnson

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**1. Election of Chairman**

Mrs McCord was elected as Chairman for one meeting only.

**2. Declarations of Interest**

None.

**3. Consideration of Dispensation Request (A)**

The Monitoring Officer introduced a report presenting a dispensation request received from Cllr Alan Hill on 26 August 2009. The request related to item 5(b) of the 25 August 2009 meeting of Calne Area Board. This item involved consideration of a grant application submitted by Calne Town Council to the Area Board, who were the decision making body in this matter.

The Monitoring Officer explained the law and guidance relevant to this request and advised, in particular, that in his view a prejudicial interest would arise in these circumstances based on the following reasoning:

1. As a member of Calne Town Council Cllr Hill has a personal interest in any business of the Calne Area Board that relates to or is likely to affect Calne Town Council (paragraph 8 (1)(a)(ii)(aa) Wiltshire Council's Code of Conduct for Members)

2. Calne Town Council is the applicant for and potential beneficiary of a grant from Calne Area Board. In this situation a member of the public with knowledge of the relevant facts would reasonably regard Mr Hill's interest as a member of the Town Council as so significant that his judgment of the public interest on this matter is likely to be prejudiced. (paragraph 10 (1) Code of Conduct)
3. The matter in question affects the financial position of Calne Town Council (paragraph 10(2)(a) of the Code of Conduct)
4. None of the exemptions in paragraph 10(2)(c) of the code of Conduct apply.
5. So Mr Hill has a prejudicial interest in respect of this item of business and would be unable to participate and vote (save for being able to make representations to the same extent as any member of the public before withdrawing from the meeting),

Members noted from Mr Hill's application that Calne Area Board has five voting unitary councillors, three of whom were in the same position as Mr Hill and have submitted identical dispensation requests. Consequently, three of the five voting members would be prohibited from taking part in this item and voting because of a prejudicial interest.

The Sub-Committee noted further that under the rules for the operation of Area Boards the Calne Area Board would not be quorate under these circumstances and would be unable to discharge its function in relation to this particular item of business.

Having regard to the Standards Committee's criteria for determination of dispensation requests, the Sub-Committee was satisfied that Mr Hill's request met the necessary legal criteria, in that the transaction of the Area Board's business would otherwise be impeded, because more than 50% of the members who would be entitled to vote on this item at the meeting would be prohibited from doing so under the Code of Conduct.

The Sub-Committee recognised that unless the dispensation request were granted the efficient and effective conduct of Wiltshire Council's business through the Calne Area Board would be impeded.

The Monitoring Officer reminded the Sub-Committee that in accordance with the guidance they were obliged to disregard any dispensations granted to other members of the same body.

The Sub-Committee noted that Mr Hill was only seeking a dispensation in respect of this particular item of business. The Sub-Committee, therefore,

**Resolved:**

- 1. to grant a dispensation to Cllr Alan Hill in the terms requested to enable him to participate and vote on the grant application submitted by**

**Calne Town Council when this item is next considered by the Calne Area Board, following its deferral on 25 August 2009.**

**4. Consideration of Dispensation Request (B)**

This item concerned a dispensation request received from Cllr Howard Marshall. The request was identical in nature to that considered under item 3. Adopting the same approach, the Sub-Committee:

**Resolved:**

- 1. to grant a dispensation to Cllr Howard Marshall in the terms requested to enable him to participate and vote on the grant application submitted by Calne Town Council when this item is next considered by the Calne Area Board, following its deferral on 25 August 2009.**

**5. Consideration of Dispensation Request (C)**

This item concerned a dispensation request received from Cllr Tony Trotman. The request was identical in nature to that considered under item 3; Adopting the same approach, the Sub-Committee:

**Resolved:**

- 1. to grant a dispensation to Cllr Tony Trotman in the terms requested to enable him to participate and vote on the grant application submitted by Calne Town Council when this item is next considered by the Calne Area Board, following its deferral on 25 August 2009.**

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(Duration of meeting: 10.00am – 11.10am)

The officer who has produced these minutes is Henry Powell, Democratic Services Officer, direct line (01225) 718052, [henry.powell@wiltshire.gov.uk](mailto:henry.powell@wiltshire.gov.uk)

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