

CHESHIRE EAST COUNCIL

Standards Committee

Date of Meeting:	18 June 2012
Report of:	Borough Solicitor and Monitoring Officer
Subject/Title:	Dispensation for Rostherne Parish Council Members

1.0 Report Summary

- 1.1 This report outlines a request from 7 of the 8 Members of Rostherne Parish Council who are seeking a dispensation in order to be able to vote or comment on any matters concerning the Tatton Estate. The 7 Members consider that they have a prejudicial interest which would prevent them from speaking or voting in relation to this issue.

2.0 Recommendation

- 2.1 That Members determine whether or not to grant a dispensation to one or more of the applicants and, if granted, the duration of the dispensation.

3.0 Reasons for Recommendations

- 3.1 Standards Committees may grant dispensations for Members which allows them to speak and vote at a meeting where they have a prejudicial interest.

4.0 Wards Affected

- 4.1 Not applicable.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications including - Climate change - Health

- 6.1 None identified.

7.0 Financial Implications

- 7.1 None identified.

8.0 Legal Implications

- 8.1 The Standards Committee (Further provisions) (England) Regulations 2009 set out the grounds upon which Local Authority Standards Committees may grant dispensations to Members to allow them to speak and vote at a meeting where they have a prejudicial interest. The Committee may grant a dispensation to a Member or co-opted Member of an Authority where more than 50% of the Members who would be entitled to vote at a meeting are prohibited from voting or where the number of Members who are unable to vote at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

9.0 Risk Management

- 9.1 Any Member who has declared a personal and prejudicial interest in a matter for which they have not obtained dispensation but who remains in the meeting and takes part in the debate and votes on the matter will be in breach of the Model Code of Conduct.

10.0 Background and Options

- 10.1 Under the Model Code of Conduct a Member who has a personal interest which is also a prejudicial interest is required to declare the interest and withdraw from the meeting when the matter is being considered. He or she must not exercise executive functions in relation to the matter and must not seek improperly to influence a decision about the matter.
- 10.2 A prejudicial interest is a personal interest which:-
- a) does not fall into one of the exempt categories
 - b) affects the Members financial interests or relates to a licensing or regulatory matter and
 - c) is one which a member of the public, who knows the relevant facts, would reasonably think is so significant that it is likely to affect the Member's judgement of the public interest.
- 10.3 Standards Committees may grant dispensations to Members allowing them to speak and vote at a meeting where they have a prejudicial interest if more than 50 % of Members have a prejudicial interest in an item of business to be discussed at a meeting or the political balance of a meeting would be upset enough to prejudice the outcome of the vote. Standards for England issued guidance on the granting of dispensation under the 2009 Regulations and a copy is attached for Member's assistance at Appendix A.
- 10.4 7 Members of Rostherne Parish Council have made written applications to the Committee seeking dispensation, the application and covering letter from the Clerk to the Parish Council is attached at Appendix B.

10.5 Applications have been received from:-

Edward Ernest Wakefield
Thelma Horobin
Julie Owen
Edward Blockley
Dominic M Fenton
Akhim Eugene Fahey
Joseph Gate

10.6 Whilst each member must apply separately and each application must be the subject of an individual decision, it will be noted that the circumstances outlined are the same for each application.

10.7 The applications have been made to enable the Members to take part in debates and vote upon any matters relating to the Tatton Estate which come before the Parish Council for consideration, to include planning applications and any matters concerning Tatton Estate land and property. 7 of the 8 Parish Members of Rostherne Parish Council consider that they have a prejudicial interest as they are tenants of the Tatton Estate.

10.8 This is not the first application for dispensation which has been submitted by Members of the Parish Council. In April 2006, on receipt of applications, the Standards Committee of Macclesfield Borough Council granted a dispensation to all of the Members at that time of Rostherne Parish Council on the basis that each of them was a tenant of the Tatton Estate. The dispensations were expressed to be in place for a period of 4 years, or whenever the existing term of office of the Members expired, whichever was the shorter.

10.9 On 21 September 2009, an application for a dispensation came before the Standards Committee of Cheshire East Council for consideration, the original grant having expired in May 2008. A copy of the report is attached for information at Appendix C. On that occasion, the decision of the Committee was:-

RESOLVED: *That the Standards Committee grant dispensations for all eight current Members of Rostherne Parish Council, namely Edward Blockley, Akhim Eugene Fahey, Dominic M Fenton, Joseph Gate, Thelma Horobin, Julie Owen, Frances M Woodbine and Edward Ernest Wakefield, whose applications were attached to the report submitted, to allow them to speak and vote on any business coming before Rostherne Parish Council concerning the Tatton Estate, such dispensations to last until the next elections which were due to take place on 5th May 2011.*

10.10 As no further dispensation request was received or granted prior to the expiry of those dispensations, there is currently no dispensation in force for any of the members of Rostherne Parish Council.

- 10.11 The applications for dispensation before the Committee today should be solely considered on the grounds for which they are made. If a dispensation is granted and a Member has another personal and prejudicial interest for which dispensation has not been obtained and subsequently remains in the meeting taking part in the debate and voting on the matter then he or she will be in breach of the Model Code of Conduct.
- 10.12 When considering the application for dispensation the Committee should also determine the duration of the dispensation. The decision of the Committee to grant a dispensation must be recorded in writing and kept with the Register of Interest.

11.0 Background Information

- 11.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Caroline Elwood
Designation: Borough Solicitor
Tel No: 01270 685882
Email: caroline.elwood@cheshireeast.gov.uk