



Report of:	Meeting	Date	Item No.
The Leader of the Council (Cllr Gibson) and the Monitoring Officer (Michael Ryan)	Council	18 October 2012	12

DISPENSATION REQUEST: NETHER WYRESDALE PARISH COUNCILLORS

1. Purpose of Report

- 1.1 To enable a dispensation request from members of Nether Wyresdale Parish Council to be considered.

2. Outcomes

- 2.1 Local, democratic, consideration of issues affecting Scorton Playing Field.

3. Recommendation

- 3.1 That all six current members of Nether Wyresdale Parish Council - Councillors Anderton, Atkinson, Babbs, Collinson, Cottle and Gorst - be granted a dispensation to enable them to participate in discussions and to vote on issues relating to Scorton Playing Field, until the end of the current Council term in May 2015.

4. Background

- 4.1 All the Members of Nether Wyresdale Council are also joint trustees of the Scorton playground/recreation area and, as such, have a beneficial interest in the land. They are, therefore, likely to have a disclosable pecuniary interest whenever any issue affecting the playing field, such as the maintenance, refurbishment or replacement of play equipment (which was purchased by the Parish Council), grass cutting frequency or proposals for adjoining sites, is to be considered by the Parish Council. As a consequence, they will be unable to discuss such issues, unless they have been granted a dispensation to do so.
- 4.2 The authority to grant a dispensation has been delegated by this Council to the Standards Committee. However, as the Committee is not due to meet until 15 November, which is after the next meeting of the Parish

Council, the request has been submitted to this meeting to avoid delay or the need to convene a special meeting of the Committee. Section 101(4) of the Local Government Act 1972 allows the Council itself to perform this function.

- 4.3** The Localism Act 2011 extended the range of circumstances under which dispensation can be granted. One of the original grounds, which remains under the new standards regime, is:

“That so many members of the decision making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of business” (i.e. it would make the meeting inquorate).

- 4.4** On 29 April 2010 the Council’s former Standards Committee granted a dispensation to the members of the Parish Council then in office - Councillors Anderton, Atkinson, Cottle, Gorst and Mawby - to enable them to participate in discussions and vote on issues relating to Scorton Playing Field until the May 2011 (which was the date of the next elections).

5. Key Issues and Proposals

- 5.1** The previous dispensation has expired and two new members have been elected to the Parish Council. A request has therefore been made by Nether Wyresdale Parish Council that the dispensation be renewed to cover all six current members.
- 5.2** There is no obligation on the Council to grant a dispensation. However, in this case, one of the conditions for a dispensation is clearly met and, it would seem to be in the local public interest for issues affecting the Scorton Playing Field to be discussed at Parish Council meetings when appropriate, as well as by the trustees outside of such meetings.

IMPLICATIONS	
Finance	None arising directly from this report.
Legal	The Council has the power to grant a dispensation under the Localism Act 2011
Community Safety	None arising directly from this report.
Equality and Diversity	None arising directly from this report
Sustainability	None arising directly from this report.
Health and Safety	None arising directly from this report
Risk Management	None arising directly from this report
Asset Management	Granting the requested dispensation would enable issues affecting a “public asset” to be discussed at a democratic forum.

Climate Change	None arising directly from this report.
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List of Background Papers:		
Name of Document	Date	Where available for inspection
None	-	-

LIST OF APPENDICES

None

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