

MAIDSTONE BOROUGH COUNCIL

REPORT OF THE HEAD OF LEGAL SERVICES

STANDARDS COMMITTEE

10 FEBRUARY 2011

BOUGHTON MONCHELSEA PARISH COUNCIL – APPLICATION FOR DISPENSATION

1. BOUGHTON MONCHELSEA PARISH COUNCIL

- 1.1 I have received an application for a dispensation from Cllr White, a new member of Boughton Monchelsea Parish Council to enable him to speak and vote at meetings of the Parish Council when matters relating to the Boughton Monchelsea Amenity Trust are being considered notwithstanding the fact that he has a prejudicial interest in the matter, by virtue of being a member of the Amenity Trust. All of the existing Parish Councillors have been granted dispensations.
- 1.2 I attach a copy of the letter from the Parish Councillor requesting the dispensation (I have requested Cllr White to complete and submit an application form and if a form is received it will be circulated).
- 1.3 The Standards Committee (Further Provisions) (England) Regulations 2009 provide (amongst other things) that a Standards Committee may grant a dispensation to a member or co-opted member:
- 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 that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

The regulations also provide that the Councillor must submit to the Standards Committee a written request for dispensation explaining why it is desirable. If a Standards Committee concludes that, having regard to these matters, and to all the other circumstances of the case, it is appropriate to grant the dispensation, then they may grant it. Guidance on considering applications for dispensations is attached as an Appendix.

2. RECOMMENDATION

- 2.1 It is recommended that Members consider granting a dispensation to Councillor White to enable him to speak and vote at meetings of the Boughton Monchelsea Parish Council when matters relating to the Boughton Monchelsea Amenity Trust are being discussed, notwithstanding the fact that he has a prejudicial interest by virtue of being a member of the Amenity Trust. It is recommended that if a dispensation is granted it expires on 30 June 2012.