

BABERGH DISTRICT COUNCIL

From: Deputy Monitoring Officer	Report Number: L85
To: Standards Committee	Date Of Meeting: 21 October 2011

APPLICATION FOR DISPENSATION – CHILTON PARISH COUNCILLORS

1. Purpose of Report / Main Issues

- 1.1 An application has been received from Chilton Parish Council on behalf of four of its members for dispensations that would enable them to participate in a decision concerning a planning application in which the Councillors have a prejudicial interest.

2. Recommendations

- 2.1 That having considered the application submitted on behalf of Councillors Peter Clifford, Steve Graham, Valerie Hart of Chilton and Veryan Herbert, a dispensation be granted to those members to allow participation by them in the Parish Council's consideration of planning application B/09/00932

or

- 2.2 That having considered the application submitted on behalf of Councillors Peter Clifford, Steve Graham, Valerie Hart of Chilton and Veryan Herbert, a dispensation to allow them to participate in the Parish Council's consideration of planning application B/09/00932 be refused

or

- 2.3 That having considered the application submitted on behalf of Councillors Peter Clifford, Steve Graham, Valerie Hart of Chilton and Veryan Herbert, a dispensation to permit their participation in the Parish Council's consideration of planning application B/09/00932 be refused for Councillors Graham and Hart of Chilton and granted for Councillors Clifford and Herbert.

The Committee is able to resolve this matter.

3. Financial Implications

- 3.1 Not relevant to this report.

4. Risk Management and Legal Issues

4.1 This report is most closely linked with the Council’s Corporate Significant Business Risk No. 5 (Governance). Key risks are set out below:

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
Breach of Code of Conduct	Low	Critical	Consider application at earliest date

5. Consultations

5.1 None

6. Equality and Diversity Impact

6.1 An Equality Impact Assessment (EqIA) has not been completed because this report does not raise any equality issues.

7. Key Information

7.1 An application for dispensation has been made by Chilton Parish Council on behalf of Parish Councillors Peter Clifford, Steve Graham, Valerie Hart of Chilton and Veryan Herbert. Chilton Parish Council has seven members and each of the four named members considers that they have a prejudicial interest in a planning application upon which the Parish Council has been consulted.

7.2 An interest is prejudicial if a member of the public with knowledge of the relevant facts would consider the interest to be so significant that it would be likely to prejudice the Councillor’s view of the public interest. This applies where the business to be transacted affects the financial position of the Councillor or of any body of which the Councillor is also a member. The effect of an interest being prejudicial is that the Councillor is required to withdraw from the meeting while the business is being discussed.

7.3 The Standards Committee may grant dispensations which would allow Councillors to participate in discussing such business. A dispensation may be given for a specific meeting or for a period of up to four years. In granting an application for dispensation, the Standards Committee would need to be satisfied that it would be appropriate, having regard to:-

- the business of the Parish Council being impeded by or as a result of more than half the Parish Council being prohibited from participating in the item of business by reason of having a personal and prejudicial interest, and
- the content of the application for dispensation, and
- all other circumstances of the case

7.4 In this case, Councillors Clifford and Herbert are Trustees of St. Mary's Church, Chilton, which adjoins the site affected by the planning application while Councillors Graham and Hart of Chilton live next to it. The quorum for a meeting of the Parish Council is three. Were all four members prohibited from participating therefore, all the other Parish Councillors would need to be in attendance to ensure that the meeting was quorate and that business could be transacted. On 7 October, an extraordinary meeting called to consider the matter was inquorate because one of the other three councillors was absent as a result of a health-related issue.

8. Appendices / Background Documents

- Email dated 10 October 2011 from Chilton Parish Council

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