

**SUBJECT: Application for dispensation – Rogiet Community Council**

**MEETING: Standards Committee**

**DATE: 25<sup>th</sup> September 2017**

**DIVISION/WARDS AFFECTED: All**

**1. PURPOSE:**

To consider an application for a dispensation to speak and vote by Cllr Oliver of Rogiet Community Council.

**2. RECOMMENDATIONS:**

To decide whether to grant the dispensation.

**3. KEY ISSUES:**

The Standards Committee has the power to grant a dispensation to an elected member to vote and/or speak on a matter where the member would otherwise be unable to do so on the basis that the elected member has a personal and a prejudicial interest.

Attached to the report at appendix A is the application by Cllr Susan Oliver of Rogiet Community Council to speak and vote at a meeting of the community council on 4<sup>th</sup> October 2017 when the co-option of her husband onto the community council will be considered. Rogiet Community Council should have 11 elected members: it currently has only 4 members and in order to increase the number of members on the council, the council wants to co-opt two further members onto the council, one of which is Cllr Oliver's husband. Cllr Oliver is likely to have a personal interest in the item on the agenda in respect of her husband's co-option under paragraph 10(2)(c)(i) of the code of conduct for members – *You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position or that of a person with whom you live or any person with whom you have a close personal association to a greater extent than the majority of other council tax payers, rate payers or inhabitants of the electoral division or ward.*

Further it is likely that this personal interest would be considered to be prejudicial under paragraph 12(1) of the code of conduct - *....where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest* so Cllr Oliver would be unable to take part on the co-option agenda item and declare a personal and prejudicial interest and leave the council chamber, taking no part in the item.

As the quorum of the community council is 4, without Cllr Oliver being present to consider the co-option item at the council meeting on 4<sup>th</sup> October 2017, the council would be inquorate and would be unable to consider the item.

The application for dispensation form highlights paragraph (d) - *where the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business* as a possible ground to grant the dispensation. Standards Committee members may also consider paragraphs (i) - *where the member asks the Standards Committee to determine that it appears to the committee to be in the interests of the inhabitants of the area of the Authority that the disability should be removed* and paragraph (j) – *where it appears to the Standards Committee to be otherwise appropriate to grant a dispensation* to be further potential grounds on which to consider the request for a dispensation.

At appendix B is attached the Standards Committee's policy framework for considering applications for dispensations and at appendix C, members will find the grounds on which dispensations may be granted.

#### **4. REASONS:**

In order for Rogiet Community Council to increase its number of elected members it wants to co-opt a further 2 members onto the council so it has some margin of error when a member is absent for whatever reason.

#### **5. RESOURCE IMPLICATIONS:** None

#### **6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

No significant equality impacts have been identified in the contents of the report. Sustainability principles are met in that it is in the interests of the Rogiet community to have a functioning and robust community council.

#### **7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:**

NONE

#### **8. CONSULTEES:** None

#### **9. BACKGROUND PAPERS:** None

#### **10. AUTHOR:** Robert Tranter, Monitoring Officer

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