

APPENDIX 3

HEMYOCK PARISH COUNCIL DISPENSATION PROCESS

BACKGROUND/SCOPE

The Code of Conduct defines various interest declarations which may exclude a Member from participation in discussions.

It further states “On a written request made to the Council’s proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council’s area to allow the member to take part or it is otherwise appropriate to grant a dispensation.”

The process needs to cater for legal, effective and transparent decision making on dispensations.

The potential need for dispensation request may become apparent during agenda setting, between agenda publication and the meeting itself, or during a meeting. It will be a little unwieldy, but even during a meeting, the request must be made in writing.

To avoid repeated requests for similar dispensations, standing dispensations have been deployed. To be legal, members still need to request in writing that the dispensation applies to them.

DELEGATION

The law allows dispensations to be granted by Council and also allows that decision making to be delegated to the Council’s Proper Officer. If by Council, that will require either an agenda’d or unagenda’d item at a Council meeting. This process authorises delegation to the Proper Officer (Clerk) where appropriate.

PROCESS

- If a Member believes that a dispensation may be needed, he/she should make that request in writing to the Proper Officer, as soon as practically possible.
- If an Officer believes that potential declarations will mean that a meeting may become inquorate he/she should discuss appropriate action with the Chairperson, as soon as practically possible.
- The Proper Officer (Clerk) will decide if a dispensation request is to be decided via an agenda’d item, an unagenda’d item, or by the Proper Officer.
- If decision is made by Council (via an agenda’d or unagenda’d item) then the appropriate resolution will be made at the meeting and recorded in the minutes.
- If the decision is made by the Proper Officer, then the decision will be stated by the Proper Officer in the meeting and recorded in the minutes.
- In all cases, the reason for granting the dispensation must be recorded.

- In all cases, the period of time (up to a maximum of four years) for which the dispensation takes effect must be defined.
- If the dispensation is to be a standing dispensation, it will be added to the list of standing dispensations contained within this document.*

*these will be agreed once Clerk had power to grant dispensations

STANDING DISPENSATIONS*

1. Planning Applications by Hemyock Parish Council: It is likely that the Council would like to express support for any planning application made in its name, but that Members may feel that this is an item which under the old framework they would have declared a personal and prejudicial interest, or may feel it now falls into the Financial Interest category.

The Council therefore grants a dispensation for the period up to the next full Council elections in 2015 permitting any Member to speak and vote on any planning application where the promoter, applicant or landowner is Hemyock Parish Council.

2. Setting Hemyock Parish Council precept: Most Members are likely to have land, licence or tenancy interests within the area of the Council and so they would be precluded from discussing setting the precept as that will have a pecuniary impact on them. Without a dispensation, Hemyock Parish Council would therefore be unable to set a precept.

The Council therefore grants a dispensation for the period up to the next full Council elections in 2015 permitting any Member to speak and vote on The Hemyock Parish Council budget and precept.

3. Discussions relating to Hemyock Parish Council services: Most Members are likely to use services provided by Hemyock Parish Council (e.g. recreation areas) and if declared under Appendix A would be precluded from discussing the service. Without a dispensation, Hemyock Parish Council may not benefit from the knowledge of those who have most knowledge of the service.

The Council therefore grants a dispensation for the period up to the next full Council elections in 2015 permitting any Member to speak and vote on Hemyock Parish Council services, where the Member is a user of the service.

19th November 2012

APPENDIX 4

CLT update

- Five members of the CLT have attended Governance Seminars organised by Wessex Community Assets in October when members of other CLTs in the South West were met and common issues discussed and debated.
- A CLT Board of Directors Meeting was held on 1st November 2012. Among items discussed was the planning application by West of England Developments for the former St. Ivel site on Station Road. The site has nothing to do with the CLT. It is a completely separate application by West of England Developments Ltd. and the CLT has no involvement with it at all. The CLT cannot consider the former St Ivel site because we have not been offered it, unlike the Culmstock Road site where we have been offered the land. The Board also noted a letter from the Housing Enabling and Supported Housing Manager at Mid-Devon District Council which confirms that he is satisfied that the Housing Needs Survey is accurate and that the methodology used is consistent throughout all of the surveys completed across Devon. The Board also noted a letter from the Blackdown Hills AONB which supports the provision of affordable housing if a need has been identified in a settlement (which, of course, it has by the Housing Needs Survey).
- The CLT Board of Directors has met with representatives of the Homes & Communities Agency (the national housing and regeneration agency for England) on 5th November 2012 in a meeting arranged to further the application for affordable housing grant funding from the HCA. Representatives from Hastoe Housing Association, Mid-Devon District Council, Somerset, Devon & Dorset CLT Project and West of England Developments were also present at the meeting. A visit to the Culmstock Road site was included when the context of the site adjacent to the existing Logans Way/Conigar Close housing estate was seen and the HCA representatives were given a brief tour of the village to see earlier projects including Longmead, East Mead affordable housing, the flats on the former tennis courts and the Blackdown Healthy Living Centre.
- On 12th December 2012 the CLT Board of Directors will meet with Hastoe Housing Association to consider the eligibility criteria for the affordable housing, and receive an update on progress.

APPENDIX 5

TAP Fund

A meeting took place with representatives from Culmstock, Clayhidon and Hemyock Parish Councils.

Clayhidon Parish Council would like to use its allocated fund at Hidon Wood. Culmstock Parish Council would like to fund the Cricket Club and also create a pergola in the cemetery along with some new benches. Hemyock Parish Council would like to get the Garages Youth Project underway and need advice from a Youth Development Officer about costs and ideas. Mrs Stallard to confirm contact for Youth Development Officer. Mr Brooke to liaise with them to establish costs and potential ideas and then work with Clerk to complete draft application.

It was agreed that if the three councils applied for a joint grant covering these projects for the parishes then it may be more successful than 3 individual bids and more funds may be secured. It was agreed that these proposals had links that would benefit the three parishes. Hemyock Clerk will pull together the application with assistance from Culmstock & Clayhidon. Culmstock & Clayhidon to complete draft applications and cost the project and pass all necessary information back to Hemyock Clerk.

I have contacted Ray Radford to let him know of our intention to put in a joint application with Clayhidon & Culmstock and I also asked him about possible amounts that were available. He has confirmed that the only one not to put in a bid yet is Boredon Gate, which comprises of Clayhanger, Huntsham and Hockworthy Parishes their total comes to £413.60, but they may well put in an application for something. He also said that most parishes have put in applications for more than their allocations, and he has said to them, that he will agree to let them have up to their allocation. If there is any not spoken for, then they may have a bit more to share out, but that is looking very unlikely.

I am now waiting for Mr Brooke, Culmstock and Clayhidon to come back to me with information to enable me to complete the application.