

**Subject:** Question for meeting.

**From:** [REDACTED]

**Date:** 07/02/2022, 16:35

**To:** Antony.jones@lynehamandbradenstoke-pc.gov.uk, Frank.Ball@lynehamandbradenstoke-pc.gov.uk, clare.church@lynehamandbradenstoke-pc.gov.uk, Shendie.Green@lynehamandbradenstoke-pc.gov.uk, Parish Clerk <parish.clerk@lynehamandbradenstoke-pc.gov.uk>

Dear councillors,

In respect of "TO CONSIDER AND AGREE THE TOILET CLEANING CONTRACT COMMENCING APRIL 1ST 2022 FOR THREE YEARS"

It is my understanding that Councillor Rod Gills company is being awarded the toilet cleaning contract, if this is not the case, then please ignore this question.

If it is the case, can the Chairman please publicly confirm that a dispensation has been sought and agreed in writing, from Wiltshire Council in respect of Councillor Rod Gill, as required under the Local Government Act 1972, the Localism Act 2010, the Local Government Finance Act 1988 and the Public Contracts Regulations 2015.

Though any decision who the contract is awarded to correctly rests solely with the Parish Council, the Council and the Parish Councillors should be aware that unless a dispensation has been granted for the awarding of a contract to a sitting Councillor, then either the Councillor is automatically debarred from the Parish Council with immediate effect on being awarded the contract, or it places the Parish Council in a position that they will be knowingly breaking law. If the former occurs then that will create an immediate Councillor Vacancy or if the latter applies then that can result in very large fines being awarded against the Parish Council, at the least.

In the past this has not been a problem, the Parish Council has obtained the dispensation from Wiltshire Council prior to the award of contract, indeed this was the case when Councillor Gill was awarded that last contract but it must be remembered that due to the size of the contract, Wiltshire Council is required to give this dispensation rather than the Parish Council itself to avoid accusation of nepotism .

The Councillors and the Parish Council are also reminded that a dispensation is based on a "contract by contract" basis, and as this is a new contract, a new dispensation is required and cannot be sought after the award of contract.

I look forward to you confirming that this dispensation has been granted.

Regards

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Lyneham

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