

APPLICATION FOR DISPENSATIONS
(Report by the Executive Director of Central Services
and Monitoring Officer)

1. INTRODUCTION

- 1.1 A request for dispensations to speak and vote on matters relating to the budget allocation for twinning under the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 has been submitted by the Town Clerk of Huntingdon Town Council. The application relates to six Members of the Twinning Sub-Committee appointed by the Town Council. The request has been acknowledged and is now presented to the Committee for consideration.

2. LEGISLATIVE BACKGROUND

- 2.1 The Committee are reminded that the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councillors are prescribed in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. These are restricted to cases where the transaction of business of the Authority would, otherwise be impeded because:-
- (i) the number of members of the Authority that are prohibited from participating exceeds 50% of those Members that are entitled or required to so participate; or
 - (ii) the Authority is not able to comply with any duty which applies to it under Section 15(4) of the Local Government and Housing Act 1989.
- 2.2 The reference in the foregoing paragraph to the duty under the 1989 Act relates to the requirement for principal Councils, ie. not town/parish councils to allocate seats on Committees, etc. proportionately according to the representation of political groups in full Council.
- 2.3 Having regard to the circumstances of an application, Standards Committees are required to consider whether it is appropriate to grant dispensations and their extent, ie. whether it is appropriate that the dispensations allow Members to either speak and not vote or to fully participate and vote. The dispensations cannot apply for a period longer than four years.
- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded.

3. DETAILS OF APPLICATION

- 3.1 Huntingdon Town Council appointed a Twinning Sub-Committee in May 2003 with the following terms of reference – “all matters relating to the involvement of the Town Council in twinning affairs with existing twinning towns, any matters relating to future twinning possibilities and liaison with the Huntingdon and Godmanchester Twinning Association”.
- 3.2 The Twinning Sub-Committee has been authorised to take decisions within the budget allocated to it for twinning purposes. This budget now includes the grant previously awarded to the Huntingdon and Godmanchester Twinning Association.
- 3.3 There are 11 Members of the Sub-Committee comprising 9 Town Councillors and 2 co-opted Members nominated by the Twinning Association. Of these 6 (including the co-opted Members) would be prevented from speaking and voting on financial matters by virtue of their membership of the Huntingdon and Godmanchester Twinning Association. Five Members of the Sub-Committee remain able to transact the business of the Sub-Committee
- 3.4 A Member may regard himself as not having a prejudicial interest in a matter if that matter relates to a body to which he has been appointed or nominated by the Authority as its representative. Only one of the Council Members is appointed by the Town Council to the Twinning Association but even that individual is also a Member of the Twinning Association (in her own right). One of the other Town Councillors on the Sub-Committee also serves as the Twinning Associations' Treasurer.

4. REPRESENTATIONS FROM THE TOWN COUNCIL

- 4.1 The Town Clerk has advised that the Town Council had specifically decided to establish a Twinning Sub-Committee to include Members of the Huntingdon and Godmanchester Twinning Association to build relationships between the two organisations and to involve their expertise in the decision making process. The Town Council considers that the purpose of this approach would be lost if Members were prevented from debating and voting on the allocation of funds specifically delegated to the Sub-Committee.
- 4.2 The Town Council are also of the view that were the Twinning Association not to exist then the Town Council would be required to administer the activities and affairs of twinning, organise the twinning event, agree budgets, approve expenditure etc. The Association operates and supports the Town Council to their mutual benefit.

5. PRELIMINARY ADVICE TO TOWN COUNCIL

- 5.1 At the last meeting, Members may recall that they questioned whether it was prudent for Members of a local Council to act as Trustees to a community facility on the basis that it might be in the better interests of the Parish if other individuals unrelated to the local Council were invited to act as Trustees.

- 5.2 Representations have been made to the Charity Commission, the relevant Government Office and the Local Government Association in this respect but to-date no response has been received.
- 5.3 The approach adopted by the Committee at their last meeting has been conveyed to the Town Council and the Monitoring Officer has also advised that he would feel uncomfortable in recommending that dispensation should be granted to 6 Members of a Sub-Committee which could find itself awarding funds to a twinning association upon which those 6 Members also serve.
- 5.4 Whilst the Committee may conclude that this issue is a constitutional matter which the Town Council need to address, Members might consider whether it would be appropriate to grant dispensations to the four Town Councillors and two co-opted Members to speak but not vote on the question of budget allocations thus retaining the expertise within the meeting but removing their entitlement to vote.

6. CONCLUSION

- 6.1 In view of the prejudicial interests declared, Huntingdon Town Council has requested that dispensations be granted to prevent the Town Council's business in connection with the budgetary function of the Twinning Sub-Committee from being impeded.
- 6.2 That part of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.
- 6.3 The Town Council is due for re-election in May 2007. Should the Committee look favourably on the application it is suggested that dispensations be granted for the period ending 30th April 2007 after which time an application for the newly elected Town Councillors would need to be submitted.

BACKGROUND PAPERS

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.

Correspondence received from the Town Clerk to Huntingdon Town Council.

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