

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

1. INTRODUCTION

- 1.1 Two applications have been received from Parish Councils requesting the Standards Committee to grant dispensations to enable their Councillors to speak and vote on matters relating to community facilities in their Parishes.

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 dispensation allows 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. APPLICATIONS RECEIVED

- 3.1 Four of the seven Members of Ellington Parish Council also serve on the Ellington Village Hall Management Committee. The Parish Council has applied for dispensation to allow the four Councillors to speak and vote on matters relating to the Village Hall should they arise at meetings of the Parish Council.

3.2 All Members of the Upwood and the Raveleys Parish Council have, since the 1850's acted as Trustees to two charities relating to allotments for the poor of the Parish. There are occasions when matters concerning the allotments arise at Parish Council meetings and to enable such business to continue to be conducted, the Parish Clerk has requested that dispensation be granted to the ten Members of the Council for this purpose.

4. CONCLUSION

4.1 In each of the circumstances described, dispensations are required to prevent the transaction of parish council business from being impeded.

4.2 That part of the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.

4.3 Should the Committee look favourably on these applications, it is suggested that consideration should be given to granting dispensations to speak and to vote for the period specified –

Ellington Parish Council – 30th April 2007; and
Upwood and The Raveleys Parish Council – 30th April 2007

after which time applications for the newly elected Councillors would need to be submitted.

BACKGROUND PAPERS

The Parish Council's Model Code of Conduct (Order 2001)
The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002
Letters received from the Parish Clerks to Ellington and Upwood and The Raveleys Parish Councils.

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