

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

1. INTRODUCTION

1.1 The purpose of this report is to twofold -

- ◆ to consider an application for dispensation to speak and vote received from St Neots Town Council; and
- ◆ to vary a previous decision of the Committee (Minute No. 24 of the meeting held on 26th March 2003 refers) which granted a dispensation to St Ives Town Council for the period ending 30th April 2004.

2. BACKGROUND

2.1 To assist Members – the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councils 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 the 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. VARIATION TO DISPENSATION PREVIOUSLY GRANTED

- 3.1 At the meeting held on 26th March 2003, the Committee granted dispensation to 16 Members of St Ives Town Council to enable them to speak and vote at meetings of the Town Council or at any of its Committees on matters relating to the Norris Library and Museum Charity on which they act as trustees. Dispensations were granted for the period ending 30th April 2004 as elections to the Town Council were anticipated to take place in May. Applications for the newly elected Councillors would need to be submitted thereafter.
- 3.2 Since the meeting, the Government has announced its intention to introduce legislation to vary the date of ordinary local government elections in 2004 from Thursday, 6th May to Thursday, 10th June 2004 so that they may be held contemporaneously with the European Parliamentary elections on that date. As a consequence, the period over which the dispensation should apply requires to be varied to allow for the later election date.

4. APPLICATION RECEIVED

- 4.1 A letter has been received from the Clerk to St Neots Town Council in response to advice offered to all Town and Parish Councils by the Monitoring Officer on the provisions of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.
- 4.2 The 18 Members of St Neots Town Council act as trustees to the St Neots outdoor swimming pool and Ackerman Street playing field, Eaton Socon, both of which are registered as charitable trusts. In addition, the Town Council acts as custodian trustee on the Jubilee Hall, Eaton Socon and although this is run by an independent management committee and also registered as a charitable trust two representatives of the Town Council serve on the Management Committee.
- 4.3 The Town Clerk has requested that dispensations be granted to enable the 18 Town Councillors who act as trustees to speak at meetings of the Town Council or at any of its committees/sub committees on matters relating to these community facilities to prevent the transaction of town council business from being impeded.

5. CONCLUSION

- 5.1 It is suggested
- (a) that consideration should be given to granting dispensations to speak and to vote on matters relating to the specific community premises referred to in paragraph 4.2 ante to 18 Members on St Neots Town Council for the period ending 30th April 2007 after which time applications from the newly elected Councillors would need to be submitted; and
 - (b) that the resolution contained in Minute No. 24 of the meeting held on 26th March 2003 relating to St Ives Town Council be rescinded and dispensation to speak and vote on matters relating to the Norris Library and Museum Charity be granted to

the Members of the St Ives Town Council for the period to
4th June 2004.

BACKGROUND PAPERS

Letter received from the Town Clerk to St Neots Town Council dated
20th August 2003.

The Parish Council's (Model Code of Conduct) Order 2001.

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

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