

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

**1. INTRODUCTION**

- 1.1 Applications for dispensation to allow Members with prejudicial interests to participate in meetings of their respective town/parish Councils have been received from the following –

Colne Parish  
Ellington Parish  
Great Gransden Parish  
Huntingdon Town  
St. Neots Town; and  
Upwood and The Raveleys Parish.

- 1.2 Each Clerk is re applying on behalf of his/her Members having been reminded that their previous dispensations had expired on 30th April 2007 at the end of the terms of office of their respective Councils.
- 1.3 The circumstances of each application appears to have remained unchanged but for the benefit of new Members are described in Section 3 of this report.

**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 the 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 refers 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 Colne Parish**

- Committee – 9th December 2004;  
Previously granted – to speak and vote on matters relating to the village hall and playing fields in Colne;
- Details – Colne Parish Council own the village hall and playing fields. The nine Members of the Parish Council are also trustees to both facilities and four Members serve in their own right on the Village Hall Management Committee. The Parish Council has re applied for dispensation to enable their Members to speak and vote on matters relating to the village hall and playing field should they arise at meetings of the Parish Council. When last granting the dispensation, the Committee advised the Parish Council to contact the Charity Commission for assistance in reviewing the suitability of their trustee arrangements to overcome continuing conflicts of interest.

#### **3.2 Ellington Parish**

- Committee – 24th March 2004;  
Previously granted – To four Members – to speak and vote on matters relating to the Ellington Village Hall Management Committee;
- Details – Four of the seven Members of Ellington Parish Council also serve on the Ellington Village Hall Management Committee. The Parish Council has re applied for dispensation to allow four of seven Councillors to speak and vote on matters relating to the village hall should they arise at meetings of the Parish Council.

#### **3.3 Great Gransden Parish**

- Committee – 25th June 2003;  
Previously granted – to speak and vote on matters relating to Great Gransden Reading Room and Public Recreation Ground;
- Details – As Members of Great Gransden Parish Council, nine parish Councillors have declared prejudicial interests in respect of their positions as trustees to charities known as the Great Gransden Reading Room and Great Gransden Public

Recreation Ground. Financial matters relating to these two charities are discussed at Parish Council meetings from time to time and to enable the business to continue to be conducted, the Parish Council have again requested that dispensation be granted to their Members for this purpose.

### 3.4 **Huntingdon Town**

- Committee – 25th June and 17th December 2003;
- Previously granted – to speak and vote on matters relating to the Commemoration Hall and King George V Playing Field;
- Details - The Deputy Town Clerk has requested that dispensations be granted to enable 16 town Councillors, who act as trustees to the King George V Playing Field Charity to speak and vote at meetings of the town Council or at any of its Committees/Sub-Committees on matters relating to that facility. In terms of the Commemoration Hall and as the Custodian Trustee, Huntingdon Town Council appoint six Councillors to the Board of Trustees responsible for the management of the hall. Currently six town Councillors are appointed to the Board of Trustees and each would need to declare a personal and prejudicial interest precluding them from speaking and voting on any matter which relates to the Commemoration Hall Charity. The Deputy Town Clerk has therefore requested the dispensation to continue which would enable six Members of the town Council who serve as trustees on the Commemoration Hall Charity to speak and to vote on all matters relating to the business of the Charity.

### 3.5 **St. Neots Town**

- Committee – 10th September 2003;
- Previously granted – to speak and vote on matters relating to St. Neots Outdoor Swimming Pool and Ackerman Street Playing Field, Eaton Socon;
- Details – 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. The Town Clerk has requested that dispensations be granted again 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.

### **3.6 Upwood & The Raveleys Parish**

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| Committee          | – | 24th March 2004;   |
| Previously granted | – | to speak and vote on matters relating to the charities associated with allotments for the poor in the Parish;  |
| Details            | – | All Members of the Upwood & 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 again be granted to the ten Members of the Council for this purpose. |

## **4. CONCLUSION**

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of town/parish council business from being impeded.
- 4.2 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.
- 4.3 Should the Committee look favourably on these applications, it is suggested that dispensations be granted for the period ending 30th April 2011 after which time applications for the newly elected Councillors would need to be submitted should it be considered necessary.

#### Footnote \*

Please note that there is currently a problem with the drafting of the Dispensation Regulations. The political balance criterion is linked to an authority being unable to comply with its duty under Section 15 (4) of the Local Government and Housing Act 1989. This duty requires the appointment of Committees that reflect the overall political balance of an authority. However, the duty does not arise in relation to individual meetings either of the authority or its Committees. For this reason, it is difficult to envisage circumstances in which the criterion would be met. Until such time as the appropriate amendments are made to the Regulations it is not likely that dispensations would be granted on the basis of the political balance criterion.

## **BACKGROUND PAPERS**

The Local Authorities (Model Code of Conduct) Order 2007

The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002

Letters received from town/parish clerks to Colne, Ellington, Great Gransden, Huntingdon, St. Neots and Upwood and the Raveleys town/parish Councils.

**Contact Officer: Christine Deller, Democratic Services Manager –  
Tel: (01480) 388007.**