

APPLICATION FOR DISPENSATION**(Report by the Director of Central Services and Monitoring Officer)****1. INTRODUCTION**

- 1.1 At their meeting held on 1st July 2004, the Committee granted dispensation to sixteen 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 2008 as elections to the Town Council were anticipated to take place in May.
- 1.2 Having been reminded of the expiry of the dispensations, a letter has been received from the Clerk to St Ives Town Council requesting the Standards Committee to consider granting dispensations to the newly elected Councillors on St Ives Town Council.

2. BACKGROUND

- 2.1 To remind Members – 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, on each occasion when dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because –
- (i) the number of Members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those Members who are entitled or required to so participate;
 - (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, i.e. 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 determine dispensations and their extent, i.e. whether it is appropriate that the dispensations allow the Members to 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 and a register is kept for this purpose.

3. APPLICATION RECEIVED

- 3.1 By virtue of their membership of St Ives Town Council, sixteen Councillors act as trustees for the Norris Library and Museum Charity. A request for dispensation has been re-submitted to enable the Town Councillors to speak and vote at meetings of the Town Council or at any of its Committees or meetings on matters relating to the library and museum.

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Town 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(i) ante.
- 4.3 Should the Committee look favourably on this application, it is suggested that consideration be given to granting dispensations to the St Ives Town Councillors to speak and to vote for the period ending 30th April 2012 after which time applications for the newly elected Councillors would need to be submitted.

BACKGROUND PAPERS:

The Local Authorities (Model Code of Conduct) Order 2007
The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002
Letter received from the Town Clerk to St Ives Town Council dated 16th May 2008

CONTACT OFFICER:

Christine Deller, Democratic Services Manager
Tel: (01480) 388007