

APPLICATION FOR DISPENSATION
(Report by the Head of Law, Property and Governance
and Monitoring Officer)

1. INTRODUCTION

- 1.1 In response to a request for guidance, advice was given by the Head of Law, Property and Governance to the Town Clerk, St. Ives Town Council (see Agenda Item No. 6 – Case No. 58), on the nature of the interests which were required to be declared by Members of that Council in a specific situation which had arisen in the Parish.
- 1.2 In accordance with the advice given, a written request for dispensation subsequently has been received from the Town Council.

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 and subsequently varied by the Standards Committee (Further Provisions) (England) Regulations 2009.

The Regulations provide that a member with a prejudicial interest in a matter which was coming before the Authority could apply to the Standards Committee for a dispensation to allow the member to speak and vote on the matter at meetings. The Regulations specify two grounds for dispensation -

- (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) that the business of the Authority will be impeded because the absence of Members as a consequence of prejudicial interests would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting.
- 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. A dispensation can be granted for a particular meeting or for a period not exceeding four years.

- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded in a register for the purpose.

3. **APPLICATION RECEIVED**

- 3.1 Fifteen of the sixteen members of St. Ives Town Council are Board Members of a Community Interest Company set up to manage the Corn Exchange, a public building in St Ives. Three town councillors are also Directors of the company. The Monitoring Officer has advised the Town Clerk that if the Town Council is dealing with anything likely to affect the company in Council or Committee meetings then they would have personal interests but if that matter was financial or regulatory it would also be prejudicial. As this would leave the Town Council unable to deal with the matter, the Committee is required to consider an application from them for dispensation.

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 Regulations which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.
- 4.3 Should the Committee look favourably on this application, it is suggested that consideration should be given to granting dispensations to speak and to vote to 15 Members of St. Ives Town Council for the period ending 30th April 2012 after which time an application for the newly elected Councillors would need to be submitted should it be considered necessary.

BACKGROUND PAPERS

The Local Authorities (Model Code of Conduct) Order 2007.
The Relevant Authorities (Standards Committee) Dispensation Regulations 2002 and Standards Committee (Further Provisions) (England) Regulations 2009
Letter received from the Town Clerk to St. Ives Town Council.

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