

**APPLICATIONS FOR DISPENSATION  
(Report by the Head of Legal & Democratic Services  
and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 Members may recall that at the meetings held on 4th March 2010 (Minute No. 39 refers) and 7th July 2011 (Minute No 15 refers) the Committee granted dispensation to Members of St. Ives Town Council to enable them to speak and vote at meetings on matters likely to effect a community interest company set up to manage the Corn Exchange in St. Ives. The dispensation was granted for the period to 30th April 2012.
- 1.2 Similarly, the Committee at their meeting held on 8th July 2010 (Minute No 10 refers) granted dispensation to Members of Great and Little Gidding Parish Council to enable them to speak and vote on matters relating to the Village Hall and Recreation Field and Great Gidding Charity.
- 1.3 Following elections in both parishes, the Clerks to these authorities have now written formally to request a further dispensation to cover the term of office of the new Councils.

**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 currently 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 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. BACKGROUND TO APPLICATION**

- 3.1 Thirteen of the seventeen 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. If the Town Council is dealing with anything likely to affect the company in Council or Committee meetings then the Members would have to declare personal interests but if that matter was financial or regulatory it would also be prejudicial. This would leave the Town Council unable to deal with the matter, unless dispensation is granted to the following Members – Councillors Ayres-Wilson, Collier, Davies, Dibben, Dobson, Edey, Hodge, Luter, Pope, Richardson, Salt, Smith and Townsend.
- 3.2 Great and Little Gidding Parish Council have resubmitted an application for dispensation to enable Members of that Parish Council to transact Parish business concerning the Village Hall and Recreation Field and the Great Gidding Charity. All Members of the Parish Council are trustees to the Village Hall and Recreation Ground and the Council is sole Trustee of the Great Gidding Charity. As the number of Parish Councillors prohibited from participating at meetings (when matters arise relating to Village Hall, Recreation Field and the Charity) exceeds 50% of those Members that are entitled or required to participate a dispensation is required to allow business in relation to these matters to continue. The quorum for meetings of the Parish Council is three.

### **4. CONCLUSION**

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Town and Parish 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 these applications, it is suggested that consideration should be given to granting dispensations to speak and to vote to the named Members of St Ives Town Council and the seven Members of Great and Little Gidding Parish Council until 30th April 2016 after which time an application for

the newly elected Councillors would need to be submitted should it be considered necessary.

## **BACKGROUND INFORMATION**

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.  
Letters received from the Town Clerk to St. Ives Town Council and the Parish Clerk to Great and Little Gidding Parish Council

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