

EAST HERTFORDSHIRE DISTRICT COUNCIL

ASSESSMENT SUB-COMMITTEE – 30 OCTOBER 2008

REPORT BY DEPUTY MONITORING OFFICER

6. APPLICATION FOR DISPENSATION

'D' RECOMMENDATION - that

---

1.0 Purpose/Summary of Report

1.1 To consider a request for dispensation from Ware Town Council for its Members.

2.0 Contribution to the Council's Corporate Priorities/Objectives

2.1 **Fit for purpose, services fit for you**

*Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.*

**Leading the way, working together**

*Deliver responsible community leadership that engages with our partners and the public.*

3.0 Background

3.1 Ware Town Council is the sole Trustee of the Ware Priory Charity. The 11 elected members of Ware Town Council sit as the Trustee and manage the Charity's affairs. The Town Council has applied for a dispensation to enable its Members to speak and vote at meetings of the Town council or at any of its Committees on matters relating to the Priory Charity.

4.0 Legislation

4.1 Under the provisions of the relevant regulations, the Committee may grant dispensations to town/parish/district councillors where the transaction of business of the Council concerned would, on each occasion when the dispensation would apply, be otherwise impeded

because:

- the number of Members that are prohibited from participating in the business exceeds 50% of those Members who are entitled or required to so participate;
- 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 (this relates to Principal Councils and the allocation of seats on committees to political groups).

4.2 The Committee must consider whether or not it is appropriate to grant the dispensation and, if so, to what extent. For example, the Committee may grant a dispensation to speak but not vote or to participate fully and vote. A dispensation cannot apply for a period longer than four years.

4.3 The nature and duration of any dispensation granted must be recorded in a register established for such a purpose.

## 5.0 Conclusion

5.1 It would seem that given the circumstances, a dispensation should be granted to prevent the transaction of Ware Town Council business from being impeded when considering matters relating to Ware Priory Charity (i.e. under the first bullet point above).

5.2 If the Committee agrees to grant a dispensation, it is suggested that it should be to allow members to speak and vote for a period ending 30 April 2011. New Town Councillors elected at the May 2011 elections would need to consider submitting a further dispensation application.

## Background Papers

None

Contact Officer: Jeff Hughes – Deputy Monitoring Officer - ext 297