

## REPORT OF THE CLERK

# DISPENSATIONS

## 1 Purpose of Report

This report provides the Committee with information about the granting of dispensations to Members of the Fire Authority. It also suggests the format for a form to be completed by all Members, when submitting their request for a dispensation to this Committee.

## 2 Recommendations

The Committee is recommended to:

- a) Note the contents of the report; and
- b) Approve the application form, attached as an appendix, to be used by Members of the Fire Authority, when applying to this Committee for a dispensation.

## 3 Background

As outlined in a report presented at its meeting on 9 October 2002, the Standards Committee has the authority to grant dispensations to Members of the Fire Authority. Dispensations allow Members to take part in decision making on Fire Authority matters when they would otherwise have been prevented from doing so because they may have a personal and prejudicial interest in the matter concerned.

The authority to grant the dispensation is set out in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. Under the legislation dispensations can only be applied for in very limited circumstances, which are outlined below.

This Committee may grant a dispensation in the following circumstances:

- a) The transaction of the business of the Fire Authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because:
  - i. The number of Members of the Fire Authority prohibited from participating in the business of the Authority exceeds 50% of those Members that are entitled or required to so participate; or



- ii. The Fire Authority is not able to comply with any duty, which applies to it under Section 15(4) of the Local Government Act and Housing Act 1989 (political balance requirements).
- (b) Further, the Member requesting the dispensation must submit a written request for a dispensation to the Standards Committee, explaining why it is desirable for the dispensation to be given. The Standards Committee must, having had regard to the provisions set out above and the contents of the application, and to all other circumstances of the case, consider whether or not it is appropriate to grant the dispensation.

A dispensation can be granted for any period of time up to four years. If a dispensation is granted, the existence, duration and nature of the dispensation must be recorded in writing and maintained as a record by the Fire Authority. A written record of the dispensation should also be provided to the Member(s) involved prior to their taking part in any matter, to which the dispensation relates.

There is little guidance to Standards Committees to assist with the decision making process. It is suggested, however, that a form is made available to all Members of the Fire Authority via the website. This would ensure that there is a uniform process for applications, and that this Committee has as much information as possible before making any determination. A draft copy of the form is attached as an appendix.

#### **4 Legal Comment**

The remit of this Committee to grant dispensations is very limited and set out in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 referred to in this report. Each individual request for a dispensation should be considered on its own merits. There is no obligation upon a Member requesting a dispensation to appear before this Committee to provide further information. The request to submit information in a written form to meet certain criteria will be of assistance during the determination of a dispensation application by this Committee.

#### **5 Financial Implications**

There are no financial implications arising from this report.

#### **6 Equality and Diversity Implications**

There are no equality or diversity implications arising from this report.

#### **7 Appendix**

Draft Request for a Dispensation

#### **8 Background Papers**

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002  
Shropshire and Wrekin Fire Authority Standards Committee 9 October 2002 Report 7  
– Grant of Dispensations

For further information about this report please contact Susan Kembrey, Clerk and Monitoring Officer, on 01952 202461.



**DRAFT**

**TO THE STANDARDS COMMITTEE  
SHROPSHIRE AND WREKIN FIRE AUTHORITY**

**REQUEST FOR A DISPENSATION**

Please complete the following details and give as much information as possible (you can attach separate sheets of paper, if required). Please note that a failure to provide full details of information requested on this form may adversely affect your application.

- 1. Full Name.....
- 2. Address.....  
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- 3. Telephone No.....
- 4. Please set out details of the matter for which you are requesting this dispensation.  
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5. Please set out the nature of your interest.

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6. How long do you require the dispensation for, and why have you requested this timescale (please set out any details of specific meetings or otherwise)?

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7. Please provide full details of the reason/s why you believe you should be granted a dispensation in this matter.

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Signed .....

Dated .....

**Please note**

Your request will be placed before the Standards Committee at the earliest opportunity. A written copy of the decision made by the Committee will be provided to you as soon as possible thereafter.