

## REPORT OF THE CLERK AND MONITORING OFFICER

# DISPENSATIONS

### 1 Purpose

To provide further information regarding the process for determining dispensation applications (following the report provided to the Committee at the previous meeting) and to provide also a copy of the amended draft dispensation application form for further amendment and/or approval.

### 2 Recommendations

Members are asked to:

- a) Note the contents of this report; and
- b) Subject to any further amendments they consider appropriate, approve the dispensations application form, attached as an appendix to this report, for use by Members of the Fire Authority, when making dispensation applications to this Committee.

### 3 Background

At the last meeting of this Committee on 24 January 2006, a report of the Clerk and Monitoring Officer was presented, setting out details of the procedure for requesting dispensations and suggesting a standard form to be used by Members of the Fire Authority, when making such a request.

Members asked officers to bring a report to the Committee on the following two issues:

- a) A procedure for considering dispensations, particularly when they are made at short notice and cannot be considered at the scheduled quarterly meetings of the Standards Committee.
- b) Amendments to the draft dispensations form to provide more information to Members, when completing and submitting their application.

### 4 Proposed Procedure and Application Form

It is proposed that the procedure for the consideration of dispensation applications by this Committee would be as follows. Upon receipt of a dispensation application the Committee and Administration Manager, in liaison with the Clerk and Monitoring



Officer, will (where necessary) arrange a special meeting of the Standards Committee. A formal agenda for the meeting will be produced and dispatched together with the dispensation application (and any covering report) in order to comply with the access to information rules and, therefore, to be received no less than five days prior to the meeting of the Committee to consider the matter.

In some limited circumstances there is provision for the matter to be considered as an urgent item by the Committee. This would be at the discretion of the Chair of the Committee and such circumstances should be avoided wherever possible.

The Committee, upon making its decision, is required to produce a written record of that decision. It is advisable that reasons are also provided as to why the dispensation has been either allowed or refused.

It is recommended that the form attached as an appendix to this report is used to apply for a dispensation. The form has been amended following the previous meeting to include reference to where the application should be sent and details of the circumstances under which a dispensation may be granted have been attached. These have been taken directly from the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.

## 5 Appendix

Draft dispensation application form

## 6 Background Papers

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balance Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity		Member Involvement	*
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Equality and Diversity		Retained	
Efficiency Savings		Risk and Insurance	
Environmental		Staff	
Financial		Strategic Planning	
Fire Control/Fire Link		West Midlands Regional Management Board	

For further information about this report please contact Matthew Cumberbatch, Group Solicitor, on 01952 203068.



**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 additional sheets of paper, if required). Please note that 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 require this dispensation.**

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5. **Please set out the nature of your interest.**

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

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7. Please set out the reason/s why you believe you should be granted a dispensation in this matter (please provide full details).

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Signed: .....

Dated: .....

**Notes**

1. When completed, this form should be sent as soon as possible to:  
The Committee and Administration Manager, Brigade Headquarters,  
St Michael's Street, Shrewsbury SY1 2HJ
2. 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.



## Circumstances in which Dispensations may be Granted

- (1) The Authority's standards committee may, subject to paragraph (2) below, grant a dispensation to a member in the following circumstances:
  - (a) The transaction of business of the 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 Authority that are 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 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[7].
  - (b) The member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and
  - (c) The standards committee concludes that having regard to the matters mentioned in paragraph (a) above, the content of the application made pursuant to paragraph (b) above, and to all the other circumstances of the case, it is appropriate to grant the dispensation.
- (2) Nothing in sub-paragraph (1) above shall permit a dispensation to be granted:
  - (a) In respect of participation in business of the Authority conducted more than four years after the date on which the dispensation is granted; or
  - (b) Where the effect of the mandatory provisions from which a dispensation is sought is that:
    - (i) A member is prohibited from participating in the consideration of a matter at a meeting of an overview and scrutiny committee of the Authority, or sub-committee of that committee, where that consideration relates to any decision made or action taken by any other of the Authority's committees, sub-committees, joint committees, or joint sub-committees of which he may also be a member; or
    - (ii) A member of the Authority's executive [8] is prohibited from exercising functions which are the responsibility of the executive of the Authority and which would otherwise be discharged by him solely.

Extract from The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.

