CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2017
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: DISPENSATIONS

Purpose of the Report

1. To ask Members to extend the benefit of the existing dispensations to new Members of the Fire Authority to allow them to take part in debates and votes upon the setting of the Council Tax precept and approval of the Members' Allowance Scheme (and any changes and/or additions to it).

2. To ask Members to extend the benefit of the existing dispensation in respect of the setting of the Council Tax precept to Councillor Tarr.

Recommended: That:

[1] the dispensations granted to Fire Authority Members on 5th October 2016 be extended to benefit Councillors Biggin, Beckett and Jones thereby allowing them to take part in the debates and votes on the setting of the Council Tax precept, and approval of the Members' Allowance scheme (and any changes and/or additions to it); and

[2] the dispensation granted to Fire Authority Members on 5th October 2016 be extended to benefit Councillor Tarr thereby allowing him to take part in the debates and votes on the setting of the Council Tax precept.

Background

3. Dispensations were granted by the Governance and Constitution Committee on 5th October 2016 to all Members of the Fire Authority. The dispensations relate to the setting of the Council Tax precept and the approval of the Members' Allowance Scheme and are effective until October 2020.

4. For all but two Members both dispensations were sought/granted. Two Members did not require the benefit of the dispensation concerned with the setting of Council Tax.

Information

5. In considering whether to grant dispensations Members are required to consider the provisions in Section 33 of the Localism Act 2011 (the Act). A copy of the section is attached as Appendix 1 to this report.

6. Section 33(1) states that there must be a written request from a Member to the proper officer (taken to be the Monitoring Officer). The following Members have requested that the dispensations be extended so that they can benefit from them:

   Councillors Biggin, Beckett and Jones.

   Councillor Tarr has requested that the benefit of the dispensation concerned with the setting of Council Tax be extended to him.

7. Section 33 (2) states that a dispensation can only be granted by an Authority if, after having had regard to all relevant circumstances, it is satisfied that one of the reasons described is applicable. Members previously accepted that they were satisfied that at least one of the reasons listed applies to the setting of the Council Tax precept and the Members' Allowance Scheme when granting the dispensations. An extract from an earlier report is attached as Appendix 2 to this report to allow Members to understand the relevant matters.

Financial Implications

8. There are no financial implications arising from this report.

Legal Implications

9. The legal implications are covered in the body of the report.

Equality and Diversity and Environmental Implications

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

CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD
TEL [01606] 868804

BACKGROUND PAPERS: NONE