



Dispensation Policy

1. Introduction

Parish and Town Councils are now responsible for determining requests for a dispensation by Parish/Town Councillors under Section 33 of Localism Act 2011. This is because they are a 'relevant authority' under section 27(6) (d) of the Act. This guide explains:

- a) the purpose and effect of dispensations
- b) the procedure for requesting dispensations
- c) the criteria which are applied in determining dispensation requests
- d) the terms of dispensations

2. Purpose and Effect of Dispensations

In certain circumstances councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Section 31 (4) of the Localism Act states that dispensations may allow the councillor:

- a) To participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- b) To participate in any vote, or further vote, taken on the matter at the meeting(s)

If a dispensation is granted, the councillor may remain in the room where the meeting considering the business is being held.

Please Note: If a town councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011

3. Process for Making Requests

Any councillor who wishes to apply for a dispensation must fully complete a Dispensation Request Form and submit it to the proper officer of the Council (the Town Clerk) as soon as possible before the meeting where the dispensation is required. Applications may also be made at the Town meeting itself (at the standing item on the agenda to deal with dispensation requests) if the nature of the interest has only become apparent to a councillor at the meeting itself. Applications must be made on an individual basis.

- Agenda format:
1. To receive declarations of interest from councillors
 2. To receive written requests for dispensations for disclosable pecuniary interests
 3. To grant any requests for dispensation as appropriate

4. *Consideration by the Town Council*

A decision will be taken at a Town Council meeting. The Town Council may grant a dispensation to a councillor who has a Disclosable Pecuniary interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter (as per paragraph 2 above) if they consider that:

- a) So many members of the decision making body have Disclosable Pecuniary Interests that it would impede the transaction of the business (i.e. the meeting would be inquorate)
- b) The Council considers that the dispensation is in the interest of person's living in the Council's area; or
- c) It is otherwise appropriate to grant a dispensation.

The Council may also extend the provisions of the above paragraph to apply in the same way in the case of 'Non-disclosable Pecuniary Interest' or a 'Non-pecuniary Interest' as defined in the Code of Conduct at its discretion.

The terms of any dispensation shall be in accordance with paragraph 6

The Town Clerk will formally notify the councillor of the Council's decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

5. *Criteria for Determination of Requests*

In reaching a decision on a request for a dispensation the Town Council will take into account:

- a) The nature of the councillor's Prejudicial Interest
- b) The need to maintain public confidence in the conduct of the Council's business
- c) The possible outcome of the proposed vote
- d) The need for efficient and effective conduct of the Council's business
- e) Any other relevant circumstances

6. *Terms of Dispensations*

Dispensations may be granted:

- a) For one meeting
- b) For a period not exceeding four years

7. *Disclosure of Decision*

Any councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Councillor's Interests

Agreed:

DISPENSATION REQUEST FORM

Please give full details of the following in support of your application for a dispensation. If you need any help completing this form please contact the parish clerk.

| | |
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| Your name | |
| The council business/matter for which you require a dispensation (refer to agenda item number if appropriate) | |
| Details of your interest in that council business/matter | |
| Date of meeting or time period (up to 4 years) for which dispensation is sought | |
| Dispensation requested to participate, or participate further, in any discussion of that council business/matter by that body | |
| Dispensation requested to participate in any vote, or further vote, taken on that council business/matter by that body | |
| REASON(S) FOR DISPENSATION | |
| 33 a) without the dispensation the number of persons unable to participate in the transaction of council business/matter would be so great as to impede the transaction of the council business/matter | |
| 33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote | |
| 33c) the dispensation is in the interests of persons living in the authority's area | |
| 33e) that it is otherwise appropriate to grant a dispensation | |
| Reason : | |

Signed:

Dated:

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| DECISION : Dispensation Given : YES / NO LENGTH OF DISPENSATION : Date: Minute Number: Signed : Clerk to the Council |
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