

Locking Parish Council

Dispensations Procedure

1 Introduction

Parish Councils are responsible for determining requests for a dispensation by a Parish Councillor under Section 33 of Localism Act 2011. This is because they are a “relevant authority” under Section 27(6) 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 dispensations 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 remain in the room where the meeting considering the business is being held.

Please note: If a Parish 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 (Appendix 1) and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

A decision as to whether to grant a dispensation shall be made by a majority vote of the Council or relevant committee for which the dispensation is required and that decision is final.

A dispensation request shall confirm:

- a) The description and nature of the disclosable pecuniary interest to which the request for dispensation relates;
- b) Whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- c) The date of the meeting or period (not exceeding four years) for which the dispensation is sought; and
- d) An explanation as to why the dispensation is sought

Subject to the above, dispensations requests shall be considered by the Council at the start of meeting under the appropriate Agenda Item for which the dispensation is required.

A dispensation may be granted in according with standing orders if having regards to all relevant circumstances the following applies:

- I. Without dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- II. Granting the dispensation is in the interests of persons living in the council's area or it is otherwise appropriate to grant a dispensation

4 Terms of Dispensations

Dispensations may be granted:

- a) For one meeting; or
- b) For a period not exceeding 4 years

5 Disclosure of Decision

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

A copy of the dispensation will be kept with the Register of Councillors' Interests.

LOCKING PARISH COUNCIL - 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.

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	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that council business/matter by that body	Yes / No
REASON(S) FOR DISPENSATION	
3.i) 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	
3.ii) the dispensation is in the interests of persons living in the authority's area	

Signed: _____ Dated: _____

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

