

TOSTOCK PARISH COUNCIL

DISPENSATION PROCEDURE

Adopted 2024-03-12

1 Introduction

Parish Councils are responsible for determining requests for a dispensation by a councillor under section 33 of the Localism Act 2011. This is because they are a “relevant authority” under section 27(6) (d) of the Act.

2 Purpose and Effect of Dispensations

- 2.1 In certain circumstances a councillor may be granted a dispensation which enables him/her to take part in Council business where this would otherwise be prohibited because he/she has a disclosable pecuniary interest. Provided a councillor acts within the terms of his/her dispensation there is deemed to be no breach of the Code of Conduct or the law.
- 2.2 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).
- 2.3 If a dispensation is granted, the councillor may remain in the room where the meeting considering the business is being held.
- 2.4 **If a councillor participates in a meeting where he/she has a disclosable pecuniary interest and he/she does not have a dispensation, he/she may be committing a criminal offence under section 34 of the Localism Act 2011.**

3 Process for Making Requests

Any councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form (as attached) and submit it to the Proper Officer of the Council (i.e. the Clerk) as soon as possible before the meeting for which the dispensation is required. Applications may also be made at the Council meeting itself and the nature of the interest has only become apparent to a councillor at the meeting itself. A request for dispensation shall be made on an individual basis.

4 Consideration by the Council

- 4.1 The Council reserves to itself the authority to grant dispensations.
- 4.2 The 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 if it considers that:

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- (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); or
- (b) the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- (c) it is otherwise appropriate to grant a dispensation.

- 4.3 The terms of any dispensation shall be in accordance with paragraph 6.
- 4.4 A decision as to whether or not to grant a dispensation shall be made by a majority vote of the Council and that decision shall be final.
- 4.5 The Council (through the Clerk) shall formally notify the councillor of its decision and reasons in writing at the earliest opportunity and in any event within five working days of the decision.
- 4.6 A copy of the dispensation shall be kept with the Register of Councillor's Interests.

5 Criteria for Determination of Requests

In reaching a decision on a dispensation request the 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 Council business;
- (c) the possible outcome of the proposed vote;
- (d) the need for efficient and effective conduct of Council business; and
- (e) any other relevant circumstances.

6 Terms of Dispensations

Dispensations may be granted:

- (a) for one meeting; or
- (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.

8 Review

This procedure will be reviewed regularly (at least annually) and amended as necessary to reflect best practice.

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TOSTOCK 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 four 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 Please supply the full reasons why you consider a dispensation is necessary:	

Signed: _____ Dated: _____

Dispensation Given:	Yes/No
Length of Dispensation:	
Date:	Minute Ref.:
Signed: Clerk to the Council	