

# **WILLINGHAM PARISH COUNCIL DISPENSATIONS PROCEDURE (NOVEMBER 2014)**

## **Introduction**

Parish Councils are now 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) (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

## **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 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.**

## **Process for making requests**

Dispensation requests shall be in writing 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:

- (i) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

- (ii) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- (iii) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- (iv) an explanation as to why the dispensation is sought.

Subject to the above, dispensations requests shall be considered by the Council before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

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

- (i) without the 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

#### **Criteria for Determination of Requests**

In reaching a decision on a request for a dispensation the parish council or committee (as appropriate) 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.

#### **Terms of Dispensations**

Dispensations may be granted:

- (a) for one meeting; or
- (b) for a period not exceeding 4 years.

#### **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 Councillors' Interests.