



DISPENSATION POLICY

1. Introduction	2
2. Purpose and Effect of Dispensations	2
3. Process for Making a Request for a Dispensation	2
4. Criteria for the Determination of Requests	3
5. Terms of Dispensations	3
6. Disclosure of Decision	3
7. General Dispensation to Consider Precept	4
8. General Dispensation to Consider Councillors' Allowances and Expenses	4
9. Review and Monitoring	4
 Appendix A - Dispensation Request Form	 5

BURLEY PARISH COUNCIL
DISPENSATION POLICY

1 Introduction

- 1.1 Town and Parish councils are responsible for determining requests for a dispensation by a town or parish councillor under Section 33 of the Localism Act 2011. This results from the fact that parish councils are defined as relevant authorities under Section 27(6)(d) of the Act.
- 1.2 This Policy explains:
 - a) The purpose and effect of dispensations;
 - b) The procedure for requesting dispensations;
 - c) The criteria which will be applied in determining dispensation requests; and
 - d) The terms of dispensations.

2 Purpose and Effect of Dispensations

- 2.1 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 or Non Registerable Interest.
- 2.2 Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.
- 2.3 Section 31(4) of the Localism Act 2011 states that dispensations may allow the Councillor:
 - a) To participate, or participate further, in any discussion of the matter at the meeting; and / or
 - b) To participate in any vote, or further vote, taken on the matter at the meeting.
- 2.4 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held and, if the dispensation allows, may also vote.
- 2.5 If a Councillor participates in a meeting where s/he has a Disclosable Pecuniary Interest and s/he does not have a dispensation, s/he may be committing a criminal offence under section 34 of the Localism Act 2011.

3 Process for Making a Request for a Dispensation

- 3.1 Any Councillor wishing to apply for a dispensation must fully complete a Dispensation Request Form (included as Annex A to the policy) and submit it to the Parish Clerk no later than one working day before the meeting at which the dispensation is required.
- 3.2 In exceptional circumstances, where the nature of the interest only becomes apparent to a Councillor at the meeting itself and criterion 4.1(a) applies; applications may be made at the Council Meeting itself.
- 3.3 There will be a standing item on the Full Council agenda to consider dispensation requests.

BURLEY PARISH COUNCIL
DISPENSATION POLICY

4 Criteria for the Determination of Requests

4.1 The decision as to whether to grant a dispensation will be based on the following criteria:

The Full Council may grant a dispensation to a Councillor who has a Disclosable Pecuniary Interest or Non-Registerable Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:

- a) So many Members of the decision-making body have Non Disclosable or Non Registerable Pecuniary Interests that it would impede the transaction of the business (i.e. the meeting would be inquorate);
- b) Political balance - without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote relating to the business;
- c) The authority considers that the dispensation is in the interest of the persons living in the authority's area; or
- d) It is otherwise appropriate to grant a dispensation.

4.2 In reaching a decision on request for a dispensation the Full 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; and
- e) Any other relevant circumstances.

5 Terms of Dispensations

5.1 Dispensations may be granted:

- a) For one or more meetings of the Council; or
- b) For a named period not exceeding 4 years (normally until the next ordinary Town Council elections).

6 Disclosure of Decision

6.1. 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.

6.2 The Clerk will ensure that details of the disclosure and the dispensation are appropriately recorded in the minutes.

6.3 The Monitoring Officer shall be notified of any dispensations awarded and a copy of the dispensation will be kept with the Register of Councillors' Interests.

BURLEY PARISH COUNCIL
DISPENSATION POLICY

7 General Dispensation to Consider Precept

- 7.1 This section of the Policy specifically excludes setting council tax or a Precept under the Local Government Finance Act 1992 from the interests to be declared for those Councillors residing in the Town.
- 7.2 Under Section 106 a Member who has not paid an amount due in respect of their Council Tax for at least 2 months after it became payable is precluded from voting on any matters affecting the level of Council Tax or the arrangements for administering the Council Tax. The Member is, however, entitled to speak.

8 General Dispensation to Consider Councillors' Allowances and Expenses

- 8.1 This section of the Policy specifically excludes setting Councillors' Allowances and expenses from the interests to be declared.

9 Review and Monitoring

- 9.1 This Policy will be reviewed regularly and amended as necessary based on changes to the Code of Conduct and in the light of relevant legislation, case law and best practice.

BURLEY PARISH COUNCIL
DISPENSATION POLICY

APPENDIX A - DISPENSATION REQUEST FORM

Please give full details of the following in support of your application for a dispensation. If you require assistance completing this form please contact the Clerk.

Councillor's Name:	
The business for which a dispensation is required (refer to agenda item number if appropriate):	
Details of your interest in that business:	
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 business by that body:	YES / NO
Dispensation requested to participate in any vote, or further vote, taken on that business by that body:	YES / NO
REASON(S) FOR DISPENSATION a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	
b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	
c) the dispensation is in the interests of persons living in the authority's area	
d) that it is otherwise appropriate to grant a dispensation Reason:	

Signed: _____ Date: _____

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Dispensation Granded: YES / NO

Length of Dispensation:

Date:

Minute Number:

Signed (Parish Clerk):