

TENBURY TOWN COUNCIL



GRANTING DISPENSATIONS POLICY

1.0 INTRODUCTION

- 1.1. Under Section 33 of the Localism Act 2011, in force since 1 July 2012, the Town Council may determine requests from a Town Councillor for a dispensation.
- 1.2. A dispensation allows a Councillor to take part in Council business where, under Section 34 of the Localism Act 2011, this would otherwise be prohibited. The granted dispensation allows the Member to participate in a discussion and/or vote on a matter.

2.0 PURPOSE AND EFFECT OF A DISPENSATION

- 2.1. A dispensation allows a Councillor to take part in Council business when they have a disclosable pecuniary interest.
- 2.2. Section 31 (4) of the Localism Act 2011 states that a dispensation may allow a Councillor to:
 - Participate, or participate further, in any discussion of the matter at the meeting(s) and/or
 - 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 is taking place, take part in the discussion and if the dispensation allows they may also vote.

3.0 REQUESTING A DISPENSATION

- 3.1. Any Councillor who wishes to apply for a dispensation should submit a Dispensation Request Form to the Town Clerk before the meeting at which the dispensation is required. A Councillor may also make an application at the meeting itself, should the nature of the interest only become apparent to the Councillor at the meeting.
- 3.2. A request for dispensation must be made on an individual basis and should not be requested by somebody else on their behalf.
- 3.3. The Councillor should explain the reasons for applying for a dispensation.

4.0 PROCEDURE FOR CONSIDERATION OF REQUESTS FOR DISPENSATION

- 4.1. Dispensations will be considered by the Town Council, or the Committee to which the request is made, under the relevant standing Agenda item and subject to the voting procedures as stated with in the Council's Standing Orders.

- 4.2. Section 33(2) provides that a dispensation may be granted where the authority:
- a. considers that without the dispensation the number of persons unable to participate in the transaction of the business would be so great as to impede the transaction of the business;
 - b. considers that without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote;
 - c. considers that granting the dispensation is in the interest of person's living in the Authority's area;
 - d. considers that it is otherwise appropriate to grant a dispensation.
- 4.3 Where the Full Council or a Committee has responsibility for considering/granting dispensations, a request for a dispensation can be considered/granted at the meeting at which the dispensation is required. A Councillor requesting a dispensation is not prevented from participating in the consideration of their request at a meeting, although they may wish to think about the circumstances of the request and can absent themselves if they believe that such participation would damage public confidence in the conduct of the Council's business.
- 4.4 In reaching a decision on whether to grant a dispensation the Council or Committee should take into account:
- a. the nature of the Councillor's pecuniary interest
 - b. the need to maintain public confidence in the Council's conduct of 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.

5.0 PERIOD OF DISPENSATION

A dispensation, when granted, must specify the period for which it has effect, and the period specified may not exceed four years/the remaining term of office (if shorter). It will often be appropriate for a dispensation to expire with the Member's current term of office.

Dispensation request form

You should give full details below in support of your application for a dispensation. If you need help completing the form please contact the parish council clerk.

Name of Town or Parish Council:	Your name:
The business for which you require a dispensation (refer to agenda item number)	
Details of your interest in that business <i>(continue on a separate sheet if necessary)</i>	
Date of meeting or time period (up to 4 years ¹) for which you are seeking a dispensation	
Tick as relevant: <input type="checkbox"/> I require a dispensation to remain in the meeting but not speak or vote; or <input type="checkbox"/> I require a dispensation to remain in the meeting and participate, or participate further, in any discussion of the business, and/or <input type="checkbox"/> I require a dispensation to remain in the meeting and participate in any vote, or further vote, taken on that business	
Reason(s) for requiring a dispensation Tick one or more of the following relating to paragraphs from S.33 of the Localism Act: <input type="checkbox"/> 33a) 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; <input type="checkbox"/> 33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote; <input type="checkbox"/> 33c) the dispensation is in the interests of persons living in the authority's area; <input type="checkbox"/> 33e) that it is otherwise appropriate to grant a dispensation, as detailed below:- Reason: 	

Signed: _____ Date: _____

This section to be completed by Parish Council administrator

DECISION:

Dispensation granted: YES / NO Length of dispensation:

Date: Minute Number:

Signed : Clerk to the Council

1. A dispensation cannot extend beyond your term of office