

## RISLEY WITH HOPWELL PARISH COUNCIL

### DISPENSATION POLICY

#### **Dispensations to Council members**

This policy was approved by the Parish Council at its meeting held on 12 November 2015.

#### **Introduction**

Parish Councils are now responsible for determining requests for a dispensation by a parish councillor under Section 33 of the Act which provides that an authority may, on a written request made to the proper officer (the Clerk) by a councillor grant a dispensation relieving them from either the restriction against participating in any discussion or voting or both.

The grounds upon which a dispensation can be granted are that:

- (a) without the dispensation, the number of persons prohibited from participating in any particular business would be so great as to impede the transaction of the business;
- (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) the authority considers that granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation, each Member of the Council would be prohibited from participating in any particular business to be transacted by the Council; or
- (e) the authority considers that it is otherwise appropriate to grant a dispensation.

A dispensation enables councillor(s) to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest or another interest. Provided councillors act within the terms of their dispensation there is no breach of the Code of Conduct or the law.

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, he/she may be committing a criminal offence under s34 of the Localism Act 2011.

#### **Process for making requests**

Any councillor who wishes to apply for a dispensation must complete a Dispensation Request form and submit it to the proper officer of the Parish Council (the Clerk) as soon as possible *before* the meeting which the dispensation is required. Applications may also be made at the meeting itself (if the Council has a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent to a councillor at the meeting itself.

A request for dispensation must be made on an individual basis.

### **Consideration by the Parish Council**

The Parish Council reserve such decisions for the full Council. It will need to make a formal resolution to this effect, on the lines of:

“RESOLVE to grant a dispensation to allow Councillor xxxx to allow him/her to speak and vote at meetings to consider any decision that relates to xxxxx.”

The Clerk or Council should formally notify the councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

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

In reaching a decision on a request for a dispensation the Council or the Clerk (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; and
- (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.

Next Review Due – September/October 2016