



Stanton under Bardon Parish Council

DOCUMENT CONTROL

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DISPENSATION PROCEDURE & REQUEST FORM

INTRODUCTION

In certain circumstances Councillors may be granted a dispensation that will enable them to take part in Council business where this would otherwise be prohibited because they have a pecuniary or non-pecuniary disclosable interest.

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.

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 a dispensation allows the Councillor to participate in any discussion and to participate in any vote. If a councillor participates in a meeting where they have an interest but do not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.

PROCEDURE

Any Councillor who wishes to apply for a dispensation must complete a **Dispensation Request Form** and submit it to the Proper Officer of the Council as soon as possible before the meeting for which the dispensation is required. Applications may also be made at the Parish Council meeting itself where the nature of the interest has only become apparent to a Councillor at the meeting itself.

Councillors who have been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates. This should be recorded in the minutes.

The dispensation request form must confirm:

- i. the description and the nature of the 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.

CRITERIA

A dispensation request shall be considered at the beginning of the meeting of the Council. The decision as to whether to grant a dispensation shall be made by the Parish Council and the decision is final.

The Parish Council may grant a dispensation to a Councillor who has an 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:

- Enough members of the decision-making body have interests that it would impede the transaction of the business (i.e. the meeting would be inquorate)
- The authority considers that the dispensation is in the interests of persons living in the authority's area; or
- it is otherwise appropriate to grant a dispensation.

The Proper Officer 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. A copy of the dispensation will be kept with the Register of Councillors' Interests

TERMS

Dispensations may be granted for either one meeting or for a period not exceeding 4 years.



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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 4 years) for which dispensation is sought	
Dispensation requested to participate in any discussion of that council business/matter by that body	Yes / No
Dispensation requested to participate in any vote taken on that council business/matter by that body	Yes / No
REASON(S) FOR DISPENSATION (please tick)	
Without the dispensation the number of persons unable to participate in the transaction of council business/matter would be so great as to impede the transaction of the council business/matter	
Without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	
The dispensation is in the interests of persons living in the authority's area	
That it is otherwise appropriate to grant a dispensation	
Reason :	

Signed: _____ Dated: _____

DECISION :	
Dispensation Given : YES / NO	LENGTH OF DISPENSATION :
Date:	Minute Number:
Signed : Proper Officer to the Council	