

Controlled Document

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DISPENSATION POLICY

Parish Councils are responsible for determining requests for a dispensation by a parish councillor under Section 22 of the Localism Act 2011. Under Section 27 (6) (d) of the Act, parish councils are the “relevant authority”.

1. 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 (DPI). 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 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.

2. Process for Making Requests

Any councillor who wishes to apply for a dispensation must fully complete a Dispensation Request Form (Appendix A) 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. Application may also be made at the parish council meeting itself and the nature of the interest has only become apparent to a councillor at the meeting itself. This should be done under the agenda item that deals with dispensation requests.

3. Consideration by the Parish Council

The Parish Council shall reserve decisions to grant dispensations for the full parish council. If the parish council decides to delegate this role to the parish clerk, then it will need to make a formal resolution to this effect.

The parish council or parish clerk may grant a dispensation to a councillor who has a DPI to participate in any discussion of a matter at a meeting and/or to participate in any vote on that matter if they consider that:



- a. Too many members have a DPI so that it would impede the transaction of the business (the meeting would be inquorate); or
- b. The authority considers that the dispensation is in the interests of persons living in the authority's area; or
- c. It is otherwise appropriate to grant a dispensation.

4. Criteria for Determination of Requests

In reaching a decision on a request for a dispensation, the parish council or parish clerk 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.

5. Terms of Dispensations

Dispensations may be granted:

- a. For one meeting; or
- b. For a period not exceeding 4 years.

6. 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.



Appendix A

Lenham Parish Council Dispensation Request Form

Question No	Question	Answer
1	Your name	
2	The business for which a dispensation is required (including agenda no)	
3	Details of the interest in that business	
4	Time period dispensation is sought (up to 4 years)	
5	Dispensation requested to participate, or participate further, in any discussion of that business by that body	(Yes or No)
6	Dispensation requested to participate in any vote, or further vote taken on that business by that body	(Yes or No)
7	Full reasons why you consider a dispensation is necessary	

Signed..... Date.....

