SUTTON AT HONE & HAWLEY PARISH COUNCIL

**DISPENSATIONS PROCEDURE**

1**. Introduction**

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.

2. **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. 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 a 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.**

3. **Process for making requests**

Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation

Request form and submit it to the proper officer of the parish council (i.

e. the parish clerk as soon as possible before the meeting which the dispensation is required. Applications may also be made at the parish council meeting itself (if parish councils have 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.

4. **Determination**

The council may grant a dispensation to a councillor who has a

Disclosable Pecuniary or Prejudicial/Bias Interest to participate in any discussion of a matter at a meeting

and/or to participate in any vote on the matter ( as per para. 2 above) if they consider that:

(a) so many members of the decision-making body have disclosable pecuniary interests

that it would impede the transaction of the business (i.e. the meeting would be

inquorate); or

(b) they consider 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.

The terms of any dispensation shall be in accordance with paragraph 6.

The parish clerk should formally notify the Councillor of the decision and

reasons in writing at the earliest opportunity and in any event within 5 working days of the

decision.

5**. Criteria for Determination of Requests**

In reaching a decision on a request for a dispensation the 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

(e) any other relevant circumstances.

6. **Terms of Dispensations**

Dispensations may be granted:

(a) for one meeting; or

(b) for a period not exceeding 4 years.

7. **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.