

DISPENSATIONS PROCEDURE GUIDE Grimley Parish Council draft to be adopted autumn 2023.

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 Schedule 1 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 councillor participates in a meeting where he/she has a Schedule 1 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 and submit it to the Clerk as soon as possible before the meeting which the dispensation is required.

3. Consideration by the Clerk or Parish Council

The Localism Act 2011 (section 33 (2)) provides the following circumstances in which a dispensation may be considered: (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business 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) granting the dispensation is in the interests of persons living in the authority's area, (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or (e) 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 clerk (as appropriate) will take into account: (a) the nature of the Councillor's interest (b) the need to maintain public confidence in the conduct of the Council's business (c) the possible outcome of the proposed agenda item, participation, vote and remaining in the room (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. This should be recorded in the minutes.