

DISPENSATIONS PROCEDURE GUIDE

Severn Stoke and Croome d'Abitot Parish Council

Adopted in principle Autumn 2023. Adopted in full May 2024.

The below is being considered as an extension to Standing Orders.
Parish Clerk, Lisa Stevens, severnstokeandcda@gmail.com

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.

-end of procedure-

DO I HAVE AN INTEREST?

1. Read the agenda and ask yourself:
2. Does any of the business affect ...
 - me, my spouse or partner (could there be a Disclosable Pecuniary Interest), or
 - a body I am associated with (could there be an Other Registerable Interest) or
 - someone I know well (could there be a Non-Registerable Interest)?
3. If yes, check below to see if the way you are affected means you must do something about it at the meeting. Always bear in mind how it looks to the interested observer!

Type of Interest	Description	What should I do?
Disclosable Pecuniary Interests See previous page for definitions of DPI	- Source of income Job, trade, profession or vocation	Declare the interest at the meeting. Leave the room unless a dispensation has been granted. If the interest has not yet been registered, I must add it to my register within 28 days of the meeting.
	- Sponsorship of election expenses Did others pay my election expenses?	
	- Contract between me & the council Any contract not fully completed.	
	- Land, ie Occupation, ownership or tenancy of land of any sort within the council's area (buildings count as land). Corporate tenancies where the council is landlord and my firm is the tenant.	
	- Stocks and shares Shares in an organisation which has a place of business in the council's area, in which I have shares worth more than £25,000 at nominal value , or 1/100 th of the total issued share capital.	
Other Registerable Interests	- Membership of a body where I am in a position of general control or management and to which I was appointed or nominated by the council.	Declare the interest. Leave the room (unless granted a dispensation) if the matter being discussed relates directly to the finances or wellbeing of the interest, or it affects me more than anyone else in the parish. Add the interest to my register within 28 days of the meeting if not already done.
	- Membership of a body that: <ul style="list-style-type: none"> a) Exercises functions of a public nature; b) Is directed to charitable purposes, or c) Whose principal purposes includes the influence of public opinion or policy. 	
	- Details of any gifts or hospitality valued at more than £50 (or identified limit) received in connection with my official duties.	
Non-Registerable Interests	- Anything that <u>directly relates</u> to my financial interest or wellbeing or that of a relative or close associate.	Declare the interest. Leave the room unless granted a dispensation.
	- Anything which <u>affects</u> my financial interest or a financial interest of an organisation or someone I am associated with.	

Definitions of Pecuniary Interests

“the Act”	means the Localism Act 2011;
“body in which the relevant person has a beneficial interest”	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
“director”	includes a member of the committee of management of an industrial and provident society;
“land”	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
“M”	means a member of a relevant authority
“member”	includes a co-opted member;
“relevant authority”	means the authority of which M is a member;
“relevant period”	means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
“relevant person”	means M or any other person referred to in section 30(3)(b) of the Act;
“securities”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Employment, office, trade, profession, or vocation

Any employment, office, trade, profession, or vocation carried on for profit or gain.

[Any unpaid directorship.]

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority —

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land and Property

Any beneficial interest in land which is within the area of the relevant authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge) —

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

-end-