



## STOTFOLD TOWN COUNCIL

### DISPENSATION PROCEDURE 2024

#### Introduction

Parish Councils are responsible for determining requests for a dispensation from a Parish Councillor under Section 33 of the Localism Act 2011. This is because they are the 'relevant authority' under Section 27(6) of the Act.

This procedure explains:

- a) The purpose and effect of dispensations.
- b) The procedure for applying for a dispensation.
- c) The criteria for determining a dispensation.
- d) The terms of the dispensation.

#### Purpose and Effect of Dispensations

In certain circumstances, Councillors can 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 no deemed breach of the Code of Conduct or the law. Section 31(4) states that dispensations may allow Councillors:

- 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(s) at the meeting(s). If a dispensation granted, the Councillor remains in the room where the meeting considering the business is being held.

**NB If a Parish Councillor participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under s34 of the Localism Act 2011.**

#### Process for Making Requests

Any Councillor who wishes to apply for a dispensation, must fully complete a Dispensation Request Form, and submit to the Clerk as soon as possible before the meeting, or failing that, at the start of the meeting where the dispensation is required.

A decision as to whether the dispensation shall be made by a majority vote of the Council or Committee for which the dispensation is required, and that decision is final. The request will confirm:

- a) The description and nature of the disclosable pecuniary interest to which the dispensation applies.
- b) Whether the dispensation is required at a meeting only or a discussion and vote
- c) The date of the meeting or period (not exceeding 4 years), for which the dispensation is being sought; and
- d) An explanation why the dispensation is required.

Subject to the above, dispensations will be considered by the Council or Committee when Declarations of Interest are considered on the agenda.

A dispensation may be granted in according with Standing Orders if having regards to all relevant circumstances, the following applies:

- a) Without a dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of business or
- b) Granting a dispensation is in the interest of the persons living in the Council's area or it is otherwise appropriate to grant a dispensation.

### **Terms of Dispensation**

Dispensations may be granted for:

- One meeting
- For a period not exceeding four years

### **Disclosure of Dispensation**

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Interest.

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### **Revisions:**

<b>Date Adopted</b>	<b>Date for Review</b>	<b>Any Comments</b>
January 2024	January 2026	N/A

**ANNEX 1**

**REQUEST FOR DISPENSATION**

Councillors seeking dispensations under Section 33 of the Localism Act 2011 may do so using this form.

The matter for which dispensation is sought (refer to agenda item number if appropriate)	
<b>Details of your interest in that business:</b>	
Date of meeting or time period (up to 4 years) for which dispensation is sought.	4 years
Dispensation request to: Participates, or participate further, in any <b>discussion</b> of that business.	Yes / No
Dispensation requested to: Participate in any <b>vote</b> , or further vote, taken on that business.	Yes / No
<b>Reason(s) for Dispensation:</b>	
33(2)(a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business.	Yes / No
33(2)(c) the dispensation is in the interests of persons living in the Council's area	Yes / No
33(2)(c) that is it otherwise appropriate to grant a dispensation Reason:	Yes / No

Print Names: .....

Signature: .....

Date: .....

<b>Decision:</b>	
Dispensation given: Yes / No	Length of Dispensation: .....
Date .....	Minute reference: .....
Signed: .....	Town Clerk: .....