

# **Holbrook Parish Council**

## **Dispensation Policy**

### **1. INTRODUCTION**

This policy sets out the general guidelines about the circumstances in which a dispensation will be granted which includes the requirement to use the appropriate form.

### **2. PRELIMINARY**

The Localism Act 2012, section 31(4) states that a member who is present at a meeting of the Parish Council or of any committee, sub-committee or joint committee of the Council, and has a Disclosable Pecuniary Interest in a matter to be considered or being considered at the meeting (of which the member is aware) may not participate in the discussion of that matter at the meeting or participate in any vote taken on the matter at the meeting, unless a dispensation has been obtained from the Council under S33 of the Act.

### **3. TYPES OF DISPENSATIONS**

The Council may grant one of the following dispensations:

- Partial dispensation – allow member to make a representation before leaving the meeting before the council debate and vote
- Full dispensation – take part in the debate and vote

### **4. RELEVANT PERIOD**

Dispensations (under S33 of the Act) can be given for an item, meeting or period of up to 4 years (term of office).

### **5. DELEGATED AUTHORITY**

If a member has a disclosable pecuniary interest in a matter, they may, before the meeting apply in writing to the Clerk for a dispensation, using the form at Appendix A. This policy delegates authority for this to be determined by the Clerk, in consultation with the Chairman of the Council (or Vice-Chairman if the Chairman is applying for the dispensation) so that a decision can be made before a meeting. Under this form of delegation, the decision is the Clerk's, but he/she must take into account the views of the Chairman or the Vice-Chairman.

### **6. GROUNDS**

Under section 33 of the Localism Act 2012, a relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority:

- a) considers that without the dispensation the number of persons prohibited by section 31(4) 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) considers that granting the dispensation is in the interests of persons living in the authority's area;
- c) considers that it is otherwise appropriate to grant a dispensation.

## APPENDIX A – APPLICATION FOR DISPENSATION

You may apply for a dispensation by completing this form and sending it to the Clerk, as the Proper Officer of the Council, as soon as possible before the matter is to be considered.

A relevant authority may grant a dispensation under S.33, Localism Act, 2011 for one of the following reasons:

- (a) The number of persons prohibited from participating in the business is so great a proportion of the Council as to impede the transaction of the business.
- (b) Granting the dispensation is in the interests of persons living in the authority's area.
- (c) It is otherwise appropriate to grant a dispensation

1.	Member's full name:	
2.	Name of Council:	
3.	What is the matter which is to be considered and in respect of which you seek a dispensation?	
4.	What body (Council, Committee or Sub-Committee) is this matter to be considered by?	
5.	What is the nature of your Disclosable Pecuniary interest or Non-Pecuniary Interest?	
6.	What is the date of the meeting at which this matter is to be considered?	
7.	Please specify if dispensation required for one meeting or longer period (maximum 4 yrs.)	
8.	Please set out below the reasons why you consider that the Council should grant a dispensation:	

SIGNED ..... (Councillor)

DATE:.....

**RECORD OF DECISION**

9	<b>Dispensation Granted/Not Granted</b> (delete as appropriate)  <b>REASON</b>
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**SIGNED**.....(CLERK/PROPER OFFICER)

**DATE**.....