



DATCHET PARISH COUNCIL

DISPENSATIONS PROCEDURE GUIDE

Document Created on	02nd Aug 2024
Policy adopted by resolution	12th Aug 2024
Minute Ref	24/117g
Next Review Date (Review every 3 years or sooner should legislation dictate.)	12th August 2027
Version 1	

Document Revised on	Revision Tracking



1. Introduction

Under the Localism Act 2011 (“the Act”), a Member or Co-opted Member who has a Disclosable Pecuniary Interest in a matter that is under consideration, may not participate in the consideration of that matter unless they have first obtained a dispensation from the ‘relevant authority’.

Parish Councils are defined as a ‘relevant authority’ under the Act, they are responsible for determining requests for a dispensation by a Parish Councillor under Section 33.

This guide explains –

- the purpose and effect of dispensations;
- the procedure for making requests;
- the criteria which are applied in determining dispensation requests;
- the terms of dispensations;
- disclosure of decision;
- general dispensations.

2. Purpose and effect of dispensations

In certain circumstances Councillors may be granted a dispensation that 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.

S31(4) of the Act states that dispensations allows 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 they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.



3. Procedure for making requests

Any Councillor who wishes to apply for a dispensation must, if possible, complete and submit a Dispensation Form to the Parish Clerk at least two working days before the meeting for which the dispensation is required.

If a dispensation requirement arises during a meeting, that will be dealt with by that meeting under the direction of the Clerk.

4. Consideration by the Parish Council

The parish council may grant a dispensation to a councillor who has a Disclosable Pecuniary 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 Council/Committee have Disclosable Pecuniary Interests that it would impede the transaction of the business (i.e. the meeting would be inquorate) (S33 (2) (a)); or**
- b. the dispensation is in the interests of persons living in the authority's area (S33 (2) (c));**
- or**
- c. it is otherwise appropriate to grant a dispensation (S33 (2) (e)).**

The parish council may wish to extend the provisions of the above paragraph to apply in the same way in the case of a “non-disclosable pecuniary interest” or a “non-pecuniary interest”, as defined in the Code of Conduct, but this is at the discretion of the council.

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

The parish clerk or parish council should formally notify the Councillor of their decision and reasons in writing at the earliest opportunity of the decision.

5. Criteria for determination of requests

The following are examples of criteria that may be appropriate in determining a request for a dispensation, but the Council will need to determine the factors they consider relevant:



- 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 need for efficient and effective conduct of the Council's business;
- d. the Councillor has a particular expertise or knowledge in the matter that may be useful to its consideration (e.g. a Councillor could be allowed to speak, but not vote);
- e. the interest is common to the Councillor and a significant proportion of the general public;
- f. any other relevant considerations.

6. Terms of dispensations

Dispensations may be granted:

- a. to participate in any discussion of the matter; and/or
- b. to participate in any vote on the matter;
- c. for one meeting; or
- d. for a limited 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 Council's Dispensation Register.

8. General dispensations

The Council may wish to consider granting a general dispensation to all Councillors in situations where every Member is likely to have a Disclosable Pecuniary Interest.

Signature: _____
The Clerk

Date: 12th August 2024



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)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to: participate, or participate further, in any discussion of that business	Yes / No
Dispensation requested to: participate in any vote, or further vote, taken on that business	Yes / No
Reason(s) for Dispensation	
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)(e) that it is otherwise appropriate to grant a dispensation. Reason:	
Print Name:	Signature:
Date:	

Decision	
Dispensation given: Yes / No	Minute Reference:
Length of Dispensation:	Signed Parish Clerk:
Date:	