

PRESTON ST MARY 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 prior to 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. This policy delegates authority for this to be **determined by the Clerk**, in consultation with the Chairman of the Council (or Vice-Chairman).

Under this form of delegation, if **the Chairman or Vice Chairman is applying for the dispensation, the decision is the Clerk's**, but taking into account the views of either the Chairman or Vice Chairman.

6. Grounds

Under s33 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 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) considers that granting the dispensation **is in the interests of persons living in the authority's area**.
- d) **if it is an authority to which Part 1A of the Local Government Act 2000** applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive **would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or**
- e) considers that it is otherwise **appropriate to grant a dispensation**.

7. Review of the policy

This policy was reviewed and re-adopted by the Parish Council at a meeting on 29 March 2016:

..... Chairman

..... Date