

Buntingford Town Council Dispensation Policy

Under the Localism Act 2011 (“the Act”), a Member or Co-opted member who has a disclosable pecuniary interest in a matter which is under consideration, may not participate in the consideration of that matter unless he/she has first obtained a dispensation from the ‘relevant authority’.

Town/Parish Councils are defined as a ‘relevant authority’ under the Act and are now responsible for determining requests for a dispensation by a Town/Parish Councillor under Section 33.

Purpose of a Dispensation

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 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.

Dispensations may allow the Councillor to participate in any –

- a. Discussion of the matter at the meeting(s); and/or
- b. 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.

If a Town/Parish Councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.

Reasons for requesting a Dispensation

- a. So many Members of the Council/Committee have Disclosable Pecuniary Interests that it would impede the transaction of the business.
- b. Without the dispensation the representation of different political groups on the Council (if these exist) would be so upset as to alter the likely outcome of any particular vote.
- c. The dispensation is in the interests of persons living in the authority’s area.
- d. It is otherwise appropriate to grant a dispensation.

Criteria for Determination of requests.

- a. The nature of the Councillors interest e.g is it trivial or remote.
- b. The need to maintain public confidence in the conduct of the Council’s business.
- c. In certain circumstances, the possible outcome of the proposed vote.
- d. The need for efficient and effective conduct of the Council’s business.
- e. The Member has a particular expertise or knowledge in the matter that may be useful to its consideration
- f. The interest is common to the Member and significant proportion of the general public.
- g. Any other relevant considerations.

When granting dispensations, care should be taken that Councillors should not be allowed to have a greater advantage than ordinary members of the public on matters which would impact upon them or their associates financially.

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 four years.

Procedure for Making Request

Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request Form and submit it to the Proper Officer of the Town Council as soon as possible before the meeting for which the dispensation is required.

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 Register of Interests.

**Buntingford Town Council
Application for a Dispensation.**

Under the Localism Act 2011, Councillors cannot take part in meetings where they have a disclosable pecuniary interest.

These provisions have been included in Buntingford Town Council's Code of Conduct.

In addition to the disclosable pecuniary interests mandatory under the Localism Act 2011, Buntingford Town Council has included some other categories of interest in its Code of Conduct.

Under certain circumstances, Councillors are allowed to allow for a dispensation to speak and/or vote at a meeting where matters relating to their interest are being discussed. Such applications must be put in writing by the member, submitted to the Proper Officer and agreed by the Clerk after consultation with the Chairman or Deputy Chairman of the Council.

In order to ensure a consistent approach by Buntingford Council, Councillors are asked to put their requests for a dispensation on this form.

Name of Councillor

Type of Interest

Business Under Discussion

Type of Dispensation required: *tick box as appropriate*

To speak and Vote

To address the meeting before withdrawing

Length of time Dispensation required for: *tick box as appropriate*

One meeting only (*if so please specify which one*)

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For all discussions on a subject (*please specify*)

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For one year

Until next election

Reason for requesting dispensation

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Signed.....

Approval/Refusal

This dispensation was considered by the Clerk under delegated authority after consultation with the *Chairman of the Council/ Deputy Chairman of the Council and was *approved/declined (delete as appropriate).

Reason for approval/refusal

Signed

Date