



## **WISTOW PARISH COUNCIL DISPENSATION POLICY**

### **Introduction**

- 1.1. Under Section 31(4) of the Localism Act 2011, 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.
- 1.2. The powers to grant a dispensation are set out in Section 33 of the Localism Act 2011.
- 1.3. This Dispensation Policy sets out the framework for granting dispensations to Wistow Parish Councillors, enabling them to participate in discussions and vote on matters where they have a disclosable pecuniary interest, other registerable interest, or a non-registerable interest that would otherwise prevent them from doing so.

### **Purpose**

- 2.1. The purpose of this policy is to ensure that the decisions of Wistow Parish Council are made in a transparent, accountable, and lawful manner, while allowing the Parish Council to transact its business effectively.

### **Legal Framework**

- 3.1. Under Section 33 of the Localism Act 2011, the Parish Council may grant a dispensation to a member to allow them to participate in discussions and/or vote on matters where they have a disclosable pecuniary interest or another interest.

### **Circumstances for Dispensation**

- 4.1. Section 33(2) of the Localism Act only allows for a dispensation to be granted if, after having regard to all of the relevant circumstances of the case, the Authority considers that the request meets one or more of the criteria;



- without the 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 the business;
- granting the dispensation is in the interests of persons living in the Authority's area,
- it is otherwise appropriate to grant a dispensation.

4.2. A dispensation may therefore only be granted in the following circumstances:

- Quorum:** Without the dispensation, the number of Councillors prohibited from participating would impede the transaction of the business (i.e., the meeting would be inquorate).
- Fair Representation:** Granting the dispensation is in the interests of people living in the parish and ensures that their views are fairly represented.
- Decision-Making:** The dispensation is considered necessary to enable the Council to make an informed decision, where otherwise the decision could be impeded by the number of members unable to vote.
- Legal or Ethical Compliance:** Ensuring that the Council acts within its legal obligations or adheres to its ethical standards.
- Other Reasons:** Any other circumstance in which the Council believes that granting the dispensation is in the best interests of the parish.

### **Applying for a dispensation**

5.1. Councillors who have an interest that may prevent them from participating in a discussion or vote must:

1. Submit a completed "*Application for Dispensation by a Councillor*" form (available on the website) to the Clerk as soon as possible, ideally before the meeting where the matter will be discussed but at least by the start of the relevant meeting.

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2. The form must clearly state;
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.

### **Granting a dispensation**

- 6.1. The Clerk has delegated authority to grant a dispensation and that decision is final.
- 6.2. The decision to grant a dispensation will be based on the criteria set out in this policy. Each application will be considered on its merits.
- 6.3. A dispensation may be granted for a specific item of business or for a specific period of time, not exceeding four years.
- 6.4. All dispensations granted will be recorded in the minutes of the meeting at which the dispensation is used and kept on record by the Clerk.

### **Duration & scope of dispensation**

- 7.1. A dispensation can be granted for a single meeting, a specific item of business, or a fixed period (up to four years).
- 7.2. A dispensation only permits participation in discussions and/or voting on the specific matters outlined in the dispensation request. It does not extend to other matters unless explicitly stated.

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### **Review and Revocation**

- 8.1. Dispensations may be reviewed at any time and can be revoked if the circumstances under which the dispensation was granted change.
  
- 8.2. Councillors must notify the Parish Clerk immediately if they become aware of any change in circumstances that may affect their dispensation.

### **Compliance**

- 9.1. Failure to adhere to the terms of a granted dispensation, or failure to declare an interest, may result in a breach of the Council's Code of Conduct and could be subject to investigation and sanctions.

### **Policy Review**

This policy is to be reviewed annually by the Clerk and will be considered at a meeting of the council before being re-adopted.