



ALVECHURCH PARISH COUNCIL

Dispensation Procedure

Adopted - May 2020

GRANTING OF DISPENSATIONS BY THE PARISH CLERK

The Parish Clerk will have the authority to grant Dispensations - for the Clerk to do such, every 4 years the Parish Council will need to make a formal resolution:

'Resolve; that the council delegates the power to grant dispensations to the Clerk. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2)'

1. Introduction:

- 1.1. The Clerk 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 if she considers that:
 - 1.1.1. Without the dispensation, the number of members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of business
 - 1.1.2. Without the dispensation the representation of different political groups of the Council transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business
 - 1.1.3. Granting the dispensation is in the interests of persons living in the Council's area

or

- 1.1.4. It is otherwise appropriate to grant a dispensation.
- 1.2. When considering her decision the Clerk will take into account the following factors:
 - 1.2.1. The nature of the councillor's interest, e.g. is it substantial or remote?
 - 1.2.2. The need to maintain public confidence in the conduct of the council's business
 - 1.2.3. The need for efficient and effective conduct of the council's business
 - 1.2.4. The councillor's particular expertise or knowledge in the matter that may be useful in its consideration (e.g. the councillor could be granted a dispensation to speak but not to vote)
 - 1.2.5. The interest is common to the councillor and a significant proportion of the inhabitants of the authority's area
 - 1.2.6. Any other relevant circumstances

2. Procedure:

- 2.1. Any councillor who wishes to apply for a dispensation must do so in writing. (Dispensation Request Form - attached).
- 2.2. The written request must be made to the Clerk (*Submission of the form via email is acceptable*) as soon as possible before the meeting at which the dispensation is required.
- 2.3. Dispensation applications should not be made at the council meeting at which the business itself is to be discussed unless the nature of the interest has only become apparent to the councillor at that meeting.

3. Declaration of Interests (and Dispensations):

As/when applicable the amended wording of this agenda item will read:

- 3.1 To receive *Declarations of Interest* in respect of matters contained in this agenda in accordance with Alvechurch Parish Council's current Code of Conduct in respect of Members.
- 3.2 To receive written requests for Dispensations for Disclosable Pecuniary Interests (if any/applicable)
- 3.3 To grant any requests for Dispensation as appropriate

4. Terms of Dispensations:

- 4.1. Dispensations may be granted:
 - 4.1.1. for one or more meetings of the council, or
 - 4.1.2. for a period not exceeding four years
- 4.2. In either case, the dispensation must specify the period for which it has effect.

5. Notification and Disclosure of Decision:

- 5.1. The Clerk will notify the councillor as soon as possible of the decision taken.
- 5.2. Sample Dispensation Decision Notice - attached
- 5.3. 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.
- 5.4. A copy of any dispensation granted will be forwarded to the Monitoring Officer of Bromsgrove District Council and kept with the Register of Councillor's interests and a copy uploaded to Members Page of the council's website.

Please note: If a 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 s34 Localism Act 2011.

6. Review of these Procedures

The Policy will be reviewed every four years and approved by the council on the first meeting after the elections

ALVECHURCH PARISH COUNCIL



Councillor's Request for Dispensation to be granted by the Clerk

Councillors seeking dispensations under Section 33 of the Localism Act 2011 may do so using this Form

The matter for which Dispensation is sought (<i>refer to agenda item number, date of meeting etc if appropriate</i>)	
Details of your interest in that matter	
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 matter	Yes/No
Dispensation requested to: Participate in any vote, or further vote , taken on that matter	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)(b) without the dispensation the representative from different political groups of the Council transacting any particular business would be so upset as to alter the likely outcome of any vote relating to 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	Yes/No
Details of reason why you are requesting a dispensation:	
Name:	
Signature:	
Date:	

ALVECHURCH PARISH COUNCIL
(Under Section 33 of the Localism Act 2011)



Dispensation Decision Notice

Date Dispensation Request Considered	
Name of Councillor Requesting Dispensation	
Dispensation Granted	Yes / No
Reasons for the Decisions (if granted, also specify on what ground decision was made, in, the dispensation is in the interests of persons living in the Parish area)	
The business of the Council for which the dispensations is being given (if appropriate)	
Length of Dispensation	
Signed	
Date	

Councillors are reminded that once they have been granted a Dispensation that they must declare the nature and existence of the Dispensation before the commencement of any business to which it relates.

A copy of this Dispensation Decision Notice will be forwarded to the Monitoring Officer (*Bromsgrove District Council*) and kept with the Register of Councillors interests. A copy will also be uploaded to the Members page of the council's website.



ALVECHURCH PARISH COUNCIL

Dispensation Decision Notice

DECISION:	
Dispensation given:	Yes / No
Length of Dispensation:	
Date:	
Signed:	Clerk