



## DISPENSATION POLICY

### 1 Introduction

Portishead Town Council is responsible for determining requests for a dispensation by a Councillor under section 33 of the Localism Act 2011.

This Policy explains the:-

- a) purpose and effect of dispensations;
- b) procedure for requesting dispensations;
- c) criteria which are applied in determining dispensation requests;
- d) terms of dispensations and:
- e) disclosure of decision.

### 2 Purpose and Effect of Dispensations

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 or Non-Registerable 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.

Section 31(4) of the Localism Act 2011 states that dispensations may allow 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.

The member must still disclose the interest, and notify the Monitoring Officer, if the interest is not entered in his or her register of interests.

**Please note: If a 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 requesting dispensations

Any Councillor who needs to apply for a dispensation must fully complete a **Dispensation Request Form** (appended to this policy) and submit it to the Clerk as soon as possible before the meeting at which the dispensation is required.

There will be a standing agenda item on the full Council agenda and all committee meetings to consider dispensation requests. A request for a dispensation will be made on an individual basis.

#### **4. Consideration by the Town Council**

The Town Council may grant a dispensation to a Councillor who has a Disclosable Pecuniary Interest or Non-Registerable Interest to participate in the discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:

- a) so many members of the decision making body have a Disclosable Pecuniary Interest that it would impede the transaction of the business (i.e. the meeting would be inquorate).
- b) the Council considers that the dispensation is in the interests of persons living in the town;  
or
- c) it is otherwise appropriate to grant a dispensation.

The Minute of the decision must include statutory reference and length of time the dispensation has been granted. The Councillor will receive confirmation of the Council's decision in writing.

Where a dispensation is granted the Councillor requesting the dispensation may, according to the terms of the dispensation, participate in the discussion at the Council meeting and/or vote.

#### **5 Criteria for Determination of Requests**

In reaching a decision on a request for a dispensation the Council will take into account:

- a. The nature of the Councillor's interest
- b. The need to maintain public confidence in the conduct of Council business
- c. The possible outcome of a proposed vote
- d. The need for efficient and effective conduct of the Council's business
- e. Any other relevant circumstances

#### **6 Terms of Dispensations**

Dispensations may be granted for a) one meeting or b) an agreed period not exceeding four years.

The Monitoring Officer shall be notified of dispensations awarded and a copy filed with the Councillors Register of Interests.

#### **7 Disclosure of Decision**

A Councillor that has been granted a dispensation must declare the existence and nature of the dispensation before the start of any business/agenda item to which it relates.

***Adopted by Town Council on 20 January 2021***

## DISPENSATION REQUEST FORM

*Please give full details of the following in support of your application for a dispensation. If you need any help completing this form, please contact the Town Clerk.*

<b>Name</b>	
The business for which you require a dispensation (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 by that body	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
<b>REASON(S) FOR DISPENSATION</b>  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	
The dispensation is in the interests of persons living in the authority's area	
That it is otherwise appropriate to grant a dispensation  Reason:	

Signed:

Date:

DECISION:

Dispensation Given: YES / NO      Length of Dispensation: .....

Date: .....      Minute Number: .....

Signed: ..... Town Clerk