



**PILSLEY PARISH COUNCIL
DISPENSATION POLICY**

Policy Reference Number	Date Approved	Review Date
32	December 2022	December 2026

DISPENSATIONS PROCEDURE GUIDE FOR PILSLEY PARISH COUNCIL

Introduction

Parish Councils are responsible for determining requests for a dispensation by a parish Councillor under Section 33 of Localism Act 2011. This is because they are a “relevant authority” under section 27(6) (d) of the Act.

This guide explains:

- a. the purpose and effect of dispensations
- b. the procedure for requesting dispensations
- c. the criteria which are applied in determining dispensation requests
- d. the terms of dispensations

A. 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. 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 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.

Please note: If a 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 s34 Localism Act 2011.

B. Process for making requests

Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form (appendix D) and submit it to the proper officer of the parish council (the parish clerk) as soon as possible before the meeting which the dispensation is required. Applications may also be made at the parish council meeting itself if the nature of the interest has only become apparent to a Councillor at the meeting itself.

The standing agenda item on Declaration of Interests will be updated to reflect this procedure as follows:

Declarations of interest and dispensations

- a. To receive declarations of interest from Councillors on items on the agenda
- b. To receive written requests for dispensations for disclosable pecuniary interests (if any)
- c. To grant any requests for dispensation as appropriate



A request for dispensation must be made on an individual basis.

C. Consideration by the Parish Council

The Parish Council has already delegated, via Standing Order S13f, to the parish clerk the



authority to grant dispensations.

The parish clerk may grant a dispensation to a Councillor who has a Disclosable Pecuniary Interest or Other Declaration of Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter (as per para. 2 above) if they consider that:

- a. so many members of the decision-making body have disclosable pecuniary interests that it would impede the transaction of the business (i.e., the meeting would be inquorate); or
- b. the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- c. it is otherwise appropriate to grant a dispensation.

The parish clerk or parish council should formally notify the Councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

D Criteria for Determination of Requests

In reaching a decision on a request for a dispensation the parish council or the parish clerk (as appropriate) will consider:

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

E Terms of Dispensations

Dispensations may be granted:

- a. for one meeting; or
- b. for a period not exceeding 4 years.

F Disclosure of Decision

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, electronically, with the Register of Councillor Interests.



Appendix A: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council —
	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)—
	(a) the landlord is the Council; and
	(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and
	(b) either—
	(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council.
- (ii) any body—
 - (a) exercising functions of a public nature.
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



of which the member of the Council is a member or in a position of general control or management.

- (iii) any person from whom the member has received within the previous three years gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Appendix C

Pilsley Parish Council Dispensation Request Form

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying 'Dispensations Guidance'. If you need any help completing this form, please contact the Parish Clerk.

Your name	
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	
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	
Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)	

Councillor Signature:

Date:

Dispensation Granted: Yes/No

Dispensation Period:

Parish Clerk Signature:

Date: