



SANDOWN TOWN COUNCIL

Written Dispensations Procedure

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1. INTRODUCTION

- 1.1 Town Councils are now responsible for determining requests for a dispensation by a Town councillor under Section 33 of Localism Act 2011.
- 1.2 This is because they are a “relevant authority” under section 27(6) (d) of the Act.
- 1.3 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.

2. PURPOSE AND EFFECT OF DISPENSATIONS

- 2.1 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.
- 2.2 Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.
- 2.3 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).
- 2.4 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.
- 2.5 **Please note: If a Town 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.**

3. PROCESS FOR MAKING REQUESTS

- 3.1 Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form and submit it to the proper officer of the town council (ie. the town clerk)
- 3.2 As soon as possible before the meeting which the dispensation is required. Applications may also be made at the town council meeting itself (if town councils have a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent.
- 3.3 A request for dispensation must be made on an individual basis.

4. CONSIDERATION BY THE TOWN COUNCIL

- 4.1 The Town Council can either delegate to the Town clerk the authority to grant dispensations or reserve such decisions for the full town council. Sandown Town Council's standing orders delegate authority to the Proper Office (S.O 6.4-5).

- 4.2 The Town clerk or the Town council 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 (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 (ie. 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.
- 4.3 The Town council may wish to extend the provisions of the above paragraph to apply in the same way in the case of a "non-disclosable pecuniary interest" or a "non-pecuniary interest", as defined in the Code of Conduct, but this is at the discretion of the council.
- 4.4 The terms of any dispensation shall be in accordance with Paragraph 6.
- 4.5 The Town clerk or Town 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.

5. CRITERIA FOR DETERMINATION OF REQUESTS

- 5.1 In reaching a decision on a request for a dispensation the parish council or the parish clerk (as appropriate) will take into account:
- (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.

6. TERMS OF DISPENSATIONS

- 6.1 Dispensations may be granted:
- (a) for one meeting; or
 - (b) for a period not exceeding 4 years.

7. DISCLOSURE OF DECISION

- 7.1 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.
- 7.2 A copy of the dispensation will be kept with the Register of Councillors' Interests.

Sandown Town Council Dispensation Request Form

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.	
Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)	
Signed	
Dated	
<p><i>Please send your completed form to the Town Clerk . You will receive written notification of the Proper Officer's decision within 5 working days of the decision</i></p>	

Received by Proper Officer:	
Date Received	
Decision	Granted / Not Granted
If granted reason for dispensation.	<ul style="list-style-type: none"> (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.
Term of Dispensation	<ul style="list-style-type: none"> (a) for one meeting; or (b) for a period not exceeding 4 years. <p>And</p> <ul style="list-style-type: none"> (c) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or (d) to participate in any vote, or further vote, taken on the matter at the meeting(s).
Other Notes	
Date Councillor Informed:	