



Kessingland Parish Council

Dispensation Procedure & Guide

Kessingland Parish Council is responsible for determining requests for dispensations made by Parish Councillors under Section 33 of the Localism Act 2011.

This procedure explains:

- a) the purpose and effect of dispensations;
- b) the procedure for requesting dispensations;
- c) the criteria applied when determining requests;
- d) the terms of dispensations; and
- e) the recording and publication of decisions.

2. Purpose and Effect of Dispensations

In certain circumstances, Councillors may be granted a dispensation enabling them to participate in Council business where they would otherwise be prohibited from doing so because they have a Disclosable Pecuniary Interest (DPI) or other relevant interest. Provided Councillors act within the terms of any dispensation granted, they may participate in Council business in accordance with the Council's Code of Conduct and applicable legislation.

Under Section 31(4) of the Localism Act 2011, a dispensation may permit a Councillor:

- a) to participate, or participate further, in discussions relating to the matter;
- b) to participate in any vote, or further vote, relating to the matter; and/or
- c) to remain in the meeting while the matter is being considered.

Councillors are responsible for ensuring that all interests are properly declared in accordance with the Council's Code of Conduct and relevant legislation.

3. Process for Making Requests

Any Councillor wishing to apply for a dispensation must complete a Dispensation Request Form and submit it to the Proper Officer of the Council (the Parish Clerk) as soon as reasonably practicable before the meeting for which the dispensation is required.

Requests should normally be submitted in advance of the meeting to allow sufficient time for consideration.

Applications may also be made at the meeting itself where the nature of the interest only becomes apparent during the meeting.

A request for a dispensation must be made by the individual Councillor concerned and must include:

- a) the nature of the interest;
- b) the matter or agenda item to which the request relates;
- c) the reason a dispensation is sought; and
- d) any other information considered relevant.

The Council may include a standing agenda item entitled:

Declarations of Interests and Dispensations

- a) To receive declarations of interest from Councillors on items on the agenda.
- b) To receive written requests for dispensations (if any).
- c) To consider and determine requests for dispensations.

4. Consideration of Requests

The Council may determine dispensation requests itself or may delegate the authority to grant dispensations to the Parish Clerk in consultation with the Chair or Vice-Chair, subject to a formal Council resolution.

Where delegated authority is adopted, the Council may resolve:

"That the Council delegates the power to grant dispensations under Section 33 of the Localism Act 2011 to the Clerk, in consultation with the Chair or Vice-Chair of the Council."

A dispensation may be granted where one or more of the following statutory grounds apply:

- a) without the dispensation, the number of persons prohibited from participating would be so great as to impede the transaction of Council business;
- b) without the dispensation, the political balance requirements of the meeting body would be distorted;
- c) all members of a committee or other decision-making body would otherwise be prohibited from participating;
- d) the granting of the dispensation is in the interests of persons living within the Council's area;
- e) it is otherwise appropriate to grant a dispensation.

The Council may also determine whether similar arrangements should apply to other interests identified within its adopted Code of Conduct, where permitted.

The Clerk shall notify the applicant of the decision and the reasons for that decision as soon as reasonably practicable and, wherever possible, within five working days.

Where an urgent dispensation is required before a meeting and delegated powers exist, the Clerk may determine the request in consultation with the Chair or Vice-Chair and report the decision to the next available Council meeting.

5. Criteria for Determining Requests

When considering a request for a dispensation, the Council or delegated officer shall take into account:

- a) the nature of the Councillor's interest and the extent to which it may affect participation;
- b) the need to maintain public confidence in the integrity and transparency of Council decision-making;
- c) the potential effect of the Councillor's participation on the decision-making process;
- d) the need for the efficient and effective conduct of Council business;
- e) whether the business of the Council would be impeded if the dispensation is not granted; and
- f) any other relevant circumstances.

6. Terms of Dispensations

A dispensation may be granted:

- a) for a specific meeting;
- b) for a specified matter or class of matters; or
- c) for a period not exceeding four years.

The decision granting a dispensation shall specify:

- a) the Councillor(s) to whom it applies;
- b) the matter(s) covered;
- c) the extent of the permission granted; and
- d) the duration of the dispensation.

7. Disclosure and Recording of Decisions

Any Councillor who has been granted a dispensation must declare the existence and nature of the dispensation at the commencement of the relevant item of business.

The Council shall maintain a register of all dispensation requests, including those granted and refused, together with the reasons for the decision.

Copies of granted dispensations shall be retained with the Register of Members' Interests and in accordance with the Council's records management arrangements.

8. Review of this Procedure

This procedure shall be reviewed every four years, or sooner if required by changes in legislation, guidance, or Council practice.