



NEWTON POPPLEFORD AND HARPFORD PARISH COUNCIL DISPENSATION POLICY

1. Introduction

This policy sets out the general guidelines about the circumstances in which a dispensation will be granted which includes the requirement to use the appropriate form (attached as appendix 1).

2. Preliminary

The Localism Act 2012, section 31(4) states that a member who is present at a meeting of the Parish Council or of any committee, sub-committee or joint committee of the Council, and has a Disclosable Pecuniary Interest in a matter to be considered or being considered at the meeting (of which the member is aware) may not participate in the discussion of that matter at the meeting or participate in any vote taken on the matter at the meeting, unless a dispensation has been obtained from the Council under s33 of the Act.

3. Types of Dispensations

The Council may grant one of the following dispensations:

- partial dispensation - allows member to make a representation prior to leaving the meeting before the council debate and vote
- full dispensation – allows member to take part in the debate and vote

4. Relevant Period

Dispensations (under s33 of the Act) can be given for an item, meeting or period of up to 4 years (term of office).

5. Delegated Authority

If a member has a disclosable pecuniary interest in a matter, they may, before the meeting apply in writing to the Clerk for a dispensation. This policy delegates authority for this to be determined by the Clerk, in consultation with the Chairman of the Council (or Vice-Chairman if the Chairman is applying for the dispensation) so that a decision can be made before a meeting. Under this form of delegation, the decision is the Clerk's, but he/she must take into account the views of the Chairman or the Vice-Chairman.

6. Grounds

Under s33 of the Localism Act 2012, a relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority:-

a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

b) considers that without the dispensation the representation of different political groups on the

body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

c) considers that granting the dispensation is in the interests of persons living in the authority's area

d) considers that it is otherwise appropriate to grant a dispensation

7. Review of the policy

This policy was adopted by the Policy and Personnel Sub-Committee under minute entry 361 and ratified by Parish Council at its meeting on 25th September 2017. It was reviewed in September 2022.

Appendix 1
NEWTON POPPLEFORD AND HARPFORD PARISH COUNCIL

Policy on dealing with dispensation requests

Dispensations requests shall be made by each individual Parish Councillor in writing in the form attached to this policy and duly signed. The dispensation request shall then be passed to the Clerk. The Clerk shall then ensure that each Dispensation Request is presented at the following Parish Council meeting, whether it be an Ordinary or an Extraordinary meeting, for the Parish Council to agree whether to grant the dispensation or not. If a Dispensation Request is approved, the Clerk shall duly sign the form and keep the form on file. If denied, the reason for such decision may be written on the application and the Dispensation Request form kept on file by the Clerk.

All Dispensation Requests must be made before discussion of the business for which the dispensation is applied for. If necessary, this can be during the meeting at which the matter is being discussed.

All Parish Councillors will act within the rules of the Code of Conduct already adopted by Newton Poppleford and Harpford Parish Council, having signed the Undertaking of Compliance with the Code of Conduct upon their election or co-option.

