LINDSEY PARISH COUNCIL

CLERK TO THE COUNCIL
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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.

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 - allow member to make a representation before leaving the meeting before the council debate and vote
- full dispensation - 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 another delegated Councillor 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 delegated Councillor.

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) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
e) considers that it is otherwise appropriate to grant a dispensation.