



Ilminster Town Council Dispensations Policy

Under the Localism Act 2011, a Member or Co-opted Member who has a Disclosable Pecuniary Interest in a matter that is under consideration, may not participate in the consideration of that matter unless they have first obtained a dispensation from the 'relevant authority'.

1. PURPOSE AND EFFECT OF DISPENSATIONS

In certain circumstances Councillors may be granted a dispensation that enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. For instance where a quorate would not be reached.

Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

S31(4) of the Act states that dispensations allows 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.

If a Town Councillor participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.

2. PROCEDURE FOR MAKING REQUESTS

Any Councillor who wishes to apply for a dispensation must, if possible, complete and submit a Dispensation Form to the Town Clerk at least two working days before the meeting for which the dispensation is required.

If a dispensation requirement arises during a meeting, that will be dealt with by that meeting under the direction of the Clerk.

A dispensation may be granted 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 if they consider that:

- a. so many Members of the Council/Committee have Disclosable Pecuniary Interests that it would impede the transaction of the business (i.e. the meeting would be inquorate) (S33 (2) (a)); or

- b. the dispensation is in the interests of persons living in the authority's area (S33 (2) (c)); or
- c. it is otherwise appropriate to grant a dispensation (S33 (2) (e)).

3. CRITERIA FOR DETERMINATION OF REQUESTS

The following are examples of criteria that may be appropriate in determining a request for a dispensation, the Town Clerk will determine the factors they consider relevant at the time:

- a. the nature of the Councillor's interest;
- b. the need to maintain public confidence in the conduct of the Council's business;
- c. the need for efficient and effective conduct of the Council's business;
- d. the Councillor has a particular expertise or knowledge in the matter that may be useful.
- e. to its consideration (e.g. a Councillor could be allowed to speak, but not vote);
- f. the interest is common to the Councillor and a significant proportion of the general public;
- g. any other relevant considerations.

4. TERMS OF DISPENSATIONS

Dispensations may be granted:

- a. to participate in any discussion of the matter; and/or
- b. to participate in any vote on the matter;
- c. for one meeting; or
- d. for a limited period not exceeding 4 years.

5. DISCLOSURE OF DECISION

The Town Clerk will declare any dispensations at the agenda item before the commencement of any business to which it relates. A copy of the dispensation will be kept with the Council's Dispensation Register.

6. GENERAL DISPENSATIONS

The Council may consider granting a general dispensation to all Councillors in situations where every Member is likely to have a Disclosable Pecuniary Interest.

ANNEX 1

REQUEST FOR DISPENSATION

Councillors seeking dispensations under Section 33 of the Localism Act 2011 may do so using this form.

The matter for which dispensation is sought (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 request to: Participates, or participate further, in any discussion of that business	Yes / No
Dispensation requested to: Participate in any vote , or further vote, taken on that business	Yes / No
Reason(s) for Dispensation:	
33(2)(a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	Yes / No
33(2)(c) the dispensation is in the interests of persons living in the Council's area	Yes / No
33(2)(c) that is it otherwise appropriate to grant a dispensation Reason:	Yes / No

Print Name: Signature:

Date:

Decision:	
Dispensation given: Yes / No	Length of Dispensation:
Date	Minute reference:
Signed:	Town Clerk: