

Wem Town Council

Dispensation Policy in relation to the Code of Conduct

Introduction

The Town Council has previously resolved to adopt the Code of Conduct as recommended by Shropshire Council on the advisement from the LGA.

All members of the Council have completed the Declarations of Disclosable Pecuniary Interests copies of which have been sent to the Shropshire Council Monitoring Officer who is also mandated to publish a copy of the Shropshire Council Website. Declarations are also available for inspection by the public through the Town Council Website.

All meetings of Council and its standing committees retain a standing item on the agenda to enable members to declare Disclosable Pecuniary Interests.

Under Section 31 of the Localism Act 2011("the Act"), a Member who has a Disclosable Pecuniary Interest in a matter which is under consideration, may not participate in the consideration of that matter unless he/she has first obtained a dispensation from the 'relevant authority'.

Previously dispensations were issued by the Standards Committee of Shropshire Council, but as Town/Parish Councils are defined as a 'relevant authority' under the Act, they are now responsible for determining requests for a dispensation by a Town Councillor under Section 33.

Purpose and Effect of Dispensations

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

Dispensations may allow the Councillor to participate in any -

- (a) discussion of the matter at the meeting(s); and/or
- (b) 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 he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.

Procedure for Making Requests

This policy is approved under Section 33 of the Localism Act 2011

Any Councillor who wishes to apply for a dispensation must seek a Dispensation to the Town Clerk as soon as possible before the meeting for which the dispensation is required. A standard request form has been drafted to ensure that the exact information is provided and attached to this report.

Consideration by the Town Council

All applications for dispensations shall be considered and determined by the Town Council.

Any such application shall be taken under the agenda item “Disclosable Pecuniary Interests” – headed – “To consider any applications for Dispensations under Section 33 of the Localism Act 2011.”

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 it is considered 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); or
- (b) without the dispensation the representation of different political groups on the Council (if these exist) would be so upset as to alter the likely outcome of any particular vote;
- (c) the dispensation is in the interests of persons living in the authority's area; or
- (d) it is otherwise appropriate to grant a dispensation.

If the adopted Code prevents a Councillor speaking or voting where they have an interest other than a Disclosable Pecuniary Interest, the Town Council may wish to extend the provisions of the above paragraph to apply in the same way to those interests, but this is at the discretion of the Council.

The Town Clerk should formally notify the Councillor of their decision and reasons in writing at the earliest opportunity.

Criteria for Determination of Requests

The following are examples of criteria that may be appropriate in determining a request for a dispensation, but the Council will need to determine the factors they consider relevant. -

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

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.

Disclosure of Decision

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

Wem Town Council Dispensation Request Form

*Please give full details of the following in support of your application for a dispensation.
If you need any help completing this form please contact the Town Clerk.*

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	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
REASON(S) FOR DISPENSATION S33 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	
S33 b) without the dispensation the representation of different political groups on the Council (if these exist) would be so upset as to alter the likely outcome of any particular vote	
S33 c) the dispensation is in the interests of persons living in the authority's area	
S33 e) that it is otherwise appropriate to grant a dispensation Reason :	

Signed: _____ Dated: _____

DECISION :

Dispensation Given : YES / NO LENGTH OF DISPENSATION :

Date: Minute Number:

Signed : Clerk to the Council