

UTTOXETER RURAL PARISH COUNCIL

Dispensation requests

Type of Interest

DPI = Disclosable Pecuniary Interest

ORI = Other Registerable Interest

NRI = Non-Registerable Interest

In the regulations —	Definitions of Pecuniary Interests
“the Act”	means the Localism Act 2011;
“body in which the relevant person has a beneficial interest”	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
“director”	includes a member of the committee of management of an industrial and provident society;
“land”	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
“M”	means a member of a relevant authority
“member”	includes a co-opted member;
“relevant authority”	means the authority of which M is a member;
“relevant period”	means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
“relevant person”	means M or any other person referred to in section 30(3)(b) of the Act;
“securities”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Purpose and effect of a dispensation

1. A dispensation allows a councillor to take part in council business when they have a disclosable pecuniary interest.
2. Section 31(4) of the Localism Act 2011 states that a dispensation may allow a councillor to:
 - a. participate, or participate further, in any discussion of the matter at the meeting(s) and/or
 - b. participate in any vote, or further vote, taken on the matter at the meeting(s).
3. If a dispensation is granted the councillor may remain in the room where the meeting is taking place and take part in the discussion, and if the dispensation allows they may also vote.

Circumstances in which a parish council can grant a dispensation

4. The following are the circumstances in which a dispensation can be granted:
- a. without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede such transaction;
 - b. without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote;
 - c. the dispensation is in the interests of persons living in the authority's area;
 - d. that it is otherwise appropriate to grant a dispensation.

Process for applying for a dispensation

5. A councillor should submit a written request for any such dispensation to the parish council's proper officer (this is usually the Clerk) as soon as possible, or within 5 working days before the meeting at which they require the dispensation. They should explain their reasons for applying for a dispensation in the form below.

6. Only the councillor can submit the request – they should not ask somebody else to do it on their behalf.

Period of the dispensation

7. A dispensation, when granted, must specify the period for which it has effect, and the period specified may not exceed 4 years. It is often appropriate for a dispensation to expire with the member's current term of office.

Issues to consider before deciding to grant a dispensation

8. In reaching a decision on whether to grant a dispensation the council or clerk should take into account:
- a. The nature of the councillor's pecuniary interest
 - b. The need to maintain public confidence in the council's conduct of business
 - c. The possible outcome of the proposed vote
 - d. The need for efficient and effective conduct of the council's business
 - e. Any other relevant circumstances

After the decision has been made

9. The decision must be recorded in writing and a record of the dispensation should be kept by the Clerk. If questions arise about a councillor's participation in the matter, confirmation of the dispensation is likely to be sought from the parish council.

Dispensation request form

You should give full details below in support of your application for a dispensation. If you need help completing the form please contact the parish council clerk.

UTTOXETER RURAL PARISH COUNCIL		Your Name	
The business for which you require a dispensation (refer to agenda item number)			
Details of your interest in that business (continue on a separate sheet if necessary)			
Date of meeting or time period (up to 4 years ¹) for which you are seeking a dispensation			
Insert X as relevant:			
	I require a dispensation to remain in the meeting but not speak or vote; or		
	I require a dispensation to remain in the meeting and participate, or participate further, in any discussion of the business, and/or		
	I require a dispensation to remain in the meeting and participate in any vote, or further vote , taken on that business		
Reason(s) for requiring a dispensation			
Enter "x" for one or more of the following relating to paragraphs from S.33 of the Localism Act:			
	33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote;		
	33c) the dispensation is in the interests of persons living in the authority's area		
	33e) that it is otherwise appropriate to grant a dispensation, as detailed below:-		
Reason:-			

Signed:

Date:

This section to be completed by Parish Council administrator

DECISION:

Dispensation granted: YES / NO

Length of dispensation:

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Date:

Minute Number:

Signed : Clerk to the Council

1. A dispensation cannot extend beyond your term of office

Ginny Gibson Clerk