

Dispensation Information for Members of the Public

Introduction

Parish Councils are now responsible for determining requests for a dispensation by a parish councillor.

Under Section 33 of the Localism Act 2011, the dispensation allows a decision to be made where the Council would otherwise be inquorate, by virtue of the number of Councillors having an interest and unable to take part.

A dispensation enables Councillor(s) to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest or another interest. Provided Councillors act within the terms of their dispensation there is no breach of the Code of Conduct or the law.

Please note: If a Parish Councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, he/she may be committing a criminal offence under s34 of the Localism Act 2011.

Consideration by the Parish Council

The Parish Council will decide whether dispensations are appropriate and if granted the dispensation will be recorded in the minutes of that meeting. The Clerk will be responsible for issuing the formal dispensation. In the main the recording of the dispensation(s) in the minutes will suffice.

The Council may grant a dispensation 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 decision-making body have disclosable pecuniary interests that it would impede the transaction of the business (i.e. the meeting would be inquorate); or
- (b) the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- (c) it is otherwise appropriate to grant a dispensation.

The Council extends the provisions of the above paragraphs to apply in the same way in the case of a "non-disclosable pecuniary interest" or an "other interest", as defined in the Code of Conduct.

Criteria for Determination of Requests

In reaching a decision on a request for a dispensation the Parish Council will take into account:

- (a) the nature of the Councillor's prejudicial interest
- (b) the need to maintain public confidence in the conduct of the Council's 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.

Terms of Dispensations

Dispensations may be granted:

- (a) for one meeting; or
- (b) for a period not exceeding 4 years

Dispensations are relevant to the current term being serviced and have to be reissued if re-elected for a new term

Existing Dispensations

Dispensations approved and relevant for the 4 year period since 2015

Housing Site Allocations, HELAA & Local Plan Consultations

Any meeting the Housing Site Allocations DPD, HELAA and Local Plan Consultations are considered.

Councillors interest by virtue of living/owning land/property owner/working in the Parish or a member of a community group

Cllr Crispin, Cllr Cowan, Cllr Belcher, Cllr Cole, Cllr Wood, Cllr McGuire and Cllr Allan

Council Tax/Precept

Any meeting at which any matter which has a bearing on the setting of the council tax is being or is due to be considered

Would impede the transaction of the business because of the number councillors having the same disclosable pecuniary interest as living in the parish.

All councillors

Curridge Playground Charity Land

Any meeting the Curridge Playground Charity land is considered

Councillors interest by virtue of being members of Chieveley Parish Council. Chieveley Parish Council being the Land Registry Title owner of the land managed by Curridge Playground Trustees.

All councillors

The clerk will make this document available to all members of the public present by putting it on the chairs set out for the meeting. The dispensations are recorded in the Parish Council records and taken as read by the members of the public present at the meeting.