

Newton on the Moor and Swarland Parish Council

Policy and procedure for the granting of dispensations regarding members' interests

- 1) **Purpose and context:** this policy and procedure has been adopted by the Parish Council to define how, and for what purposes, a member may be granted a dispensation which enables him/her to speak and vote on a matter for which he/she has an interest which would otherwise prevent him/her from participating in the discussion and decision. Under the Localism Act 2011 and the Council's Code of Conduct, a member must disclose any interest in a matter which is to be considered by the Parish Council (or by any of its committees) and, in most situations, neither speak nor vote on that matter, nor seek improperly to influence the Council in any other way. However, section 33 of the Act enables the Council to grant a dispensation, where the circumstances justify it.
- 2) **Application:** any member who wishes to be granted a dispensation must apply in writing to the Clerk, specifying the nature of the interest and the reason for requesting the dispensation.
- 3) **Relevant circumstances:** the Council will normally grant a dispensation, where the member has been appointed by the Council to sit on an outside body, such as a village hall committee or other local organisation. Exceptionally, the Council will consider granting a dispensation in other circumstances, for example where so many members possess the same interest, that the Council would be inquorate or otherwise constrained from transacting its business effectively.
- 4) **The dispensation:** the Council's decision to grant a dispensation will be recorded in the minutes of the meeting, and it will specify: the nature of the interest: whether the member may vote as well as speak on the matter; and the duration of the dispensation. In accordance with the Act, no dispensation will extend beyond the member's period of office. If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.
- 5) **Register:** the Council will maintain a list of dispensations which it has granted. The list may be inspected, on request, by the public and by relevant investigating authorities. The formal record of the dispensations will be maintained with the hard copy record of the PC minutes.

Any Parish Cllr who has been granted a dispensation must declare the nature of the dispensation before the commencement of any business to which it relates.

- 6) **Multiple interests:** even where a member has an interest in a matter for which he/she has been granted a dispensation, he/she may possess further interests, for

which no dispensation has been given, which will debar him/her from speaking and voting on that matter.

7) Review: the Council will review this policy and procedure from time to time.

NoMSPC Approved 22nd November 2017