


# FENSTANTON PARISH COUNCIL

# Disclosable Pecuniary Interest Dispensation Procedure

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**Disclosable Pecuniary Interest Dispensations Procedure**

**Introduction**

The Council has adopted the Code of Conduct as recommended by Huntingdonshire District Council. All members of the Council have completed the Declarations of Disclosable Pecuniary Interests copies of which have been sent to the Huntingdonshire District Council Monitoring Officer who is also mandated to publish a copy of the Huntingdonshire District Council Website. Declarations are also available for inspection by the public through the Parish 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 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'.

Town/Parish Councils are defined as a 'relevant authority' under the Act, they are responsible for determining requests for a dispensation by a Town/Parish Councillor under Section 33.

**Purpose and Effect of Dispensation**

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/Parish 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**

Any Councillor who wishes to apply for a dispensation must seek a Dispensation to the Proper Officer of the Parish Council (i.e., the Clerk) as soon as possible before the meeting for which the dispensation is required. A standard request form has been drafted to make sure that the exact information is provided and attached to this report.

**Consideration by the Proper Officer**

The Parish Council has resolved to delegate the power to grant dispensations to the Proper Officer. 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.

The Proper Officer 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 Proper Officer 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.

| Version | Description | Originated | Reviewed | Approved |
|---|---|---|---|---|
| Version 1 | Annual review | 04.05.2023 | 11/05/2023 | 11/05/2023 |
| | Annual review | | 09/05/2024 | 09/05/2024 |
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**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 Clerk.*

| | |
|---|---|
| Your name | |
| The council business/matter for which you require a dispensation (refer to agenda item number if appropriate) | |
| Details of your interest in that council business/matter | |
| 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 council business/matter by that body | Yes / No |
| Dispensation requested to participate in any vote, or further vote, taken on that council business/matter by that body | Yes / No |
| **REASON(S) FOR DISPENSATION**<br>33 a) without the dispensation the number of persons unable to participate in the transaction of council business/matter would be so great as to impede the transaction of the council business/matter | |
| 33b) without the dispensation the representation of different political groups would be affected 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.<br>Reason: | |

Signed: _____Dated: _____

DECISION:

Dispensation Given: YES / NO LENGTH OF DISPENSATION: .....

Date: ..... Minute Number: .....

Signed .....Clerk to the Council