

DISS TOWN COUNCIL DISPENSATION POLICY

Introduction

1. Diss Town Council has adopted the model Code of Conduct as recommended by South Norfolk & Broadland Council.
2. All members of the Council have completed their Declarations of Disclosable Pecuniary Interests copies of which have been sent to the Monitoring Officer who is also mandated to publish a copy on the South Norfolk & Broadland District Council website. Declarations are also available for inspection by the public through the Town Council website.
3. All meetings of the Council and its standing committees retain a standing item on the agenda to enable members to declare Disclosable Pecuniary Interests.
4. The Council is responsible for determining requests for a dispensation by a Councillor under Section 33 of the Localism Act 2011. The dispensation allows a decision to be made where the Council/Committee would otherwise be inquorate, by virtue of the number of Councillors having an interest and unable to take part.
5. 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.
6. Please note: If a Town Councillor participates in a meeting where s/he has a Disclosable Pecuniary Interest and s/he does not have a dispensation, s/he may be committing a criminal offence under s34 of the Localism Act 2011.

Process for making requests

7. Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request form (Appendix) and submit it to the proper officer of the Town Council (the Town Clerk) as soon as possible *before* the meeting for which the dispensation is required. Applications may also be made at the meeting itself as per the standing item on the agenda to deal with dispensation requests and the nature of the interest has only become apparent to a Councillor at the meeting itself.
8. Requests for dispensations must be made on an individual basis for each and every interest.

Consideration by the Town Council or Clerk

9. The Council / Clerk 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.

10. The Council may wish to extend 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, but this is at the discretion of the Council.
11. The Clerk should formally notify the Councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision unless made at a meeting, in which case the granting or otherwise of a dispensation request shall be minuted.

Criteria for Determination of Requests

12. In reaching a decision on a request for a dispensation the Council / Clerk will take into account:
 - (a) the nature of the Councillor’s pecuniary 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) 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 circumstances.

Terms of Dispensations

13. Dispensations may be granted:
 - (a) for one meeting; or
 - (b) for a period not exceeding 4 years or the next election, whichever is the sooner.
 - (c) to participate in any discussion of the matter; and/or
 - (d) to participate in any vote on the matter;

Disclosure of Decision

14. 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.
15. A copy of the dispensation will be kept with the Register of Councillors’ Interests.

Adopted on 14th June 2023 by Full Council. For further review in June 2027.

DISS 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 33 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	Yes / No
33c) the dispensation is in the interests of persons living in the authority's area	Yes / No
33e) that it is otherwise appropriate to grant a dispensation	Yes / No Reason :

Signed: _____

Print name: _____

Date: _____

DECISION:	
Dispensation Given: YES / NO	Length of Dispensation:
Date:	Minute Reference:
Signed:	Town Clerk