



MILLOM TOWN COUNCIL

DISPENSATION PROCEDURE

Adopted: 30th October 2024

Review Date: October 2027

A Guide for Councillors:

1. INTRODUCTION:

Under the Localism Act 2011 (“the Act”), a Member or Co-opted Member who has a disclosable Pecuniary Interest in a matter that is under consideration may not participate in the consideration of that matter unless they have first obtained a dispensation from the ‘relevant authority’. Previous dispensations were issued by the Standards Committee of the District Council, but as Parish/Town Councils are defined as a ‘relevant authority’ under the Act, they are now responsible for determining requests for a dispensation by a Member under Section 33.

This guide explains:

- a) the purpose and effect of dispensations.
- b) the procedure for requesting dispensations.
- c) the criteria that are applied in determining dispensations.
- d) the terms of dispensations.
- e) general dispensations

2. PURPOSE AND EFFECT OF DISPENSATIONS:

In certain circumstances Councillors may be granted a dispensation that 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 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.

Please note that, if a Councillor participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under Section 34 of the Act.

3. PROCEDURE FOR REQUESTING DISPENSATIONS:

Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request Form and submit it to the Clerk before the meeting for which the dispensation is required, giving the Clerk as much notice as possible.

4. CRITERIA FOR DETERMINING DISPENSATION REQUESTS:

Millom Town Council delegates authority to the Town Clerk to determine requests for dispensations under criterion a) below. Determination of requests under criteria (b) and (c) is reserved for determination by the full Council.

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 vote on the matter if it is considered that:

- a) so many Councillors have Disclosable Pecuniary Interests that it would otherwise impede the transaction of the business (ie, the meeting would be inquorate) or
- b) the dispensation is in the interests of people living in the parish of Millom and Haverigg or
- c) it is otherwise appropriate to grant a dispensation.

If the Council's Code of Conduct prevents a Councillor from speaking or voting where they have an interest other than a Disclosable Pecuniary Interest, the Council will extend the provisions of the above paragraph to apply in the same way to those interests.

The Town Clerk should formally notify the Councillor of their decision and the reasons in writing at the earliest opportunity.

5. FACTORS IN DETERMINING DISPENSATION REQUESTS:

The following are examples of factors that may be appropriate in determining requests for dispensations, but it is not an exhaustive list:

- a) the nature of the Councillor's interest (is it trivial or remote?)
- b) the need to maintain public confidence in the conduct of the Council's business
- c) the need for efficient and effective conduct of the Council's business
- d) whether the Councillor has a particular expertise or knowledge in the matter that may be useful in its consideration (for example, the Councillor may be allowed to speak but not to vote)
- e) the interest is common to the Councillor and a significant proportion of the public
- f) any other relevant considerations

6. TERMS OF DISPENSATION:

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 four-years

7. DISCLOSURE OF THE DECISION:

Any Councillor who has been granted a dispensation by the Clerk must disclose 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 Council's Dispensation Register.

8. GENERAL DISPENSATIONS:

The Council may grant a general dispensation to all Councillors in situations where every Member is likely to have Disclosable Pecuniary Inte

Signed: (Chair) Dated: 30th October2024