

Dispensation Policy - May 2026

BUCKLESHAM PARISH COUNCIL

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CLERK, BUCKLESHAM PARISH COUNCIL

Introduction

This policy sets out the general guidelines about the circumstances in which a dispensation will be granted which includes the requirement to use the appropriate form.

Preliminary

The Localism Act 2011, section 31(4) states if a member of a parish council is aware that they have a Disclosable Pecuniary Interest (DPI) in a matter being considered at a meeting, they are barred from participating in any discussion or voting on it unless they have obtained a dispensation. Without a dispensation, a member's participation in the discussion or voting on a matter in which they have a DPI is a criminal offence under s.34 of the 2011 Act. No criminal offence is committed by a member who participates in a discussion or votes at a meeting on the question of whether or not to grant them a dispensation which relieves them of the restrictions which apply to the matter in which they hold a DPI (s.33(4)).

Under s. 31(2) and (3), if a member is aware of a DPI in a matter under consideration at a meeting but such interest is not already on the authority's register of interests or in the process of entry onto the register having been notified to the Monitoring Officer, the member must disclose the DPI to the meeting and register it within 28 days of the meeting at which the relevant business is considered. Failure to disclose or register the DPI is a criminal offence under s.34. A member with a sensitive interest that has not already been notified to the monitoring officer must simply confirm at the meeting that they have a DPI, rather than giving details of that interest (s.32(3)).

S.31(10) provides that a relevant authority's standing orders may require a member with a DPI in a matter being considered at a meeting to withdraw from the meeting room while any discussion or vote on it takes place. The parish council has adopted such standing orders. Should the member with a DPI fail to withdraw from a meeting as required by the council's standing orders, the council may consider sanctioning the member with a DPI for not leaving the meeting room and vote to exclude the member from the meeting.

Types of Dispensation

The Council may grant one of the following dispensations:

- Partial dispensation – to allow the member to make a representation before leaving the meeting before the council debate and vote.
- Full dispensation – to allow the member to take part in the debate and vote.

Relevant Period

Dispensations (under S33 of the Act) can be given for an item, meeting or period of up to 4 years (term of office).

Delegated Authority

If a member has a disclosable pecuniary interest in a matter, they may, before the meeting apply in writing to the Clerk as the Council's Proper Officer for a dispensation. This policy under s101(1) of the 1972 Act delegates authority for this to be determined by the Clerk, in consultation with the Chair of the Council (or Vice-Chair if the Chair is applying for the dispensation) so that a decision can be made before a meeting. Under this form of delegation, the decision is the Clerk's, but he/she must take into account the views of the Chair or the Vice Chair, if applicable. It is recommended that a member's request for a dispensation, ideally should be submitted on the adopted form, includes the following information:

- the name of the applicant;
- the description (e.g. DPI or other) and the nature of the interest;
- whether the dispensation is for the member to participate in a discussion only or a discussion and a vote;
- the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- an explanation as to why the dispensation is sought .

Grounds

Under S33 of the Localism Act 2011, a relevant authority may grant a dispensation under this Section only if, after having had regard to all relevant circumstances, the authority:

- a) considers that without the dispensation the number of persons prohibited by Section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or
- b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, or
- c) considers that granting the dispensation is in the interests of persons living in the authority's area, or
- d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by Section 31(4) from participating in any particular business to be transacted by the authority's executive, or
- e) considers that it is otherwise appropriate to grant a dispensation.

Review of the Policy

This Policy will be reviewed annually in line with other Parish Council Policies.

This Policy was adopted by the Council at its meeting held on:

13th May 2026

Signed:

Ruth Johnson

Clerk

Clive Lenton

Chair

Version Control

Date	Details	Next Review
2nd March 2022	First Publication	September 2023
6th September 2023	Review	September 2027
13th May 2026	Annual Review	May 2027

Application for Dispensation

Councillors with an interest as defined in the *LGA Model Councillor Code of Conduct* in a matter being considered in a council meeting must not participate in that item unless they have been granted a dispensation by the Council.

Under s.33, Localism Act 2011, a parish or town councillor with a Disclosable Pecuniary Interest may be granted a dispensation where the Council considers that one or more of the following circumstances applies:-

- a. The number of persons prohibited from participating in the business is so great a proportion of the Council as to impede the transaction of the business.
- b. Granting the dispensation is in the interests of persons living in the authority's area.
- c. It is otherwise appropriate to grant a dispensation

A dispensation can be to take part in discussion in the matter at a meeting, or to take part and vote. It may be for a specific meeting, or for a period (not exceeding four years). Further information is contained in NALC's Legal Topic Note 80.

In councils that have adopted the *LGA Model Councillor Code of Conduct*, the same criteria will also apply in respect of 'Other Registerable Interests' and 'Non-Registerable Interests', as defined in the Code.

Councils may choose to delegate responsibility for consideration such applications to the Clerk by resolution of full council.

A councillor seeking a dispensation should complete this form and forward it to the Proper Officer of the Council as soon as possible, and before the matter is to be considered.

1.	Member's name	
2.	Council/committee and date(s) of meeting	
3.	Agenda item(s) in respect of which you seek dispensation	

4.	Type of interest and description: Disclosable Pecuniary Other registerable Non-registerable	
5.	If dispensation is required for one meeting, or a longer period (max 4 yrs.) - please specify	
6.	Reasons why you consider that a dispensation should be granted (see a-c above)	

Signed: _____ (Councillor) Date: _____

Record of Decision

[add record of decision here]