



DISPENSATIONS

TOWN COUNCIL MEETING

REPORT 1 /13

21 JANUARY 2013

The purpose of this report is to inform Members of changes in respect of dispensations allowing members to speak and vote on matters where they have a disclosable pecuniary interest.

No. DETAIL

1) BACKGROUND

- a) The Localism Act 2011 repealed the general dispensation permitting any councillor with a Disclosable Pecuniary Interest (DPI) to take part in meetings relating to setting their Council's precept.
 - b) Members who are council tax payers in the area covered by their Town or Parish Council will have a DPI in respect of the setting of the precept and therefore be unable to participate either in discussion of, or decision about, it unless a dispensation has been granted.
 - c) The same restrictions will apply to any other matter on the Agenda of Town Council Meetings or meetings of its Committees.
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2) DISPENSATIONS

- a) The Act (section 33) allows that a Member's own Town or Parish Council may grant a dispensation that allows that Member to speak and vote on the matter to which the DPI applies.
 - b) But it can only do so in response to a written request made to the Town Clerk by the Member concerned, and then only if it judges that one of the following conditions applies:
 - o without the dispensation, the number of members or co-opted members prohibited 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
 - o 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
 - o granting the dispensation is in the interests of persons living in the authority's area; or
 - o it is otherwise appropriate to grant a dispensation
 - c) Any dispensation granted must specify the period for which it is in effect and that period may not exceed four years.
 - d) The power to grant dispensations can be delegated to the Town Clerk.
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3) RECOMMENDATIONS

- a) The Town Council is recommended to resolve either:
 - b) The Town Council:
 - i) delegates the power to grant dispensations that will affect all or most of the Members of the Council, to the Town Clerk (e.g. the annual setting of the Precept); and
 - ii) agrees that 'Requests for Dispensation' becomes a standing item on future Agendas and that individual requests for dispensation will be considered and made by the Town Council; or
 - c) The Town Council delegates the power to grant dispensations to the Town Clerk. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2).
 - d) The practice of b1) has been adopted by the Isle of Wight Council and avoids the need for each Member to separately fill in a dispensation request form.
 - e) The choice between the resolutions in b) and c) is whether the Town Council delegates all decisions about dispensations to the Town Clerk or includes the decision on them to be made by the Town Council.
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