

# BINGLEY TOWN COUNCIL

Bingley Town Council, Myrtle Place, Bingley, BD16 2LF



## Dispensation Policy

**Date of review: 4<sup>th</sup> October 2022**

**Next review date: September 2025**

Following the Localism Act 2011 and the revised Code of Conduct there is now a requirement to determine requests for dispensations by local councillors.

### Dispensations

This guide explains:

1. The purpose and effect of dispensations.
2. The procedure for requesting dispensations.
3. The criteria which are applied in determining dispensations.
4. The terms of dispensations.

### Purpose and effect of dispensations

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.

Section 31(4) of the Localism Act states that dispensations may allow the councillor:

- a) to participate in any discussion of the matter at the meeting (s) and/or
- b) to participate in any vote, or further vote taken on the matter at the meetings.

If a dispensation is granted, the councillor may remain in the room where matter is being considered.

**Please note 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 s34 of the Localism Act 2011.**

### Process for making requests

1. A councillor who wishes to apply for a dispensation must fully complete a Dispensation Request Form (attached) and ensure it is with the Town Clerk by noon three working days before the meeting. This will then be circulated to all of the Council/relevant committee so that each councillor has the opportunity to consider the request ahead of the meeting.

2. Applications may be made at the meeting itself **IF** the nature of the interest becomes apparent to a councillor at the meeting in question.

A request for a dispensation must be made on an individual basis.

### **Consideration by the Town Council**

The council can either delegate to the Town Clerk the authority to grant dispensations or reserve such decisions for the Town Council. It is an item on each Bingley Town Council agenda for the council/committee to determine each request for dispensation.

### **Granting a dispensation**

The Town Council 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) Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impeded the transaction of the business.
- b) The authority considers that the dispensation is in the interests of persons living in the authority's area.
- c) It is otherwise appropriate to grant a dispensation.

Dispensations may be granted for:

- a) One meeting.
- b) Until the elected term expires.

### **Criteria for determination of requests**

The Town Council/relevant committee will take into account:

- a) The nature of the councillor's prejudicial interest.
- b) The need to maintain public confidence in the conduct of the council's business.
- c) The possible outcome of the vote.
- d) The need for efficient and effective conduct of the council's business.
- e) Any other relevant circumstances.

### **Disclosure of decision**

A councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the discussion of any business to which it relates.

A copy of the dispensation will be kept with the Register of Councillors' Interests.