



Disclosable Pecuniary Interest

Dispensations Procedure

Introduction

The Council has adopted the Code of Conduct as recommended by Shropshire Council.

All Members of the Council should complete a “Declarations of Disclosable Pecuniary Interests”, copies of which should be sent to the monitoring officer at Shropshire Council where they will be published on Shropshire Council’s website. There is a link on the Parish Council’s website that leads to these declarations where they can be viewed by members of the public. The link can be found on the “Councillors and Clerk details” page.

All Parish Council meeting agendas include an opportunity for Members to declare any disclosable interest in a matter to be discussed at each meeting and which is not included in the Register of Interests. Members should leave the room during the discussion and voting on matters in which they have a disclosable pecuniary interest, whether or not the interest is entered in the Register of Members’ Interests maintained by the monitoring officer.

Under the Localism Act 2011 (“the Act”), a Member who has a Disclosable Pecuniary Interest in a matter which is under consideration at a Council meeting, may not participate in the consideration of that matter unless he/she has first obtained a dispensation from the ‘relevant authority’. Town/Parish Councils are defined as a ‘relevant authority’ under the Act, and they are responsible for determining requests for a dispensation by a Town/Parish Councillor under Section 33.

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.

Dispensations may allow a councillor to participate in:

- a) Any discussion of the matter at a council meeting.
- b) A vote taken on the matter at a council meeting.

If a dispensation is granted, the councillor may remain in the meeting room where the business is being transacted. **If a councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.**

Procedure for Making Requests

Any councillor who wishes to apply for a dispensation must seek a dispensation from the Proper Officer (the Clerk) as soon as possible before the meeting for which the dispensation is required. A standard request form is available to assist councillors to provide sufficient information to determine whether a dispensation is required.

Consideration by the Parish Council or the Clerk

The Parish Council has resolved to delegate the power to grant dispensations to the Clerk if a councillor who has a Disclosable Pecuniary Interest to participate in any discussion on a matter and/or to participate in any vote on a

matter if there are so many Members of the Council that have Disclosable Pecuniary Interests to impede the transaction of the business and leave the meeting inquorate.

The Parish 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 it is considered that:

- a) Without the dispensation the representation of different political groups on the Council (if these exist) would be so upset as to alter the likely outcome of any particular vote.
- b) The dispensation is in the interests of persons living in the authority's area.
- c) It is otherwise appropriate to grant a dispensation.

The Clerk will notify the Councillor of the decision and reasons in writing at the earliest opportunity.

Criteria for Determination of Requests

The following are examples where a dispensation might be requested:

- a) The nature of the Councillor's pecuniary interest e.g. is it trivial or remote?
- b) The need to maintain public confidence in the conduct of the Council's business.
- c) In certain circumstances, the possible outcome of the proposed vote.
- d) The need for efficient and effective conduct of the Council's business.
- e) The Councillor has a particular expertise or knowledge in the matter that may be useful to its consideration (e.g. a Councillor could be allowed to speak, but not vote).
- f) The interest is common to the Councillor and a significant proportion of the general public.
- g) Any other relevant factors.

Terms of Dispensations

Dispensations may be granted for the following reasons:

- a) To participate in any discussion of the matter.
- b) To participate in any vote on the matter.
- c) For a single meeting.
- d) For a limited period not exceeding 4 years.

Disclosure of Decision

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

<i>Adopted:</i>	<i>28 July 2015</i>
<i>Previously reviewed:</i>	<i>29 May 2018</i>
<i>Last reviewed:</i>	<i>June 2020</i>
<i>Minute no:</i>	<i>727/20(c)</i>
<i>Next review:</i>	<i>June 2023</i>