

Kersey Parish Council Dispensation Application Form

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 (DPI) 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

Ground (a) should be objectively applied and could best be interpreted as requiring more than half of the number of councillors, who would be entitled to vote at a meeting, being prohibited from doing so. It would certainly apply where the council would not be quorate.

Ground (b) should be interpreted strictly to ensure that a reasonable person, having regard to all of the circumstances, would consider that the benefit to persons living in the authority's area outweighs the perceived benefit to the members receiving the dispensation and is only what is required to allow business to be transacted and no more.

Ground (c) should be used only where one of the other grounds does not apply, and not as a primary justification. It is difficult to think of a circumstance where it is otherwise appropriate to grant a dispensation when this is not in the interests of persons living in the area.

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.

The same criteria will also apply in respect of 'Other Registerable Interests' (ORI) and 'Non-Registerable Interests', (NRI) as defined in the LGA Model Councillor Code of Conduct.

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

A Councillor seeking a dispensation should complete this form and forward it to the Clerk (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	

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4.	Type of interest and description: Disclosable Pecuniary (DPI) Other registerable (ORI) Non-registerable (NRI)	
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, including whether:

The dispensation was granted or not:	
The dispensation is to take part in discussion in the matter at a meeting, or to take part and vote:	
The length of dispensation:	
Reason for dispensation:	

Signed: _____ (Clerk) Date: _____