

**Determination of Dispensation Applications:**

Under Section 31 of the Localism Act 2011 (“the Act”), a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered or being considered at a meeting of the authority at which that Member or co-opted Member is present and the DPI is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council’s dispensation procedure.

Further detail on what constitutes a DPI is set-out in the Constitution at Part 5.1 – Appendix B. If a dispensation has not been received for any matter which arises at a meeting as set out in Table 1 within Appendix B, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.

You also require a dispensation for both;

i) Other Registrable Interests (ORIs)

Other personal interests which fall within the categories set out in Table 2 (Other Registrable Interests) within Appendix B. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registrable Interests, you must disclose the interest and not vote on the matter unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, and

ii) Non-Registrable Interests (NRIs)

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a DPI, as set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

It should be noted that the disclosure of any disclosable pecuniary interests, other registrable interests and/or non-registrable interests, including any not already on a Member’s Register of Interest or subject to a pending notification to the Monitoring Officer, shall be recorded in the minutes of the meeting. Furthermore, the first two categories (DPIs & ORIs) are interests which must be recorded on a public register except in limited circumstances. The third category (NRI) does not need to be recorded on the register but will need to be declared as and when they arise.

Further information on what Members should disclose and when, can also be found within the Guidance (at Part 3 - Protecting your reputation and the reputation of the council) for the Member Code of Conduct.

There are 5 circumstances/grounds, following any request being made in writing to the Monitoring Officer, in respect of which a dispensation may be granted, to either participate and/or vote at a meeting, these are:

- 1.1 That so many members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would “impede the transaction of the business”
- 1.2 That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. ;
- 1.3 That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- 1.4 That, without a dispensation, no member of the Cabinet would be able to participate on this matter or
- 1.5 That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

The Localism Act gives discretion for the power to grant dispensations to be delegated to a Committee or a Sub-Committee or to the Monitoring Officer.

This Council has determined that in respect of grounds 1.1 and 1.4 above, which involve an objective assessment of whether the requirements are met, it is appropriate to delegate dispensations on these grounds to the Monitoring Officer for determination. The Monitoring Officer is permitted, but not required, to consult with the Ethics Committee prior to determining an application for dispensation on grounds 1.1 or 1.4.

In respect of grounds 1.2, 1.3 and 1.5 above, assessment of these grounds involve a value judgement and are less objective and Council has therefore considered it appropriate that the discretion to grant dispensations on these grounds is delegated to the Ethics Committee, after consultation with the Independent Person.

Members wishing to apply for a dispensation are advised to complete the dispensation application form, Appendix 1 hereto.

Adopted: July 2012 & Updated February 2022