



# MELTON PARISH COUNCIL

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*This document restates and updates a policy first agreed by Melton Parish Council in September 2012. Re-adopted 16 September 2020.*

## **DISCLOSABLE PERSONAL INTEREST – POLICY AND PROCEDURE**

### **1. PRELIMINARY**

Under Section 31(4) Localism Act 2011, a Member who is present at a meeting of Melton Parish Council or of any committee, or sub-committee of Melton Parish Council and has a Disclosable Pecuniary Interest in a matter to be considered or being considered at the meeting (of which the Member is aware) may not participate in the discussion of that matter at the meeting or participate in any vote taken on the matter at the meeting, unless a dispensation has been obtained from Melton Parish Council under s33 of the Act.

Melton Parish Council has the power to grant a dispensation under s33 of the Act for up to 4 years.

The restrictions on Members with a Disclosable Pecuniary Interest do not apply where the business at the meeting is the taking of a decision about a dispensation.

It may be more practical to delegate authority for this to the Clerk, in consultation with the Chair of Melton Parish Council (or Vice Chair if the Chair is applying for the dispensation) so that a decision can be made before a meeting. This can be done by resolution at a Council meeting. Under this form of delegation the decision is the Clerk's but it must take into account the views of the Chair or Vice Chair.

At the same time, the Council shall approve a policy setting out the guidelines about the circumstances in which a dispensation will be granted which includes the requirement to use the appropriate form. This may be based on the guidance set out below.

### **2. EXTRACT FROM S33 LOCALISM ACT 2012**

The relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority:

- (a) Considers that without the dispensation the number of persons prohibited by section 31(4) 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

- (b) Considers that 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
- (c) Considers that granting the dispensation is in the interests of persons living in the authority's area
- (d) If it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive
- (e) Considers that it is otherwise appropriate to grant a dispensation.

### **3. GUIDANCE**

The following provides guidance on the above grounds for granting a dispensation:

- (a) Ground (a) is capable of an objective interpretation and could best be interpreted as requiring more than one 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 be unable to have a quorum
- (b) Ground (b) is not something that will apply to a parish council without formal political groups
- (c) Ground (c) 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
- (d) Ground (d) will not apply to a parish council as it does not operate under executive arrangements
- (e) Ground (e) should only be used 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.

**4. POLICY ADOPTED BY MELTON PARISH COUNCIL ON THURSDAY 13 SEPTEMBER 2012 CONFIRMED AND RE-ADOPTED BY FULL COUNCIL ON 16 SEPTEMBER 2020**

(a) Delegated Authority

The delegation of authority for granting a dispensation is given to the Clerk to Melton Parish Council (or in his absence / or as delegated, to the Assistant Clerk) in consultation with the Chair of Melton Parish Council (or Vice Chair in the absence of the Chair or if the Chair is applying for a dispensation).

(b) Grounds for Granting a Dispensation

To grant a dispensation for the following reasons:

- without a dispensation the number of Councillors prohibited from participating would be more than one half of the Councillors who would be entitled to vote at a meeting of the Council / Committee / Sub-Committee transacting the business
- the granting of a dispensation is in the interests of persons living in the Council's area
- it would otherwise be appropriate.

(c) Application for Dispensation

The attached form is the only means of applying for a dispensation.



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## DISCLOSABLE PERSONAL INTEREST APPLICATION FORM FOR DISPENSATION

You may only apply for a dispensation by completing this form and sending it to the Clerk to Melton Parish Council (or in his absence/or as delegated, to the Assistant Clerk) as soon as possible before the date when the matter is to be considered. This form must be signed by the Councillor concerned.

Melton Parish Council may grant a dispensation for one of the reasons set out below:

- without a dispensation the number of Councillors prohibited from participating would be more than one half of the councillors who would be entitled to vote at a meeting of the Council / Committee / Sub-committee transacting the business
- the granting of a dispensation is in the interests of persons living in the Council's area
- it would otherwise be appropriate.

1.	Councillor's Full Name:	
2.	Name of Council:	Melton Parish Council
3.	What is the matter which is to be considered and in respect of which do you seek a dispensation?	
4.	What body (Council, Committee or Sub-Committee) is this matter to be considered by?	
5.	What is the nature of your Disclosable Pecuniary Interest?	

6.	What is the date of the meeting at which this matter is to be considered?	
7.	Please specify if you seek a dispensation for the one meeting or for a longer period and if so what period? (maximum of 4 years)	
8.	Please set out below the reasons why you consider that Melton Parish Council should grant this dispensation.	

Signed: \_\_\_\_\_

Date: \_\_\_\_\_