Granting Dispensations: Processes

Introduction

Under the Localism Act 2011, the County Council has delegated to the Audit and Governance Committee the power to grant dispensations for Members allowing them to speak and vote at a meeting when they have a disclosable pecuniary interest. This note outlines the process via which a dispensation may be granted.

Making a Request for a Dispensation

- The Member who wishes to be granted a dispensation must submit an application in writing to the Monitoring Officer.
- The Monitoring Officer will arrange for the dispensation to be considered in public by the Audit and Governance Committee.

Process to Determine the Granting of Dispensations

- Following receipt of a request for dispensation, an item will be added to the next meeting of the Audit and Governance Committee or, with the agreement of the chairman, an additional meeting of the committee will be convened to consider the request for dispensation.
- The Committee will consider the application of legal criteria and locally agreed criteria to the request for dispensation.
- The Member making the request for dispensation has the option of making an oral representation to the Committee.
- The Committee has the discretion to decide the nature of any dispensation or to refuse to grant a dispensation.
- Following the meeting, a decision notice will be issued to the Member requesting the dispensation, the Chairman of the relevant Committee, and a copy will be kept with the authority's Register of Interests and published online.

Legal Criteria

Dispensations may be granted:

- for speaking only, or for speaking and voting.
- for one meeting or on an ongoing basis up to a maximum of four years.

The Audit and Governance Committee may grant a dispensation to a Member or co-opted Member of an authority if it considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business;

- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote;
- the granting of the dispensation is in the interests of people living in the council's or authority's area;
- without the dispensation each member of the council's Cabinet would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

It should be noted that a dispensation will not be given to allow a Cabinet Member with a disclosable pecuniary interest in an item of executive business to take an executive decision about it on their own.

Locally Agreed Criteria

Under the Localism Act, the Audit and Governance Committee can also grant a dispensation if they consider it appropriate for other reasons.

The Audit and Governance Committee will consider any reason put forward by a member as part of their application on a case-by-case basis and may grant a dispensation to a Member or co-opted Member of an authority if it considers that:

- the nature of the Member's interest is such that allowing them to participate would not damage public confidence in the conduct of the authority's business;
- the interest is common to the Member and a significant proportion of the general public; or
- the participation of the Member in the business that the interest relates to is justified by the Member's particular role or expertise.